BRENTSIDE HIGH SCHOOL
Child Protection Policy and Procedures

CONTENTS
Policy statement and principles
Roles and responsibilities
Good practice guidelines
Abuse of trust
Children who may be particularly vulnerable
Support for those involved in a child protection issue
Complaints procedure
If you have concerns about a colleague
Allegations against staff
Staff training
Safer recruitment
Extended school and off-site arrangements
e-safety

CHILD PROTECTION PROCEDURES
Recognising abuse
Bullying
Indicators of abuse
Impact of abuse
Taking action
If you suspect a student is at risk
If a student discloses abuse
Notifying parents
Children with sexually harmful behaviour
Confidentiality and information-sharing
Reporting directly to child protection agencies

APPENDICES
1. Code of ethical practice for school staff
2. Reporting a concern
3. Essential contacts
4. Visiting staff child protection information leaflet
5. a. Internet and mobile phone safety
   b. Staff Response to an E-Safety Incident of Concern
6. Whistleblowing policy
7. a. Allegations of abuse against a member of staff
   b. Support for staff who are the subject of an allegation
   c. Support for reporters of an allegation
8. Children Missing Education procedure
9. Keeping Children Safe in Education summary (DfE 2016)

Introduction

This policy is one of a series in the school's integrated safeguarding portfolio and has been updated in light of the DfE guidance “Working Together to Safeguard Children” and “Keeping Children Safe in Education 2016”. The school’s core safeguarding principles are:

- the school’s responsibility to safeguard and promote the welfare of children is of paramount importance: safer children make more successful learners
- representatives of the whole-school community of students, parents, staff and governors will be involved in policy development and review
- policies will be reviewed annually, unless an incident or new legislation or guidance suggests the need for an interim review.

Safeguarding statement

Brentside High School recognises that the welfare of the child is paramount and takes seriously its moral and statutory responsibility to safeguard and promote the welfare of the students in its care. The school believes that all children and young people have the right to grow up in a safe and caring environment, which includes the right to protection from all types of abuse and the right to effective support, protection and justice.

The students in the school’s care have the right to expect adults in positions of responsibility to do everything possible to foster these rights. They have the right to be safeguarded from harm or exploitation whatever their:

- race, religion, first language or ethnicity
- gender or sexuality
- age
- health or disability
- political or immigration status.

All staff have an equal responsibility to act on any suspicion or disclosure that may suggest a child is at risk of harm.

Students and staff involved in child protection issues will receive appropriate support.

The procedures contained in this policy apply to all staff and governors and are consistent with those of the local safeguarding children board (LSCB).

Policy aims

- to provide all staff and governors with the necessary information to enable them to meet their child protection responsibilities
- to ensure consistent good practice
- to demonstrate the school’s commitment with regard to child protection to students, parents and other partners
- to contribute to the school’s safeguarding portfolio.

Terminology

Safeguarding and promoting the welfare of children refers to the process of protecting children from abuse or neglect, preventing the impairment of health or development, ensuring that children grow
up in circumstances consistent with the provision of safe and effective care and undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.

**Child protection** refers to the processes undertaken to protect children who have been identified as suffering, or being at risk of suffering significant harm.

**Staff** refers to all those working for or on behalf of the school, full time or part time, in either a paid or voluntary capacity.

**Child** refers to all young people who have not yet reached their 18th birthday.

**Parent** refers to birth parents and other adults who are in a parenting role, for example step-parents, foster carers and adoptive parents.

**Context**

Section 175 of the Education Act 2002 requires local education authorities and the governors of maintained schools and further education (FE) colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

Section 157 of the same act and the Education (Independent Schools Standards) (England) Regulations 2003 require proprietors of independent schools (including academies and city technology colleges) to have arrangements to safeguard and promote the welfare of children who are students at the school.

There is strong evidence to show that more than 10 per cent of children are likely to suffer some form of abuse. Due to their day-to-day contact with students, school staff are uniquely placed to observe changes in children's behaviour and the outward signs of abuse. Children may also turn to a trusted adult in school when they are in distress or at risk. It is vital that school staff are alert to the signs of abuse and understand the procedures for reporting their concerns.

**Roles and responsibilities** (the following italics text has been abstracted from Keeping Children Safe in Education, DfE 2018)

**Part one: Safeguarding information for all staff**

What school and college staff should know and do

A child centred and coordinated approach to safeguarding

1. Schools and colleges and their staff are an important part of the wider safeguarding system for children. This system is described in statutory guidance Working Together to Safeguard Children.

2. Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.

3. No single practitioner can have a full picture of a child’s needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into
contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

4. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance 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 • taking action to enable all children to have the best outcomes

5. Children includes everyone under the age of 18.

The role of school and college staff

6. School and college staff are particularly important as they are in a position to identify concerns early, provide help for children, and prevent concerns from escalating.

7. All staff have a responsibility to provide a safe environment in which children can learn and all staff should be prepared to identify children who may benefit from early help.1 Early help means providing support as soon as a problem emerges at any point in a child’s life, from the foundation years through to the teenage years.

8. Any staff member who has a concern about a child’s welfare should follow the referral processes set out in paragraphs 22-33. Staff should expect to support social workers and other agencies following any referral.

9. Every school and college should have a designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children’s social care.

10. The designated safeguarding lead (and any deputies) are most likely to have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns.

11. The Teachers’ Standards 2012 state that teachers (which includes headteachers) should safeguard children’s wellbeing and maintain public trust in the teaching profession as part of their professional duties.

What school and college staff need to know

12. All staff should be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction. This should include:
   • the child protection policy;
   • the behaviour policy;
   • the staff behaviour policy (sometimes called a code of conduct);
   • the safeguarding response to children who go missing from education; and
   • the role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).
13. All staff should receive appropriate safeguarding and child protection training which is regularly updated. In addition, all staff should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

14. All staff should be aware of their local early help process and understand their role in it.

15. All staff should be aware of the process for making referrals to children’s social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments.

16. All staff should know what to do if a child tells them he/she is being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need to be involved, such as the designated safeguarding lead (or a deputy) and children’s social care. Staff should never promise a child that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child.

What school and college staff should look out for

17. Any child may benefit from early help, but all school and college staff should be particularly alert to the potential need for early help for a child who:
   - is disabled and has specific additional needs
   - has special educational needs (whether or not they have a statutory Education, Health and Care Plan)
   - is a young carer
   - is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups
   - is frequently missing/goes missing from care or from home
   - is at risk of modern slavery, trafficking or exploitation
   - is at risk of being radicalised or exploited
   - is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
   - is misusing drugs or alcohol themselves
   - has returned home to their family from care
   - is a privately fostered child

18. All staff should be aware of indicators of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Indicators of abuse and neglect, and examples of safeguarding issues are described in paragraphs 41-51.

19. Departmental advice What to Do if You Are Worried a Child is Being Abused - Advice for Practitioners provides more information on understanding and identifying abuse and neglect. Examples of potential indicators of abuse and neglect are highlighted throughout
the advice and will be particularly helpful for school and college staff. The NSPCC website also provides useful additional information on abuse and neglect and what to look out for.

20. Staff working with children are advised to maintain an attitude of ‘it could happen here’ where safeguarding is concerned. When concerned about the welfare of a child, staff should always act in the best interests of the child.

21. Knowing what to look for is vital to the early identification of abuse and neglect. If staff are unsure, they should always speak to the designated safeguarding lead (or deputy).

**What school and college staff should do if they have concerns about a child**

22. If staff have any concerns about a child’s welfare, they should act on them immediately. See page 13 for a flow chart setting out the process for staff when they have concerns about a child.

23. If staff have a concern, they should follow their own organisation’s child protection policy and speak to the designated safeguarding lead (or deputy).

24. Options will then include:

- managing any support for the child internally via the school’s or college’s own pastoral support processes;
- an early help assessment;
- a referral for statutory services, for example as the child might be in need, is in need or suffering or likely to suffer harm.

25. The designated safeguarding lead or a deputy should always be available to discuss safeguarding concerns. If in exceptional circumstances, the designated safeguarding lead (or deputy) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from local children’s social care. In these circumstances, any action taken should be shared with the designated safeguarding lead (or deputy) as soon as is practically possible.

26. Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 and General Data Protection Regulation (GDPR). If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children.

**Designated Senior Persons**
All schools must nominate a senior member of staff to coordinate child protection arrangements. The local authority maintains a list of all designated senior persons (DSPs) for child protection. There must be a deputy DSP to act in his/her absence.

**Designated Senior Person:** Irene Mertzelos  
**Deputy DSP:** Sarah Gent  
Arwel Jones

The DSPs:

- is appropriately trained  
- acts as a source of support and expertise to the school community  
- has an understanding of LSCB procedures  
- keeps written records of all concerns, ensuring that such records are stored securely and flagged on, but kept separate from, the student’s general file  
- refers cases of suspected abuse to children’s social care or police as appropriate  
- notifies children’s social care if a child with a child protection plan is absent for more than two days without explanation  
- ensures that when a student with a child protection plan leaves the school, their information is passed to their new school and the student’s social worker is informed  
- attends and/or contributes to child protection conferences  
- coordinates the school’s contribution to child protection plans  
- develops effective links with relevant statutory and voluntary agencies  
- ensures that all staff sign to indicate that they have read and understood the child protection policy  
- ensures that the child protection policy is updated annually  
- liaises with the nominated governor and headteacher (where the role is not carried out by the headteacher) as appropriate  
- keeps a record of staff attendance at child protection training  
- makes the child protection policy available to parents.

The deputy designated person is appropriately trained and, in the absence of the designated person, carries out those functions necessary to ensure the ongoing safety and protection of students. In the event of the long-term absence of the DSP, the deputy will assume all of the functions above.

The governing body ensures that the school has:

- a DSP for child protection who is a member of the senior leadership team and who has undertaken training in inter-agency working, in addition to basic child protection training  
- a child protection policy and procedures that are consistent with LSCB requirements, reviewed annually and made available to parents on request  
- procedures for dealing with allegations of abuse made against members of staff including allegations made against the headteacher  
- safer recruitment procedures that include the requirement for appropriate checks  
- a training strategy that ensures all staff, including the headteacher, receive child protection training, with refresher training at three-yearly intervals. The DSP should receive refresher training at two-yearly intervals  
- arrangements to ensure that all temporary staff and volunteers are made aware of the school’s arrangements for child protection.

The governing body should also ensure that sufficient of its members have been adequately trained in safe recruiting to enable adequate governor involvement in recruiting senior staff. The governing body nominates a member (normally the chair) to be responsible for liaising with the local authority and other agencies in the event of an allegation being made against the headteacher.
An annual report will be submitted to the local authority about how the governing body’s duties have been carried out. Any weaknesses will be rectified without delay.

The headteacher:

• ensures that the child protection policy and procedures are implemented and followed by all staff
• allocates sufficient time and resources to enable the DSP and deputy to carry out their roles effectively, including the assessment of students and attendance at strategy discussions and other necessary meetings
• ensures that all staff feel able to raise concerns about poor or unsafe practice and that such concerns are handled sensitively and in accordance with the whistleblowing procedures
• ensures that students’ safety and welfare is addressed through the curriculum.

Good practice guidelines

To meet and maintain the school’s responsibilities towards students standards of good practice need to be established and maintained

Good practice includes:

• maintaining an attitude of ‘it could happen here’
• treating all students with respect
• setting a good example by conducting ourselves appropriately
• involving students in decisions that affect them
• encouraging positive and safe behaviour among students
• being a good listener
• being alert to changes in students’ behaviour
• recognising that challenging behaviour may be an indicator of abuse
• reading and understanding the school’s child protection policy and guidance documents on wider safeguarding issues, for example bullying, physical contact and information-sharing
• asking the student’s permission before doing anything for them of a physical nature, such as assisting with dressing, physical support during PE or administering first aid
• maintaining appropriate standards of conversation and interaction with and between students and avoiding the use of sexualised or derogatory language
• being aware that the personal and family circumstances and lifestyles of some students lead to an increased risk of abuse.

Abuse of trust

All school staff should be aware that inappropriate behaviour towards students is unacceptable and that their conduct towards students must be beyond reproach.

In addition, staff should understand that, under the Sexual Offences Act 2003, it is an offence for a person over the age of 18 to have a sexual relationship with a person under the age of 18, where that person is in a position of trust, even if the relationship is consensual. This means that any sexual activity between a member of the school staff and a student under 18 may be a criminal offence, even if that student is over the age of consent.

The school’s Code of Ethical Practice sets out the school’s expectations of staff (see Appendix 1).

Children who may be particularly vulnerable
Some children may have an increased risk of abuse. It is important to understand that this increase in risk is due more to societal attitudes and assumptions, and child protection procedures that fail to acknowledge children’s diverse circumstances, rather than the individual child’s personality, impairment or circumstances. Many factors can contribute to an increase in risk, including prejudice and discrimination, isolation, social exclusion, communication issues and reluctance on the part of some adults to accept that abuse can occur.

To ensure that all of our students receive equal protection, we will give special consideration to children who are:

- disabled or have special educational needs
- living in a domestic abuse situation
- affected by parental substance misuse
- asylum seekers
- living away from home
- vulnerable to being bullied, or engaging in bullying
- living in temporary accommodation
- live transient lifestyles
- living in chaotic and unsupportive home situations
- vulnerable to discrimination and maltreatment on the grounds of race, ethnicity, religion or sexuality □ involved directly or indirectly in prostitution or child trafficking
- do not have English as a first language.

Support for those involved in a child protection issue

Child abuse is devastating for the child and can also result in distress and anxiety for staff who become involved. We will support students and their families and staff by:

- taking all suspicions and disclosures seriously
- nominating a link person who will keep all parties informed and be the central point of contact. Where a member of staff is the subject of an allegation made by a student, separate link people will be nominated to avoid any conflict of interest
- responding sympathetically to any request from students or staff for time out to deal with distress or anxiety
- maintaining confidentiality and sharing information on a need-to-know basis only with relevant individuals and agencies
- storing records securely
- offering details of helplines, counselling or other avenues of external support
- following the procedures laid down in the school’s whistleblowing, complaints and disciplinary procedures □ cooperating fully with relevant statutory and voluntary agencies.

Complaints procedure

Our complaints procedure will be followed where a student or parent raises a concern about poor practice towards a student that initially does not reach the threshold for child protection action. Poor practice examples include unfairly singling out a student, using sarcasm or humiliation as a form of control, bullying or belittling a student or discriminating against them in some way. Complaints are managed by senior staff, the headteacher and governors. Complaints from staff are dealt with under the school’s complaints and disciplinary and grievance procedures.

If you have concerns about a colleague

Staff who are concerned about the conduct of a colleague towards a student are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will
wonder whether a report could jeopardise their colleague’s career. All staff must remember that the welfare of the child is paramount. The school’s whistleblowing code (Appendix 6) enables staff to raise concerns or allegations in confidence and for a sensitive enquiry to take place. All concerns of poor practice or possible child abuse by colleagues should be reported to the headteacher. Complaints about the headteacher should be reported to the chair of governors.

**Staff who are the subject of an allegation**

When an allegation is made against a member of staff, set procedures must be followed. It is rare for a child to make an entirely false or malicious allegation, although misunderstandings and misinterpretations of events can and do happen. A child may also make an allegation against an innocent party because they are too afraid to name the real perpetrator. Even so, we must accept that some professionals do pose a serious risk to students and we must act on every allegation. Staff who are the subject of an allegation have the right to have their case dealt with fairly, quickly and consistently and to be kept informed of its progress. Suspension is not mandatory, nor is it automatic but, in some cases, staff may be suspended in the best interest of all parties.

Allegations against staff should be reported to the headteacher. Allegations against the headteacher should be reported to the chair of governors. Local Authority procedures on managing allegations of abuse by member of staff are detailed in Appendix 7a.

**Staff training**

It is important that all staff have training to enable them to recognise the possible signs of abuse and neglect and to know what to do if they have a concern. New staff and governors will receive training during their induction. All staff, including the headteacher and governors will receive training that is updated at least every three years and the DSP (and deputy) will receive training updated at least every two years, including training in inter-agency procedures. Supply staff and other visiting staff will be given the school’s Visiting Staff Information Booklet which contains summary information about child protection (see Appendix 4).

**Safer recruitment**

Brentside High School endeavours to ensure that ‘safe’ staff are employed by following the guidance in *Safeguarding Children and Safer Recruitment in Education* (p20-54) together with the local authority and the school’s individual procedures. Safer recruitment means that all applicants will:

- complete an application form
- provide two referees, including at least one who can comment on the applicant’s suitability to work with children
- provide evidence of identity, qualifications and right to work in the UK
- complete a DBS check
- be interviewed

All new members of staff will undergo an induction that includes familiarisation with the school’s child protection policy and identification of their child protection training needs.

**Extended school and off-site arrangements**

Where extended school activities are provided by and managed by the school, the school’s own child protection policy and procedures apply. If other organisations provide services or activities on
the school site we will check that they have appropriate procedures in place, including safer recruitment procedures.

When Brentside students attend off-site activities, we will check that effective child protection arrangements are in place.

**Photography and images**

The vast majority of people who take or view photographs or videos of children do so for entirely innocent, understandable and acceptable reasons. Sadly, some people abuse children through taking or using images, so we must ensure that we have some safeguards in place. To protect students we will:

- seek their consent for photographs to be taken or published (for example, on the school website or in newspapers or publications)
- seek parental consent
- use only the student’s first name with an image
- ensure students are appropriately dressed
- encourage students to tell us if they are worried about any photographs that are taken of them.

**e-Safety**

Most students will use mobile phones and computers at some time. They are a source of fun, entertainment, communication and education. However, we know that some men, women and young people will use these technologies to harm children. The harm might range from sending hurtful or abusive texts and emails, to enticing children to engage in sexually harmful conversations, webcam photography or face-to-face meetings.

The school’s e-safety policy explains how we try to keep students safe in school. Cyber-bullying by students, via texts and emails, will be treated as seriously as any other type of bullying and will be managed through the school’s anti-bullying procedures.

Chatrooms and social networking sites are the more obvious sources of inappropriate and harmful behaviour and students are not allowed to access these sites in school. Some students will undoubtedly be ‘chatting’ on mobiles or social networking sites at home. A short factsheet to help parents and students understand the possible risks can be found at Appendix 5.

The school will follow the local authority’s guidelines set out in Appendix 5b following an e-safety incident.

**Child protection procedures:**

**Recognising abuse**

To ensure that our students are protected from harm, we need to understand what types of behaviour constitute abuse and neglect.

**Indicators of abuse and neglect (the following italics text has been abstracted from Keeping Children Safe in Education, DfE 2018)**

41. All school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.
42. **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. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

43. **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.

44. **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 from 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.

45. **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. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education (see paragraph 48).

46. **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, for example, 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.

**Specific safeguarding issues**
47. All staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking, alcohol abuse, deliberately missing education and sexting (also known as youth produced sexual imagery) put children in danger.

48. All staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to:

- bullying (including cyberbullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment;
- sexting (also known as youth produced sexual imagery); and
- initiation/hazing type violence and rituals.

49. All staff should be clear as to the school’s or college’s policy and procedures with regards to peer on peer abuse.

50. Safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside the school or college. All staff, but especially the designated safeguarding lead (and deputies) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child’s life that are a threat to their safety and/or welfare. Children’s social care assessments should consider such factors so it is important that schools and colleges provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and the full context of any abuse. Additional information regarding contextual safeguarding is available here: Contextual Safeguarding.

51. Annex A contains important additional information about specific forms of abuse and safeguarding issues. School and college leaders and those staff who work directly with children should read the annex.

**Indicators of abuse – what you might see**

Physical signs define some types of abuse, for example, bruising, bleeding or broken bones resulting from physical or sexual abuse, or injuries sustained while a child has been inadequately supervised. The identification of physical signs is complicated, as children may go to great lengths to hide injuries, often because they are ashamed or embarrassed, or their abuser has threatened further violence or trauma if they ‘tell’. It is also quite difficult for anyone without medical training to categorise injuries into accidental or deliberate with any degree of certainty. For these reasons it is vital that staff are also aware of the range of behavioural indicators of abuse and report any concerns to the designated person.

Remember, it is your responsibility to report your concerns. It is not your responsibility to investigate or decide whether a child has been abused.

A child who is being abused or neglected may:

- have bruises, bleeding, burns, fractures or other injuries
- show signs of pain or discomfort
• keep arms and legs covered, even in warm weather
• be concerned about changing for PE or swimming
• look unkempt and uncared for
• change their eating habits
• have difficulty in making or sustaining friendships • appear fearful
• be reckless with regard to their own or other’s safety
• self-harm
• frequently miss school or arrive late
• show signs of not wanting to go home
• display a change in behaviour – from quiet to aggressive, or happy-go-lucky to withdrawn • challenge authority
• become disinterested in their school work
• be constantly tired or preoccupied
• be wary of physical contact
• be involved in, or particularly knowledgeable about drugs or alcohol
• display sexual knowledge or behaviour beyond that normally expected for their age.

Individual indicators will rarely, in isolation, provide conclusive evidence of abuse. They should be viewed as part of a jigsaw, and each small piece of information will help the DSP to decide how to proceed. It is very important that you report your concerns – you do not need ‘absolute proof’ that the child is at risk.

Impact of abuse

The impact of child abuse should not be underestimated. Many children do recover well and go on to lead healthy, happy and productive lives, although most adult survivors agree that the emotional scars remain, however well buried. For some children, full recovery is beyond their reach, and the rest of their childhood and their adulthood may be characterised by anxiety or depression, self-harm, eating disorders, alcohol and substance misuse, unequal and destructive relationships and long-term medical or psychiatric difficulties.

Taking action

Key points to remember for taking action are:

• report your concern to the DSP by the end of the day
• do not start your own investigation
• share information on a need-to-know basis only – do not discuss the issue with colleagues, friends or family • record your concern
• seek support for yourself if you are distressed.
• If the emergency services are required, call 200 and request immediate help

Appendix 2 provides the procedure for reporting a concern.

If you suspect a student is at risk of harm

There will be occasions when you suspect that a student may be at risk, but you have no ‘real’ evidence. The student’s behaviour may have changed, their artwork could be bizarre, they may write stories or poetry that reveal confusion or distress, or you may have noticed physical but inconclusive signs. In these circumstances, you should try to give the student the opportunity to talk. The signs you have noticed may be due to a variety of factors, for example, a parent has moved out, a pet has died, a grandparent is very ill. It is fine to ask the student if they are alright or if you can help in any
way. If the student does begin to reveal that they are being harmed you should follow the advice in the section 'If a student discloses to you'.

If, following your conversation, you remain concerned, you should discuss your concerns with the designated person.

If a student discloses to you

It takes a lot of courage for a child to disclose that they are being abused. They may feel ashamed, particularly if the abuse is sexual, their abuser may have threatened what will happen if they tell, they may have lost all trust in adults, or they may believe, or have been told, that the abuse is their own fault.

If a student talks to you about any risks to their safety or wellbeing you will need to let them know that you must pass the information on – you are not allowed to keep secrets. The point at which you do this is a matter for professional judgement. If you jump in immediately the student may think that you do not want to listen, if you leave it till the very end of the conversation, the student may feel that you have misled them into revealing more than they would have otherwise.

During your conversation with the student:

• allow them to speak freely
• remain calm and do not over react – the student may stop talking if they feel they are upsetting you
• give reassuring nods or words of comfort – ‘I’m so sorry this has happened’, ‘I want to help’, ‘This isn’t your fault’, ‘You are doing the right thing in talking to me’
• do not be afraid of silences – remember how hard this must be for the student
• under no circumstances ask investigative questions – such as how many times this has happened, whether it happens to siblings too, or what does the student’s mother thinks about all this
• at an appropriate time tell the student that in order to help them you must pass the information on
• do not automatically offer any physical touch as comfort. It may be anything but comforting to a child who has been abused
• avoid admonishing the child for not disclosing earlier. Saying ‘I do wish you had told me about this when it started’ or ‘I can’t believe what I’m hearing’ may be your way of being supportive but the child may interpret it that they have done something wrong
• tell the student what will happen next. The student may agree to go with you to see the designated person. Otherwise let them know that someone will come to see them before the end of the day
• report verbally to the designated person
• write up your conversation as soon as possible on the record of concern form and hand it to the designated person
• seek support if you feel distressed.

Notifying parents

The school will normally seek to discuss any concerns about a student with their parents. This must be handled sensitively and the DSP will make contact with the parent in the event of a concern, suspicion or disclosure.

However, if the school believes that notifying parents could increase the risk to the child or exacerbate the problem, then advice will first be sought from children’s services.
Referral to Children’s Services

The DSP will make a referral to Children’s Services if it is believed that a student is suffering or is at risk of suffering significant harm. The student (subject to their age and understanding) and the parents will be told that a referral is being made, unless to do so would increase the risk to the child.

Children with sexually harmful behaviour

Children may be harmed by other children or young people. Staff will be aware of the harm caused by bullying and will use the school’s anti-bullying procedures where necessary. However, there will be occasions when a student’s behaviour warrants a response under child protection rather than anti-bullying procedures. In particular, research suggests that up to 30 per cent of child sexual abuse is committed by someone under the age of 18.

The management of children and young people with sexually harmful behaviour is complex and the school will work with other relevant agencies to maintain the safety of the whole school community. Young people who display such behaviour may be victims of abuse themselves and the child protection procedures will be followed for both victim and perpetrator.

Confidentiality and sharing information

All staff will understand that child protection issues warrant a high level of confidentiality, not only out of respect for the student and staff involved but also to ensure that being released into the public domain does not compromise evidence.

Staff should only discuss concerns with the designated person, headteacher or chair of governors (depending on who is the subject of the concern). That person will then decide who else needs to have the information and they will disseminate it on a ‘need-to-know’ basis.

Child protection information will be stored and handled in line with Data Protection Act 1998 principles. Information is:

- processed for limited purposes
- adequate, relevant and not excessive
- accurate
- kept no longer than necessary
- processed in accordance with the data subject’s rights and secure.

Record of concern forms and other written information will be stored in a locked facility and any electronic information will be password protected and only made available to relevant individuals.

Every effort should be made to prevent unauthorised access and sensitive information should not be stored on laptop computers, which, by the nature of their portability, could be lost or stolen. Child protection information will be stored separately from the student's school file and the school file will be ‘tagged’ to indicate that separate information is held.

Child protection records are normally exempt from the disclosure provisions of the Data Protection Act, which means that children and parents do not have an automatic right to see them. If any member of staff receives a request from a student or parent to see child protection records, they should refer the request to the headteacher.

The Data Protection Act does not prevent school staff from sharing information with relevant agencies, where that information may help to protect a child.
The school's policy on confidentiality and information-sharing is available to parents and students on request.

**Reporting directly to child protection agencies**

Staff should follow the reporting procedures outlined in this policy. However, they may also share information directly with Children’s Services, Police or the NSPCC if:

- the situation is an emergency and the designated senior person, the deputy DSPs, the headteacher and chair of governors are all unavailable
- they are convinced that a direct report is the only way to ensure the student’s safety.

**Related safeguarding portfolio policies/procedures**

- Physical intervention policy
- Complaints procedure
- Anti-bullying
- Whistleblowing policy
- SEN policy
- Missing Children procedure
- Safer recruitment policy
- Procedure for managing allegations against staff
- Staff Discipline
- Grievance and disciplinary
Member of staff has concerns about a student’s welfare (DO NOT SEND THE CHILD AWAY)

Member of staff reports immediately to the Designated Senior Person (DSP) or deputy or next most senior person on site

Member of staff makes a written record after talking to the child

The DSP still has concerns

Referral is made to Social Services 0208 825 8000 (make note of person spoken to)
(In an emergency call CP Police)

The DSP no longer has concerns but a record should be sent to SAFE worker to be logged in ISL

No further child protection action

Email with details of the referral cp@brentsidehigh.ealing.sch.uk

Person referring completes referral form T:\STAFF AREA\PASTORAL\Referral forms and gives to Child Protection Administrator in the

Child Protection Administrator faxes referral to Social Services, scans referral and emails to relevant Year Leader, SAFE

SAFE Worker follows up with Social Services and keeps other relevant parties informed.
Appendix 1 (is published in staff planner)

**Code of ethical practice**

All school staff are valued members of the school community. Everyone is expected to set and maintain the highest standards for their own performance, to work as part of a team and to be an excellent role model for our students.

**All school staff should:**

- place the safety and welfare of students above all other considerations
- treat all members of the School community, including students, parents, colleagues and governors with consideration and respect
- adhere to the principles and procedures contained in the policies in our safeguarding portfolio and in teaching and learning policies
- treat each student as an individual and make adjustments to meet individual need
- demonstrate a clear understanding of and commitment to non-discriminatory practice
- recognise the power imbalances between students and staff, and different levels of seniority of staff and ensure that power and authority are never misused
- understand that school staff are in a position of trust and that sexual relationships with a student, even over the age of 16, may be an offence
- be alert to, and report appropriately, any behaviour that may indicate that a student is at risk of harm
- encourage all students to reach their full potential
- never condone inappropriate behaviour by students or staff (e.g. anything that is illegal/unprofessional/unacceptable in the context of an educational environment)
- take responsibility for their own continuing professional development
- refrain from any action that would bring the School into disrepute
- value themselves and seek appropriate support for any issue that may have an adverse effect on their professional practice
- only use physical restraint or block a student’s path when a student is at risk of endangering themselves or another person.
- It is a statutory duty for staff to report to the police where they discover that FGM appears to have been carried out on a girl under 18.
- Staff must not socialise or have personal relationships with students under any circumstances.
- e-communications with students must only be via the MLE or staff school email account so that it can be monitored.
- Staff must ensure that they put privacy setting on their personal social media accounts and keep them updated regularly.
- Staff, either during or out of work hours, must not initiate, follow, or approve to be a ‘friend’ of learners whilst on any internet social/community networking, chat or blog sites. *Such sites, for example, may include Facebook, YouTube, Instagram, any chat room, etc. or similar.*
- Staff must not give personal gifts or favours of any nature. Any gifts from students must be disclosed to your line manager.
- Staff should not get emotionally or personally involved in a student’s issue but keep the relationship at a professional level at all times, keeping a record of any issue verbatim.
Staff must ensure they have read and understood the latest Keeping Children Safe in Education published by the DfE.

Appendix 2 (is published in staff planner)

**CHILD PROTECTION**

Procedure for dealing with suspected child abuse. If a child makes a disclosure to you, or you suspect abuse, then report it *immediately* to the Designated Senior Person for Child Protection (DSP) or deputy DSP.

The DSP is: Irenie Mertzelos

The Deputy DSPs are: Sarah Gent

Arwel Jones

If the DSP or the deputy DSPs are absent, report it to the most senior member of staff on the day. Remember: **If in doubt … report!**

If a child discloses to you, the important do’s and don’ts are….

- Do reassure the child
- Don’t question, just listen
- Do accept the information freely
- Don’t look shocked
- Do give the child space and time
- Don’t make judgments
- Do tell the child that you must pass on the information
- Don’t make promises
- Do act quickly
- Don’t involve anyone else
- Do make a written record as soon as possible after talking to the child
- Don’t agree to keep the disclosure confidential
- Do seek support if you need it for yourself
- Do keep the child with you

**Do not send the child away**

**THE CHILD MUST NOT BE QUESTIONED IN DETAIL**

The safety and welfare of the child are of paramount importance and must override ALL other considerations.

- It is the role of all of us to clarify issues – not to establish certainty.
- It is the role of Police and Social Services to investigate.
- We must take care not to ask questions which are not relevant to our role and responsibility for the child and which may also prejudice any action.
- The Police or others may wish to talk about any offence someone may have committed.
## Appendix 3
### Essential contacts

<table>
<thead>
<tr>
<th>Name and role:</th>
<th>Contact details</th>
</tr>
</thead>
<tbody>
<tr>
<td>School designated senior person</td>
<td>Irenie Mertzelos</td>
</tr>
<tr>
<td>Headteacher</td>
<td>Arwel Jones</td>
</tr>
<tr>
<td>Nominated governor</td>
<td>Catherine Smith</td>
</tr>
<tr>
<td>Deputy designated senior person</td>
<td>Sarah Gent</td>
</tr>
<tr>
<td>Further deputy designated persons</td>
<td>Any Senior Member of Staff</td>
</tr>
<tr>
<td>Children’s Service (24 hours per day)</td>
<td>0208 825 8000</td>
</tr>
<tr>
<td>HR Consultant</td>
<td>Andy Merryweather 020 8825 9000</td>
</tr>
<tr>
<td>Asst. Director Safeguarding and Support</td>
<td>Finola Culbert 020 8825 5177</td>
</tr>
<tr>
<td>Head of Access &amp; Pupil Welfare, School Service</td>
<td>Tom Galvin 020 8825 5501</td>
</tr>
<tr>
<td>Child protection Advisers</td>
<td>Desiree Scott: 020 8825 8268</td>
</tr>
<tr>
<td></td>
<td>Sandra Miller : 020 8825 6404</td>
</tr>
<tr>
<td>CAMHS</td>
<td>020 8354 8160</td>
</tr>
<tr>
<td>Police Child Protection Team</td>
<td>020 8246 1901</td>
</tr>
<tr>
<td>NSPCC helpline Aged 18 or under</td>
<td>0808 800 5000</td>
</tr>
<tr>
<td></td>
<td>0800 11 11</td>
</tr>
<tr>
<td>Ealing Children’s Integrated Response Service (ECIRS)</td>
<td>020 8825 8000</td>
</tr>
<tr>
<td>LA Child Protection</td>
<td>020 8825 8268 /9332/9316/6404</td>
</tr>
<tr>
<td>Local Authority Designated Officer (LADO)</td>
<td>020 8825 8930</td>
</tr>
</tbody>
</table>
Appendix 4 Visiting staff Child Protection information (contained within Visiting Staff Information Booklet)

School statement

Brentside High School recognises that the welfare of the child is paramount and takes seriously its moral and statutory responsibility to safeguard and promote the welfare of the students in its care. The school believes that all children and young people have the right to grow up in a safe and caring environment, which includes the right to protection from all types of abuse and the right to effective support, protection and justice.

Key facts about child abuse

Abuse and neglect can happen to any child, boy or girl, of any race, culture, ethnicity or sexuality. Disabled children and children with SEN are particularly vulnerable. Many children are unable to disclose what is happening to them and rely on us to interpret their behaviour and spot signs of abuse.

A student may:

- have a bruise, burn or injury that seems suspicious
- show signs of pain or discomfort
- be unnaturally passive or withdrawn
- be unpredictable and challenging
- seem anxious, fearful or distressed
- provide an unlikely explanation for their injury or their behaviour.

If you are concerned for a child’s health, welfare or safety in any way you must speak to the designated senior person (DSP) Irenie Mertzelos or a senior member of staff before you leave the school site.

Do not question the student or try to secure evidence. Your responsibility is to report your concern, not to investigate.

If a student tells you something that suggests they are at risk of harm, allow them to tell you as much as they wish and let them know that you must pass the information on to the DSP.

If you become concerned about a student’s immediate safety, notify the nearest member of staff and tell them why you are concerned.

You should write up your concern and hand it to the DSP or a senior member of staff before you leave the school site. Ask a senior member of staff if you would like help in doing this.

If you have any questions or wish to see the school’s child protection policy, please contact the DSP.

Appendix 5a Internet and mobile phone safety

Mobile phones and computers are a part of everyday life for many children and young people. Used correctly, they are an exciting source of communication, fun and education but used incorrectly, or in the wrong hands they can be threatening and dangerous.
The risks include:

- cyber-bullying, where hurtful texts or emails are sent to children
- children accidentally or deliberately accessing violent or sexually explicit websites, either on a computer or a mobile phone
- paedophiles talking to children by mobile phone or online and enticing them to engage in sexual conversations, photographs, video or actual meetings.

It probably is not practical to simply ban your child from using mobiles and computers as they may well try to find a way of using them, perhaps at a friend’s house or in an internet café. They also need to learn how to manage the risks. Younger children will be much easier to supervise and you will decide if and when they should begin to use these technologies.

Here are some tips to help you to manage the risks.

- try to put the computer in a family room where it will be easier for you to supervise your child’s online activity
- ensure that your child knows they should never give their full name, address and contact details to people they chat to on the internet
- gently explain that some people they talk to on the internet may not be who they say they are and might say or do unpleasant or hurtful things
- investigate whether the ‘parental controls’ available from some internet service providers will be helpful
- consider installing software that can filter out inappropriate material
- talk to your child about their internet use. Ask them which sites they enjoy most, and why. Show you are interested, while understanding their need for some privacy
- impress on your child that they can talk to you if they are worried about something that has happened during their internet use
- make it very clear that your child must never arrange to meet someone they have chatted to online without your permission. Their new ‘friend’ might well be a local young person of similar age, but they might not.

For further advice and information visit:
Internet Watch Foundation: www.iwf.org.uk
Child Exploitation and Online Protection Centre:
www.ceop.gov.uk Stop It Now! www.stopitnow.org.uk

You may be alerted to question your child’s online activity if they are:
- spending more and more time on the internet
- being secretive – reluctant to talk about their internet activity, closing the screen page when you are close by
- spending less time with the family, or giving up previous hobbies and interests
- losing interest in their schoolwork, regularly failing to complete homework
- starting to talk about ‘new friends’ that you have not met and who do not visit your home
- overly possessive of their mobile phone or computer – perhaps overreacting if someone picks it up or asks to borrow it
- showing fear or discomfort when their phone rings, or quickly turning it off without answering
- undergoing a change in personality that you cannot attribute to any obvious cause.

Remember that none of these signs prove that your child is at risk in any way, but if you notice anything that confuses or worries you try talking things over with them. They may well tell you to
stop fussing. They may be laid back. In any case, think about their demeanour and attitude as well as what they say.

If you are still concerned, contact one of the helping agencies listed in this information.
Appendix 6 Whistleblowing Policy
1. Introduction

The school is committed to delivering high quality services to its customers and to that end expects high standards from its employees and contractors. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are threefold:

• to encourage you to raise concerns about malpractice within the organisation without fear of reprisal
• to reassure you that your concerns will be taken seriously
• to provide information about how to raise your concerns and explain how the School will respond.

2. Scope of the Policy

This policy applies to all school employees, former employees, agency staff and contractors engaged by the school.

3. What is whistleblowing?

In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others, e.g. Students, staff, members of the public or the school itself. As the person blowing the whistle you would not usually be directly affected by the danger or illegality. Consequently you would rarely have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying and you are entitled to seek redress for yourself.

4. Blowing the Whistle on Malpractice

Malpractice covers a wide range of concerns. The types of activity that should be disclosed include but are not limited to the following:

• fraud or corruption (see also the Counter Fraud and Corruption Policy
• financial maladministration
• unauthorised use of public funds
• the physical, emotional or sexual abuse of students or staff
• failure to comply with legal obligations
• endangering of an individual’s health and safety
• damage to the environment
• a criminal offence
• failure to follow financial and contract procedure rules
• showing undue favour to a contractor or a job applicant
• miscarriages of justice
• deliberate concealment of information relating to any of the above.

You should raise your concerns with your line manager as soon as you suspect malpractice. Remember that the earlier you raise concerns the easier it will be to take action. You (the whistleblower) are a witness to events, not a complainant and so you do not need to wait for proof of malpractice before raising concerns.

When reporting a concern you should provide as much information and detail as possible. In particular you should provide the full names of the people involved or who know about what is happening, including the names of staff, governors or contractors, dates of events and any relevant documentation. This will help the investigator to focus their investigation on the main issues quickly.
There will be some cases where it is not appropriate for you to raise concerns with your manager, for example where you suspect your manager already knows about the malpractice and appears to be ‘turning a blind eye’, or where you suspect your manager may be involved. In those cases, you should report your concerns to the head teacher or ultimately to the Chair of Governors. Should this course of action not be appropriate then the issue should be reported to the London Borough of Ealing Director of Education, the Head of Audit or the Head of Legal Services. The council operates a 24-hour fraud hotline, tel: 0800 328 6453 (free call) where information can be left anonymously.

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. You will be advised whether an investigation takes place or not. When making a decision the school will consider whether continuing with an investigation is in the public interest.

5. Advice and Support

The school recognises that employees may wish to seek advice and support from their trade union before blowing the whistle. When any meeting or interview is arranged, you may wish to be accompanied by a trade union or professional association representative. Employees may also wish to seek advice from Public Concern at Work (PCAW), an organisation which is entirely separate from the school. PCAW have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work. They can be contacted by telephone on 020 7404 6609 or via e-mail on helpline@pcaw.co.uk

6. Confidentiality

The school understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, the school recognises that whistleblowers may wish to raise concerns in confidence. If you (the whistleblower) make a request for the matter to be kept confidential then your identity will not be revealed without discussing the matter with you first.

7. Anonymous Allegations

You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate. When a decision is made on whether or not to investigate further it will take into account the seriousness of the issues raised, the credibility of what is being said and the likelihood of confirming the allegation from other sources.

8. Protection for the Whistleblower

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to the external auditor or the police. The person to whom you reported your concern will be responsible for keeping you informed about the progress of the investigation and the action that has been taken, although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. The school will support you in this process and ensure that you are clear about what will happen.

The school will not tolerate harassment or victimisation and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern will face disciplinary action.
9. **Allegations not made in Good Faith**

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action or, in the case of agency staff, the termination of the agency contract. In the case of contractors, the matter will be reported to the school’s relevant contract manager so that a decision can be made about the appropriate action to take.

10. **Blowing the Whistle Outside the School**

In certain circumstances it may be appropriate to raise concerns outside the school to the appropriate ‘prescribed regulator’. This should only be done where you are raising a genuine concern in good faith and where you believe the information is true, i.e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, trade union or PCAW before reporting them outside the school. Examples of prescribed regulators are set out below:

- The Audit Commission
- The Standards Board for England
- Information Commissioner
- Environment Agency
- Health and Safety Executive
- Commissioner of the Inland Revenue

As a last resort you may choose to raise your concern outside the school to someone other than a prescribed regulator, e.g. to the police or your MP. You should only do this if, in addition to the conditions above, they meet one of three preconditions.

Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that you:

- □ reasonably believed that you would be victimised if you raised the matter with the school; or
- □ reasonably believed that the matter would be ‘covered up’ and there is no prescribed regulator; or
- □ you have already raised the matter internally or with a prescribed regulator.

11. **Complaints, Grievances note this is from an existing policy**

This policy should not be confused with other policies that exist for dealing with complaints or grievances (see also paragraph 3). For example, complaints about the quality of service delivery should be addressed through the school’s complaints procedure.

12. **Review and Operation of this Policy**

The Headteacher has overall responsibility for the operation of this policy. A record of concerns raised will be kept and reported annually to the Full Governing Body Committee. This policy may be reviewed from time to time.

**Appendix 7a Managing allegations of abuse by members of staff - LA procedures**

1. **Introduction**

The Government has produced regulations on how allegations against anyone working with children should be managed. The procedures include health, social care, play, youth service, education and
police settings. The application of the regulations in schools is set out in the chapter 5 of the DCSF guidance document 'Safeguarding Children and Safer Recruitment in Education'. That chapter is reproduced at section 2 below. Paragraphs 35 to 49 of the chapter summarise the process to be followed.

Those summary paragraphs have also been abstracted from the guidance and annotated with the Ealing contacts and information. See section 2 below.

2. Summary of procedures for Ealing schools

35. The allegation should be reported to the head teacher or principal immediately unless the allegation is about the head teacher or principal in which case it should be reported to the chair of governors. If the head is unavailable staff should advise the most senior member of staff who is available, and contact the Education department's senior officer for Child protection.

36. If the allegation meets any of the criteria set out in paragraph 5.1, the head teacher or principal should report it to the local authority designated officer the same day. Ealing's Designated officer is Finola Culbert and in her absence any of the four child protection advisors should be contacted. They will discuss and evaluate the allegation with you.

37. If an allegation is made to the police the officer who receives it should report it to the force designated liaison officer without delay and the designated liaison officer should inform the local authority designate officer straightway. Similarly if the allegation is made to the children's social care the person who receives it should report it to the local authority designated officer without delay.

Initial consideration

38. The local authority designated officer will discuss the matter with the head teacher or principal and where necessary obtain further details of the allegation and the circumstances in which it was made. The head teacher or principal should not investigate the allegation at this stage. The discussion should also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

39. If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the local authority designated officer will immediately refer to children's social care and ask for a strategy discussion in accordance with the Working Together to Safeguard Children to be convened straightaway. In those circumstances the strategy discussion should include the local authority designated officer and the head teacher or principal. The schools HR advisor and the Education Service ‘Senior Officer’ for child protection should be invited to the strategy meeting.

40. If there is not a cause to suspect that ‘significant harm’ is an issue, but a criminal offence might have been committed, the local authority designated officer should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the school and any other agencies involved with the child.

Action following initial consideration

41. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the head teacher should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.
42. Where further investigation is required to inform consideration of disciplinary action the head teacher or principal and the school personnel adviser should discuss who will undertake that with the local authority designated officer. In some settings and circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school. In any case the investigating officer should aim to provide a report to the employer within 10 working days.

43. On receipt of the report the disciplinary investigation, the head teacher and chair of governors should consult the local authority designated officer, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within 15 working days.

44. In any case in which children’s social care has undertaken enquiries to determine whether the child or children are in need of protection, the head teacher or principal and chair of governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

45. The Local Authority designated officer should continue to liaise with the school to monitor progress of the case and provide advice or support when required or requested.

**Case subject to police investigation**

46. If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation, and will keep the progress of the case under review. They should at the outset set a target date for the reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible the review should take place no later than four weeks after the initial action meeting and the decision is to continue to investigate the allegation dates for subsequent review should be set at that point. (It is open to the police to consult the CPS about the evidence that will need to be obtained in order to charge a person with an offence at any stage.)

47. If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a court, the police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the employer within three working days of the decisions. In those circumstances the employer and the local authority designated officer should proceed as described in paragraph 5.41 to 5.45 above. In any case in which the children’s social care has undertaken enquiries to determine the child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to the disciplinary case should be passed to the school.

48. If the person is convicted of an offence the police should also inform the employer straight away so the appropriate action can be taken.

49. If on conclusion of the case the school ceases to use the person’s services, or the person ceases to provide his or her services, the school should consult the local authority designated officer about whether a referral to the DFE is required. If a referral is appropriate the report should be made within a month. See Appendix 10 of ‘Safeguarding Children and Safer Recruitment in Education’ for the guidance on reporting individuals to the secretary of state. Schools should consult their HR advisors throughout these procedures.

For names and numbers of key personnel, see Appendix 3 of the school’s Child Protection Policy.
Appendix 7b Support for staff who are the subject of an allegation

If an allegation relating to possible child abuse is made against you, standard procedures must be followed. It is rare for a child to make an entirely false or malicious allegation, but misunderstandings can and do happen.

Allegations may occur because a member of staff has made a mistake, failed to follow guidelines, is inexperienced or because their actions have been misinterpreted by witnesses.

Even so, we must accept that some professionals do pose a serious risk to pupils and we are required to act on every allegation.

Staff who are the subject of an allegation have the right to have their case dealt with fairly, quickly and consistently and to be kept informed of its progress. Suspension is not mandatory, nor is it automatic but, in some cases, staff may be suspended where this is deemed to be the best way to ensure that children are protected.

If an allegation is made about you that suggests you have:

• 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 you are unsuitable to work with children.

You can expect:

• the headteacher to make a very short inquiry only to ascertain that the allegation is not patently false
• the headteacher to discuss the allegation with the named allegations officer in the local authority and a decision to be made on how to proceed
• to be informed by the headteacher when an allegation has been made – the timing of this will depend on whether police need to conduct enquiries prior to meeting you to discuss the allegation
• to be advised to contact your union or professional association and to consider requesting that they accompany you to meetings
• to be allocated a senior member of staff to be your link person to ensure you are kept informed of developments within the school
• to be given the opportunity to answer the allegation and call witnesses
• to be offered advice about welfare support, employee assistance or counselling services, should you request it
• for any investigation to continue even if you tender your resignation and leave the school
• the record of the allegation and other documentation, for example, minutes of meetings to be given to you
• for any decision regarding suspension to take into account the possible alternatives to suspension
• for disciplinary and or child protection procedures to be closely followed and for unnecessary delays to be avoided
• for records to be kept on your confidential file
• to be given support to return to school if you were suspended and it is agreed that you should return to work
• where an allegation is thought to be malicious, for action to be taken to prevent a re-occurrence.

To be accused of being a possible risk to children can have devastating effects on your professional career and personal life.
To protect yourself from misunderstandings and misinterpretations that could result in an allegation your conduct must be totally professional. Conduct yourself in accordance with the good practice guidelines and avoid behaviour which could constitute poor practice and grounds for concern.

Talk to the designated person if you need an explanation of procedure, advice about managing a particular situation or support to carry out your safeguarding role effectively.

Appendix 7c Support for reporters of an allegation

Staff who are concerned about the behaviour of a colleague towards a pupil or pupils, are undoubtedly placed in a very difficult situation. You may worry that you have misunderstood the situation and you will wonder whether a report could jeopardise a colleague’s career.

You must remember that the welfare of the child is paramount. The school’s whistleblowing procedure enables you to raise concerns or allegations in confidence and for a sensitive inquiry to take place. All concerns of poor practice relating to possible child abuse by colleagues should be reported to the headteacher. Complaints about the headteacher should be reported to the chair of governors.

The poor practice information sheet in this file gives some examples of the types of conduct that might concern you. When you report a concern of this nature you can expect:

- your concern to be taken seriously
- your identity to remain confidential (if this is your wish), unless you are required to act as a witness in court proceedings
- to be protected as far as possible from victimisation or harassment
- for an initial inquiry to take place to identify any action necessary
- children’s social care and police to be involved if the concern relates to abuse or neglect or the commission of a crime
- written confirmation within the timescales given in the whistleblowing procedures that your concern has been received and is being dealt with
- to be notified in writing of the decision of the initial inquiry. The decision could be that no action is required, internal disciplinary procedures are initiated or referral to children’s social care and/or police has been made
  - to be informed of the final outcome, subject to constraints of confidentiality and legal advice.

Reporting to the headteacher should always be your first step. However, if you genuinely believe that your concern has not been taken seriously or that the headteacher will not act on your concern, you can consider speaking to someone outside the school. This could be your union or professional association, a local authority officer, a solicitor or the police. You should first contact Public Concern at Work (020 74046609) for free advice regarding your legal position in whistleblowing to an external agency.

Statutory protection for employees who ‘whistleblow’ is provided by the Public Interest Disclosure Act (PIDA) 1998. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the Act.

Concerns should be made in good faith – they should be genuine concerns and not false, malicious or simply intended to annoy or harass.

If your concern relates to your own terms and conditions of service, or your treatment by a manager or colleague, you should use the school’s grievance procedure, not the whistleblowing procedure.
Appendix 8

Children Missing Education (CME)

(Full details of Ealing’s guidance re children who are missing education can be found at: https://www.egfl.org.uk/services-children/attendance-and-cme/children-missing-education-cme

Below is a summary of best practice which the school will follow:

Parents to inform the school in writing if they are intending to move. If this is not done:

• Year leader (YL) to keep list detailing school actions to carry out ‘Reasonable enquiry’ (if destination unknown)
• School attendance officer to refer to Link ESW or the High School Attendance Worker for him/her to carry ‘Reasonable enquiry’ forward if a student who has left without giving details of their new address/school cannot be contacted and no new school has contacted us.
• ESW to enter name of student on the Lost Student Database, and notify the Children Missing Education Officer (CMEO). Currently this is:

  Penny MacDonagh
  8825 9447
  email: pmacdonagh@ealing.gov.uk

• Do not take name off roll until confirmation that the student has been entered on the CME register has been received.

Note: Names of all admissions and leavers should be uploaded and downloaded on CTFs via S2S so all student movements can be tracked.
Keeping children safe in education
Statutory guidance for schools and colleges
September 2016

Contents
Summary 38
What is the status of this guidance? 38
About this guidance 38
Who this guidance is for 38
Part one: Safeguarding information for all staff 40
What school and college staff should know and do 40
Types of abuse and neglect 47
Specific safeguarding issues 48
Part two: The management of safeguarding 50
The responsibility of governing bodies, proprietors and management committees 50
Part three: Safer recruitment 58
Recruitment, selection and pre-employment vetting 58
Types of check 60
Pre-appointment checks 62
Part four: Allegations of abuse made against teachers and other staff 75
Duties as an employer and an employee 75
Initial considerations 75
Supporting those involved 77
Managing the situation and exit arrangements 79
Specific actions 84
Annex A: Further information 85
Annex B: Role of the designated safeguarding lead 93
Annex C: Online safety 96
Annex D: Boarding schools, residential special schools and children’s homes 98
Annex E: Children staying with host families 99
Annex F: Statutory guidance – regulated activity (children) - Supervision of activity with children which is regulated activity when unsupervised 101
Annex G: Disclosure and Barring Service checks 103
Annex H: Table of substantive changes from July 2015 104
Summary

What is the status of this guidance?
This is statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014 and the Non-Maintained Special Schools (England) Regulations 2015. Schools and colleges must have regard to it when carrying out their duties to safeguard and promote the welfare of children. This means that they should comply with it unless exceptional circumstances arise.

About this guidance
This document contains information on what schools and colleges should do and sets out the legal duties with which schools and colleges must comply in order to keep children safe. It should be read alongside statutory guidance Working together to safeguard children, and departmental advice What to do if you are worried a child is being abused- Advice for practitioners.

Unless otherwise specified, ‘school’ means all schools whether maintained, nonmaintained or independent schools, including academies and free schools, alternative provision academies, maintained nursery schools1 and pupil referral units. ‘College’ means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992, and relates to their responsibilities towards children under the age of 18, but excludes 16-19 academies and free schools (which are required to comply with relevant safeguarding legislation by virtue of their funding agreement).

Who this guidance is for
This statutory guidance should be read and followed by:

- governing bodies of maintained schools (including maintained nursery schools) and colleges;

---

1 The Early Years Foundation Stage Framework (EYFS) is mandatory for all early years providers. It applies to all schools that provide early years provision including maintained nursery schools. Maintained nursery schools, like the other schools listed under ‘About this guidance’, must have regard to Keeping Children Safe in Education 2016 when carrying out duties to safeguard and promote the welfare of children (by virtue of section 175(2) of the Education Act 2002 – see footnote 10 for further detail on this requirement).
• proprietors of independent schools (including academies and free schools), alternative provision academies and non-maintained special schools;\(^2\) and

• management committees of pupil referral units (PRUs).

The above persons should ensure that **all staff** in their school or college **read** at least Part one of this guidance.

The above persons should ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities as set out in Part one of this guidance.

**What this guidance replaces**

This guidance replaces Keeping children safe in education July 2015.

A table of changes is included at Annex H.

---

\(^2\) The proprietor will be the Academy Trust, where the Academy Trust has entered into a funding arrangement under the Academies Act 2010 concerning an independent school or alternative provision academy.
Part one: Safeguarding information for all staff

What school and college staff should know and do

A child centred and coordinated approach to safeguarding

1. Schools and colleges and their staff are an important part of the wider safeguarding system for children. This system is described in statutory guidance Working together to safeguard children.

2. Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.

3. No single professional can have a full picture of a child’s needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

4. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance 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.

5. Children includes everyone under the age of 18.

The role of school and college staff

6. School and college staff are particularly important as they are in a position to identify concerns early, provide help for children, and prevent concerns from escalating.

7. All school and college staff have a responsibility to provide a safe environment in which children can learn.

8. Every school and college should have a designated safeguarding lead who will provide support to staff members to carry out their safeguarding duties and who will liaise closely with other services such as children’s social care.
9. All school and college staff should be prepared to identify children who may benefit from early help. Early help means providing support as soon as a problem emerges at any point in a child’s life, from the foundation years through to the teenage years. In the first instance, staff should discuss early help requirements with the designated safeguarding lead. Staff may be required to support other agencies and professionals in an early help assessment.

10. Any staff member who has a concern about a child’s welfare should follow the referral processes set out in paragraphs 21-27. Staff may be required to support social workers and other agencies following any referral.

11. The Teachers’ 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.

What school and college staff need to know

12. All staff members should be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction. This should include:

- the child protection policy;
- the staff behaviour policy (sometimes called a code of conduct); and
- the role of the designated safeguarding lead.

Copies of policies and a copy of Part one of this document (Keeping children safe in education) should be provided to staff at induction.

13. All staff members should receive appropriate safeguarding and child protection training which is regularly updated. In addition all staff members should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

14. All staff should be aware of the early help process, and understand their role in it. This includes identifying emerging problems, liaising with the designated safeguarding lead, sharing information with other professionals to support early identification and assessment and, in some cases, acting as the lead professional in undertaking an early help assessment.

---

3 Detailed information on early help can be found in Chapter 1 of Working together to safeguard children
4 The Teachers’ Standards apply to: trainees working towards QTS; all teachers completing their statutory induction period (newly qualified teachers [NQTs]); and teachers in maintained schools, including maintained special schools, who are subject to the Education (School Teachers’ Appraisal) (England) Regulations 2012.
15. **All** staff should be aware of the process for making referrals to children’s social care and for statutory assessments under the Children Act 1989\(^5\) that may follow a referral, along with the role they might be expected to play in such assessments.\(^6\)

16. **All** staff should know what to do if a child tells them he/she is being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality whilst at the same time liaising with relevant professionals such as the designated safeguarding lead and children’s social care. Staff should never promise a child that they will not tell anyone about an allegation, as this may ultimately not be in the best interests of the child.

**What school and college staff should look out for**

17. **All** school and college staff members should be aware of the types of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Types of abuse and neglect, and examples of safeguarding issues are described in paragraphs 35-44 of this guidance.

18. Departmental advice *What to do if you are worried a child is being abused* - *Advice for practitioners* provides more information on understanding and identifying abuse and neglect. Examples of potential signs of abuse and neglect are highlighted throughout the advice and will be particularly helpful for school and college staff. The NSPCC website also provides useful additional information on types of abuse and what to look out for.

19. Staff members working with children 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 should always act in the best interests of the child.

20. Knowing what to look for is vital to the early identification of abuse and neglect. If staff members are unsure, they should always speak to the designated safeguarding lead.

**What school and college staff should do if they have concerns about a child**

21. If staff members have any **concerns** about a child (as opposed to a child being in immediate danger - see paragraph 28) they will need to decide what action to take. Where possible, there should be a conversation with the designated safeguarding lead to agree a course of action, although any staff member can make a referral to children’s social care. Other options could include referral to specialist services or early help services and should be made in accordance with the referral threshold set by the Local Safeguarding Children Board.

\(^5\) Under the Children Act 1989, local authorities are required to provide services for children in need in their area for the purposes of safeguarding and promoting their welfare. Local authorities undertake assessments of the needs of individual children to determine which services to provide and what action to take. This can include:
Section 17 - A child in need is defined under section 17(10) of the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health or development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.

Section 47 - If the local authority have reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm they have a duty to make enquiries under section 47 to enable them to decide whether they should take any action to safeguard and promote the child’s welfare. This duty also applies if a child is subject to an emergency protection order (under section 44 of the Children Act 1989) or in police protective custody under section 46 of the Children Act 1989.

§ Detailed information on statutory assessments can be found in Chapter 1 of Working together to safeguard children.

22. If anyone other than the designated safeguarding lead makes the referral, they should inform the designated safeguarding lead as soon as possible. The local authority should make a decision within one working day of a referral being made about what course of action they are taking and should let the referrer know the outcome. Staff should follow up on a referral should that information not be forthcoming. The online tool Reporting child abuse to your local council directs staff to their local children’s social care contact number.

23. See page 10 for a flow chart setting out the process for staff when they have concerns about a child.

24. If, after a referral, the child’s situation does not appear to be improving, the designated safeguarding lead (or the person who made the referral) should press for reconsideration to ensure their concerns have been addressed and, most importantly, that the child’s situation improves.

25. If early help is appropriate, the designated safeguarding lead should support the staff member in liaising with other agencies and setting up an inter-agency assessment as appropriate.

26. If early help or other support is appropriate, the case should be kept under constant review and consideration given to a referral to children’s social care if the child’s situation does not appear to be improving.

27. If a teacher[^5], in the course of their work in the profession, discovers that an act of Female Genital Mutilation appears to have been carried out on a girl under the age of 18, the teacher must report this to the police. See Annex A for further details.

What school and college staff should do if a child is in danger or at risk of harm

28. If a child is in immediate danger or is at risk of harm, a referral should be made to children’s social care and/or the police immediately. Anyone can make a referral. Where referrals are not made by the designated safeguarding lead, the designated safeguarding lead should be informed as soon as possible that a referral has been made.

[^5]: Section 5B(11) of the FGM Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) provides the definition for the term ‘teacher’: “teacher” means – (a) in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).
been made. Reporting child abuse to your local council directs staff to their local children’s social care contact number.

Record keeping

29. All concerns, discussions and decisions made and the reasons for those decisions should be recorded in writing. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead.

Why is all of this important?

30. 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.6

What school and college staff should do if they have concerns about another staff member

31. If staff members have concerns about another staff member, then this should be referred to the headteacher or principal. Where there are concerns about the headteacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school as appropriate. In the event of allegations of abuse being made against the headteacher, where the headteacher is also the sole proprietor of an independent school, allegations should be reported directly to the designated officer(s) at the local authority. Staff may consider discussing any concerns with the school’s designated safeguarding lead and make any referral via them. Full details can be found in Part four of this guidance.

What school or college staff should do if they have concerns about safeguarding practices within the school or college

32. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school or college’s safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.

33. Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, should be in place for such concerns to be raised with the school or college’s senior leadership team.

6 Serious case reviews, 2011 to 2014
34. Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance can be found at- Advice on whistleblowing

- The **NSPCC whistleblowing helpline** is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk

---

7 Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.
1. In cases which also involve an allegation of abuse against a staff member, see Part four of this guidance.
2. Early help means providing support as soon as a problem emerges at any point in a child’s life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged. Chapter one of Working together to safeguard children provides detailed guidance on the early help process.
3. Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. This can include s17 assessments of children in need and s47 assessments of children at risk of significant harm. Full details are in Chapter one of Working together to safeguard children.
4. This could include applying for an Emergency Protection Order (EPO).
Types of abuse and neglect

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

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

37. **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.

38. **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.

39. **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.

40. **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.

**Specific safeguarding issues**

41. **All** staff should have an awareness of safeguarding issues, some of which are listed below. Staff should be aware that behaviours linked to the likes of drug taking, alcohol abuse, truanting and sexting put children in danger.

42. **All** staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to, bullying (including cyberbullying), gender based violence/sexual assaults and sexting. Staff should be clear as to the school or college’s policy and procedures with regards to peer on peer abuse.

43. Expert and professional organisations are best placed to provide up-to-date guidance and practical support on specific safeguarding issues. For example, information for schools and colleges can be found on the TES, MindEd and the NSPCC websites. School and college staff can access government guidance as required on the issues listed below via GOV.UK and other government websites:

- **bullying including cyberbullying**
- **children missing education** – and Annex A
- **child missing from home or care**
- **child sexual exploitation (CSE)** – and Annex A
- **domestic violence**
- **drugs**
- **fabricated or induced illness**
- **faith abuse**
- **female genital mutilation (FGM)** – and Annex A
- **forced marriage**- and Annex A
- **gangs and youth violence**
- **gender-based violence/violence against women and girls (VAWG)**
• hate
• mental health
• missing children and adults
• private fostering
• preventing radicalisation – and Annex A
• relationship abuse
• sexting
• trafficking

44. Annex A contains important additional information about specific forms of abuse and safeguarding issues. School leaders and those staff who work directly with children should read the annex.
Part two: The management of safeguarding

The responsibility of governing bodies, proprietors and management committees

Legislation and the law

45. Governing bodies and proprietors (in Part two, unless otherwise stated, this includes management committees) must ensure that they comply with their duties under legislation. They must have regard to this guidance to ensure that the policies, procedures and training in their schools or colleges are effective and comply with the law at all times.8

46. Schools and colleges should have a senior board level (or equivalent) lead to take leadership responsibility for the organisation’s safeguarding arrangements.9

Safeguarding policies

47. Governing bodies and proprietors should ensure there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children’s welfare.

48. This should include:

- an effective child protection policy; and

- a staff behaviour policy (sometimes called the code of conduct) which should amongst other things include - acceptable use of technologies, staff/pupil relationships and communications including the use of social media.10

---

8 Section 175 of the Education Act 2002 requires governing bodies of maintained schools and further education colleges (including sixth form colleges) in relation to their functions relating to the conduct of the school or the institution to make arrangements for ensuring that such functions are exercised with a view to safeguarding and promoting the welfare of children who are either pupils at the school or who are students under 18 years of age attending the further education institution. The Education (Independent School Standards) Regulations 2014 apply a duty to proprietors of independent schools (which include academies and free schools) to ensure that arrangements are made to safeguard and promote the welfare of children. The Non-Maintained Special Schools (England) Regulations 2015 oblige nonmaintained special schools to comply with certain requirements as a condition of their approval and whilst approved by the Secretary of State. One condition of approval is that the proprietor must make arrangements for safeguarding and promoting the health, safety and welfare of pupils, which have regard to any guidance including where appropriate, the National Minimum Standards, about safeguarding and promoting the health, safety and welfare of pupils and, in the case of schools already approved that these arrangements at the school with respect to these matters are in accordance with the approval given by the Secretary of State. For colleges, non-maintained special schools and independent schools: the definition of ‘children’ applies to the statutory responsibilities for safeguarding and promoting the welfare of children i.e. those under 18.

9 Chapter 2, pg 55, paragraph 11 and p53, paragraph 4 of Working together to safeguard children

10 When drafting the staff behaviour policy schools and colleges should bear in mind the offence under section 16 of The Sexual Offences Act 2003, which provides that it is an offence for a person aged 18 or over (e.g. teacher, youth worker) to
This is not intended to be an exhaustive list. These policies, along with Part one of this guidance (Keeping children safe in education) and information regarding the role of the designated safeguarding lead, should be provided to all staff on induction. Governing bodies and proprietors should take a proportional risk-based approach to the level of information that is provided to temporary staff and volunteers.

49. The child protection policy should describe procedures which are in accordance with government guidance and refer to locally agreed inter-agency procedures put in place by the Local Safeguarding Children Board (LSCB), be updated annually (as a minimum), and be available publicly either via the school or college website or by other means.

50. Headteachers and principals should ensure that the above policies and procedures, adopted by governing bodies and proprietors, particularly concerning referrals of cases of suspected abuse and neglect, are followed by all staff.

51. Governing bodies and proprietors should put in place appropriate safeguarding responses to children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect including sexual abuse or exploitation and to help prevent the risks of their going missing in future. The government’s missing children and adults strategy and the department’s children missing education guidance provide information that governing bodies and proprietors will find useful when considering children who go missing from education.

The designated safeguarding lead

52. Governing bodies and proprietors should appoint an appropriate senior member of staff, from the school or college leadership team, to the role of designated safeguarding lead. The designated safeguarding lead should take lead responsibility for safeguarding and child protection. This should be explicit in the role-holder's job description (see Annex B, which describes the broad areas of responsibility and activities related to the role).

53. It is a matter for individual schools and colleges as to whether they choose to have one or more deputy designated safeguarding leads. Any deputies should be trained to the same standard as the designated safeguarding lead.

54. Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate lead responsibility for safeguarding and

have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. A situation where a person is in a position of trust could arise where the
child protection, as set out above, remains with the designated safeguarding lead. This responsibility should not be delegated.

55. The designated safeguarding lead and any deputies should liaise with the local authority and work with other agencies in line with **Working together to safeguard children**.

child is in full-time education and the person looks after children under 18 in the same establishment as the child, even if s/he does not teach the child.

56. During term time, the designated safeguarding lead and or a deputy should always be available (during school or college hours) for staff in the school or college to discuss any safeguarding concerns. 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.

57. The designated safeguarding lead and any deputies should undergo training to provide them with the knowledge and skills required to carry out the role. The training should be updated every two years.

58. In addition to their formal training, as set out above, their knowledge and skills should be updated, (for example via e-bulletins, meeting other designated safeguarding leads, or taking time to read and digest safeguarding developments), at regular intervals, but at least annually, to keep up with any developments relevant to their role.

**Inter-agency working**

59. Governing bodies and proprietors should ensure that the school or college contributes to inter-agency working in line with statutory guidance **Working together to safeguard children**. Schools and colleges should work with social care, the police, health services and other services to promote the welfare of children and protect them from harm. This includes providing a coordinated 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. All schools and colleges should allow 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.11

60. Governing bodies and proprietors of all schools and colleges should ensure that their safeguarding arrangements take into account the procedures and practice of the

---

11 For further information see Chapter 1 of **Working together to safeguard children**
local authority as part of the inter-agency safeguarding procedures set up by the LSCB.\(^\text{12}\) This should include understanding and reflecting local protocols for assessment\(^\text{13}\) and the LSCB’s threshold document\(^\text{14}\) along with supplying information as requested by the LSCB.

61. As part of meeting a child’s needs, it is important for governing bodies and proprietors to recognise the importance of information sharing between professionals and local agencies. Further details on information sharing can be found in Chapter one of Working together to safeguard children and at Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers.

62. Whilst the Data Protection Act 1998 places duties on organisations and individuals to process personal information fairly and lawfully, it is not a barrier to sharing information where the failure to do so would result in a child being placed at risk of harm. Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children.

63. Although inter-agency working and information sharing are vital in identifying and tackling all forms of abuse, it is clear they are especially important to identify and prevent child sexual exploitation.

Staff training

64. Governing bodies and proprietors should ensure that all staff members undergo safeguarding and child protection training at induction. The training should be regularly updated. Induction and training should be in line with advice from the LSCB.

---

\(^{12}\) Section 10 of the Children Act 2004 requires a local authority to make arrangements to promote co-operation between itself, its relevant partners and such other persons or organisations as the authority considers appropriate, being persons or organisations who exercise functions or who are engaged in activities relating to children in the authority’s area. The relevant partners include governing bodies of maintained schools maintained by the local authority, proprietors of non-maintained special schools situated in the local authority’s area, proprietors of academies and free schools situated in the local authority’s area and governing bodies of colleges the main site of which is situated in the local authority’s area, which are under a duty to co-operate with the local authority in the making of such arrangements. Management committee of pupil referral units are also relevant partners, through paragraph 20B of Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007. The arrangements made by local authorities under section 10 may extend to other types of independent and maintained schools (i.e. other than academies and free schools) as such schools engage in activities relating to children.

\(^{13}\) Local authorities, with their partners, should develop local protocols for assessment. The protocol should set out clear arrangements for how cases will be managed once a child is referred into local authority children’s social care.

\(^{14}\) The LSCB should publish a threshold document that includes the process for early help assessments and the type and level of early help services; the criteria, including the level of need, for when cases should be referred to local authority children’s social care for assessments and for statutory services under sections 17, 20, 31 and 47 of the Children Act 1989 and clear procedures and processes for cases relating to the sexual exploitation of children and young people.
65. In addition all staff members should receive regular safeguarding and child protection updates (for example, via email, e-bulletins, staff meetings) as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

66. Governing bodies and proprietors should recognise the expertise staff build by undertaking safeguarding training and managing safeguarding concerns on a daily basis. Opportunity should therefore be provided for staff to contribute to and shape safeguarding arrangements and child protection policy.

**Online safety**

67. As schools and colleges increasingly work online, it is essential that children are safeguarded from potentially harmful and inappropriate online material. As such, governing bodies and proprietors should ensure appropriate filters and appropriate monitoring systems are in place. Additional information to support governing bodies and proprietors is provided in Annex C.

**Opportunities to teach safeguarding**

68. Governing bodies and proprietors should ensure children are taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum. This may include covering relevant issues through personal, social, health and economic education (PSHE), tutorials (in FE colleges) and/or, for maintained schools and colleges, through sex and relationship education (SRE).

69. Whilst it is essential that governing bodies and proprietors ensure that appropriate filters and monitoring systems are in place, they should be careful that “over blocking” does not lead to unreasonable restrictions as to what children can be taught with regards to online teaching and safeguarding.

**Inspection**

70. From September 2015 all inspections by Ofsted have been made under: *A new common inspection framework: education, skills and early years*. Inspectors will always report on whether or not arrangements for safeguarding children and learners are effective. Ofsted has published a document setting out the approach inspectors should take to inspecting safeguarding: *Inspecting safeguarding in early years, education and skills settings*. Individual inspectorates will also report on safeguarding arrangements and have published frameworks which inform how they inspect the independent schools that are not inspected by Ofsted at: *School Inspection Service* and *Independent Schools Inspectorate*. 
Safer recruitment

71. In line with Part three of this guidance, governing bodies and proprietors should 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. The school or college should have written recruitment and selection policies and procedures in place.

72. The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training. Governing bodies of maintained schools may choose appropriate training and may take advice from their LSCB in doing so. The training should cover, as a minimum, the content of this guidance.

Allegations of abuse made against teachers, headteachers, principals, volunteers and other staff

73. Governing bodies and proprietors should ensure there are procedures in place to handle allegations against teachers, headteachers, principals, volunteers and other staff. Such allegations should be referred to the designated officer(s) at the local authority by the appropriate person as set out in Part four of this guidance.

74. There must be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.

75. This is a legal duty and failure to refer when the criteria are met is a criminal offence. More detail is provided at paragraph 120.

Allegations of abuse made against other children

76. Staff should recognise that children are capable of abusing their peers. Governing bodies and proprietors should ensure their child protection policy includes procedures to minimise the risk of peer on peer abuse and sets out how allegations of peer on peer abuse will be investigated and dealt with. The policy should reflect the different forms peer on peer abuse can take, make clear that abuse is abuse and should never be tolerated or passed off as “banter” or “part of growing up”. It should be clear as to how victims of peer on peer abuse will be supported.

77. Peer on peer abuse can manifest itself in many ways. Governors and proprietors should ensure sexting and the school or college’s approach to it is reflected in the child

---

17 Section 38 of the Safeguarding Vulnerable Groups Act 2006.
protection policy. The department provides searching screening and confiscation advice for schools. The UK Council for Child Internet Safety (UKCCIS) Education Group has recently published sexting advice for schools and colleges.

78. Governors and proprietors should ensure the child protection policy reflects the different gender issues that can be prevalent when dealing with peer on peer abuse. This could, for example, include girls being sexually touched/assaulted or boys being subject to initiation/hazing type violence.

The child’s wishes

79. Where there is a safeguarding concern, governing bodies, proprietors and school or college leaders should ensure the child’s wishes and feelings are taken into account when determining what action to take and what services to provide. Systems should be in place for children to express their views and give feedback. Ultimately, all systems and processes should operate with the best interests of the child at their heart.

Boarding schools, residential special schools and children’s homes

80. Boarding schools, residential special schools and children’s homes have additional factors to consider with regards to safeguarding. Schools and colleges that provide such residential accommodation and/or are registered as children’s homes should be alert to inappropriate pupil relationships and the potential for peer on peer abuse, particularly in schools and colleges with a significant gender imbalance. Further details can be found at Annex D.

Looked after children

81. The most common reason for children becoming looked after\textsuperscript{20} is as a result of abuse and/or neglect. Governing bodies and proprietors should ensure that staff have the skills, knowledge and understanding necessary to keep looked after children safe.

82. In particular, they should ensure that appropriate staff have the information they need in relation to a child’s looked after legal status (whether they are looked after under voluntary arrangements with consent of parents or on an interim or full care order) and contact arrangements with birth parents or those with parental responsibility. They should also have information about the child’s care arrangements and the levels of authority delegated to the carer by the authority looking after him/her. The designated safeguarding lead\textsuperscript{21} should have details of the child’s social worker and the name of the virtual school head in the authority that looks after the child.
The designated teacher

83. Governing bodies of maintained schools and proprietors of academy schools must appoint a designated teacher\textsuperscript{22} to promote the educational achievement of children who are looked after and ensure that this person has appropriate training.

Virtual school heads

84. Virtual school heads\textsuperscript{23} receive pupil premium plus additional funding based on the latest published numbers of children looked after in the authority. In maintained schools and academies, the designated teacher should work with the virtual school head to discuss how that funding can be best used to support the progress of looked after children in the school and meet the needs identified in the child’s personal education plan.\textsuperscript{18} In other schools and colleges, an appropriately trained teacher should take the lead.

Children with special educational needs and disabilities

85. Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. Governing bodies and proprietors should ensure their child protection policy reflects the fact that additional barriers can exist when recognising abuse and neglect in this group of children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child’s disability without further exploration;

- the potential for children with SEN and disabilities being disproportionally impacted by behaviours such as bullying, without outwardly showing any signs; and

- communication barriers and difficulties in overcoming these barriers.

\textsuperscript{18} All looked-after children must have a personal education plan (PEP). This is part of the care plan that the local authority looking after the child must have in place and review regularly.
Part three: Safer recruitment

Recruitment, selection and pre-employment vetting

86. It is vital that schools and colleges 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, (see paragraphs 71-72 about safer recruitment). This part of the guidance describes in detail those checks that are, or may be, required for any individual working in any capacity at, or visiting, the school or college. Governing bodies and proprietors must act 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. 19

87. The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in a school or college, as outlined in this guidance.

88. For most appointments, an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; 22 or
- engage in intimate or personal care or overnight activity, even if this happens only once.

A more detailed description of regulated activity is provided at page 24.

---


21 The Teachers’ Disciplinary (England) Regulations 2012 apply to schools and sixth form colleges and any person that is subject to a prohibition order is prohibited from carrying out teaching work in those establishments. There is no duty for further education colleges (other than sixth form colleges) to conduct this additional prohibition check.

22 Applies to any college that provides, exclusively or mainly, full-time education to children, i.e. persons under the age of 18.
89. For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate. This would include contractors (see paragraphs 134-137 for further information on contractors) who would have the opportunity for contact with children and who work under a temporary or occasional contract.\(^{23}\)

90. In a school or college, a **supervised** volunteer who regularly teaches or looks after children is not in regulated activity.\(^{24}\) The department has published separate statutory guidance on supervision and regulated activity which schools and colleges should have regard to when considering which checks should be undertaken on volunteers. This is set out at Annex F.

91. In addition to obtaining the DBS certificate described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching.\(^{25}\) For those engaged in management roles (in independent schools - including academies and free schools) an additional check is required to ensure they are not prohibited under section 128 provisions.\(^{26}\) See the pre-appointments section of this guidance.

---

\(^{23}\) Temporary or occasional is not further defined by legislation. Employers should apply the ordinary meaning of these terms, i.e. occasional - 'a particular occasion or on an irregular basis'; temporary services - 'lasting only for a limited period, not permanent'.

\(^{24}\) 'Supervised' and 'unsupervised' have a particular meaning in relation to regulated activity.

\(^{25}\) The Teachers' Disciplinary (England) Regulations 2012 apply to schools and sixth form colleges and any person that is subject to a prohibition order is prohibited from carrying out teaching work in those establishments. Further education colleges (other than sixth form colleges) are not legally required to conduct this additional prohibition check. The School Staffing (England) Regulations 2009, the Non-Maintained Special Schools (England) Regulations 2015 and the Education (Independent School Standards) Regulations 2014 require governing bodies or proprietors to check that a person to be appointed is not subject to an interim prohibition order or a prohibition order.

\(^{26}\) Section 128 of the Education and Skills Act 2008 provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools).
Regulated activity


Regulated activity includes:

a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,

b) work for a limited range of establishments (known as ‘specified places’, which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:

• personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;

• health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Types of check

Disclosure and Barring Service (DBS) checks

92. Three types of DBS checks are referred to in this guidance (see Annex G for more information):

27 The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if “it is carried out frequently by the same person” or if “the period condition is satisfied”. Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving a vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

28 It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.
• **Standard**: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;

• **Enhanced**: This provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and

• **Enhanced with barred list check**: where people are working or seeking to work in regulated activity with children, this allows for an additional check to be made as to whether the person appears on the children’s barred list.29

More information is available on the [DBS website](https://www.gov.uk/government/organisations/ukrpo/standard-enhanced-enhanced-barred-list-check).

93. Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.

94. Where a school or college allows an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

95. For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009. Further information on the staff to whom these regulations apply, the checks that should be carried out, and the recording of those checks can be found in [Disqualification under the Childcare Act 2006](https://www.gov.uk/government/organisations/ukrpo/standard-enhanced-enhanced-barred-list-check) statutory guidance.

96. If a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity.30 There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.36

### Secretary of State prohibitions

### Teacher prohibition orders

29 The DBS maintains ‘barred lists’ of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced certificate is obtained, and this includes a barred list check, the certificate will also detail whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002 prohibiting that individual from taking part in the management of independent educational institutions in England and/or Wales respectively.

97. Teacher prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children’s homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition can be carried out using the Teacher Services’ system. Prohibition orders are described in the National College for Teaching and Leadership’s (NCTL) publication Teacher misconduct: the prohibition of teachers.

98. Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by NCTL. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

Section 128 direction

99. A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities. A check for a section 128 direction can be carried out using the Teacher Services’ system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

100. The grounds on which a section 128 direction may be made by the Secretary of State are found in the relevant regulations.

Pre-appointment checks

All new appointments

101. Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.

---

31 Prohibition orders are made by the Secretary of State under section 141B of the Education Act 2002. Those made by the General Teaching Council for England (GTCE) prior to April 2012 have the same effect.

32 The Teacher Services’ system (formally known as, Employer Access Online) is a free service that allows schools and colleges to identify: existing prohibitions and sanctions made under section 142 of the 2002 Act; teacher prohibitions made under section 141 of the 2002 Act; any direction made under section 128 of the 2008 Act; sanctions or restrictions imposed by the General Teaching Council for England (GTCE) before its abolition in March 2012; and teacher sanctions or restrictions imposed by European Economic Area regulating authorities on or after 18 January 2016. The Teacher Services’ system can also be used to check for the award of Qualified Teacher Status (QTS), the completion of teacher induction or probation. The Teacher Services’ system is accessed via the department’s Secure Access portal.

102. When appointing new staff, schools and colleges must (subject to paragraph 105):

- verify a candidate’s identity. Identification checking guidelines can be found on the GOV.UK website;

- obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity);\(^{40,41}\)

- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;

- verify the candidate’s mental and physical fitness to carry out their work responsibilities.\(^{42}\) A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role;\(^{43}\)

- verify the person’s right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website;

- if the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see paragraph 114);

- verify professional qualifications, as appropriate; and

- Independent schools, including academies and free schools, check that a person taking up a management position as described at paragraph 99 is not subject to a section 128 direction made by the Secretary of State.

\(^{40}\) Where the individual will be or is engaging in regulated activity, schools will need to ensure that they confirm on the DBS application that they have the right to barred list information.

\(^{41}\) Regulations 12 and 24 of the School Staffing (England) Regulations 2009 for maintained schools also applies to the management committee of pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007. Part 4 of the Schedule to The Education (Independent School Standards) (England) Regulations 2014 applies to independent schools, including free schools and academies. The Schedule to the NonMaintained Special Schools (England) Regulations 2015 applies to non-maintained special schools. Regulation 5 of the Further Education (Providers of Education) (England) Regulations 2006 apply to further education institutions. Further Education providers should also note Regulation 10 of the Further Education (Providers of Education) (England) Regulations 2006, which requires that members of staff who move [within a college] from positions not involving the provision of education into a position involving the provision of education are to be treated as new staff members.

\(^{42}\) Education (Health Standards) (England) Regulations 2003 see also fitness to teach circular. \(^{43}\) Section 60 of the Equality Act 2010.

103. Schools and sixth form colleges should use the Teacher Services’ system to ensure that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State.

104. Where an enhanced DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person’s appointment.
105. There is **no requirement** to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or young persons in any post in a school since 12 May 2006; or
- in an institution within the further education sector in England or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check. Schools or colleges **may** also choose to request an enhanced DBS certificate should they wish to do so.

106. The DBS cannot provide barred list information on any person, including volunteers, who are not in or seeking to enter in regulated activity.

**DBS Update Service**

107. Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue. This allows for portability of a certificate across employers.

Before using the Update Service schools or colleges must:

- obtain consent from the applicant to do so;
- confirm the certificate matches the individual’s identity; and
- examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate/enhanced including barred list information.

The school or college can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account. Further information about the update service can be found at [GOV.UK](https://www.gov.uk).

---

33 There is an annual fee for applicants using the update service.
Flowchart of Disclosure and Barring Service criminal record checks and barred list checks

New Staff
e.g., teacher, support staff in regulated activity

New volunteer
e.g., parent or author

Contractor’s staff
e.g., builder or driver

Trainee teachers
(student teachers)

Supply teachers
and other temporary staff supplied by an agency

Yes

Is the person transferring from a similar position without a break in service of more than three months?

Supervised?

Yes

Is the activity* carried out for the purposes of the school and does it give an opportunity for contact with children?

No

Is the activity* carried out under a contract for the purposes of the school and does it give the opportunity for contact with children?

No

The person is not in regulated activity, but an enhanced DBS check may be obtained

No

An enhanced DBS certificate (with barred list check) must be obtained

No

An enhanced DBS certificate (with barred list check) must be obtained

Yes

There is no legal requirement to obtain a new enhanced DBS certificate (with barred list check), but one may be obtained. A barred list check must be obtained

An enhanced DBS certificate (with barred list check) must be obtained

This is not regulated activity. There is no legal requirement to obtain a DBS certificate but an enhanced DBS certificate may be obtained

This is regulated activity. An enhanced DBS certificate with barred list check must be obtained

The agency should determine whether an enhanced DBS check (with barred list check) is required based on whether the supply activity is regulated activity; the school should obtain written confirmation from the agency that it has carried out the appropriate checks

Trainee teachers sometimes undertake regulated activity, an enhanced DBS certificate and barred list check must be obtained

No DBS check is required and no legal entitlement exists to obtain a check

* Activities listed under the guidance’s definition of regulated activity and which are carried out ‘frequently’
Employment history and references

108. Employers should always ask for written information about previous employment history and check that information is not contradictory or incomplete. References should be sought on all short-listed candidates, including internal ones, before interview, so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview.

109. The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should always be obtained and scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed. They should always be requested directly from the referee and employers should not rely on open references, for example in the form of ‘to whom it may concern’ testimonials. If a candidate for a teaching post is not currently employed as a teacher, it is also advisable to check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

110. On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

111. Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant’s suitability for the post (including information obtained from the Teacher Services’ checks referred to previously).

Single central record

112. Schools and colleges must keep a single central record, referred to in the regulations (described in the following paragraph) as the register. The single central record must cover the following people:

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school. In colleges, this means those providing education to children; and
- for independent schools, including academies and free schools, all members of the proprietor body.

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check;
- a barred list check;
• an enhanced DBS check/certificate;
• a prohibition from teaching check;
• a section 128 check (for management positions as set out in paragraph 99 for independent schools (including academies and free schools));
• further checks on people who have lived or worked outside the UK; this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions described in paragraph 114;
• a check of professional qualifications; and
• a check to establish the person’s right to work in the United Kingdom.

For supply staff, schools should also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS check certificate has been provided in respect of the member of staff. 34

Where checks are carried out on volunteers, schools should record this on the single central record.

113. For details of records that must be kept, see:

• for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007);

• for independent schools, (including academies and free schools and alternative provision academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014;

• for colleges: Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006;35 and

• for non-maintained special schools: Regulation 3 and paragraph 7 of Part 1 and paragraph 18 of Part 2 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015.

Schools and colleges do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools and colleges comply with

34 Independent schools and non-maintained special schools should also include the date on which any certificate was obtained.
35 16-19 academies and free schools are covered through their funding agreements.
the requirements of the Data Protection Act, when a school or college chooses to retain a copy, it should not be retained for longer than six months. A copy of the other documents used to verify the successful candidate’s identity, right to work and required qualifications should be kept for the personnel file. Further information on handling DBS certificate information can be found on GOV.UK.

**Individuals who have lived or worked outside the UK**

114. Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the NCTL Teacher Services’ system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate’s suitability for employment.36

115. The Home Office has published guidance on criminal record checks for overseas applicants. The department has also issued guidance on the employment of overseas trained teachers. This gives information on the requirements for overseas-trained teachers from the EEA to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

**Agency and third-party staff**

116. Schools and colleges must obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school or college that the school or college would otherwise perform.37 Where the position requires a barred list check, this must be obtained by the agency or third-party prior to appointing that individual. The school must also check that

---

36 EEA regulators of the teaching profession will share details of any sanction or restriction that they impose on a teacher on or after 18 January 2016, with all other EEA teacher regulators. Teacher Services’ system sets out how to obtain additional information about any EEA sanction/restrictions identified.

37 Further Education colleges must comply with regulations 11 to 19 of The Further Education (Providers of Education) (England) Regulations 2006 in respect of agency workers; maintained schools must comply with regulations 18 and 30 of the School Staffing (England) Regulations 2009; non-maintained special schools must comply with paragraphs 5 and 16 of the Schedule to The Non-Maintained Special Schools (England) Regulations 2015; and independent schools (including academies and free schools) must comply with paragraph 19 of the Schedule to The Education (Independent School Standards) Regulation 2014.
the person presenting themselves for work is the same person on whom the checks have been made.

**Trainee/student teachers**

117. Where applicants for initial teacher training are salaried by the school or college, the school or college must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.

118. Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for the school to record details of fee-funded trainees on the single central record.

**Existing staff**

119. If a school or college has concerns about an existing staff member’s suitability to work with children, the school or college should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity into work which is regulated activity, the relevant checks for the regulated activity must be carried out. Apart from these circumstances, the school or college is not required to request a DBS check or barred list check.

120. **Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and that the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.** The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. Guidance on referrals can be found on GOV.UK.

---

38 National College for Teaching and Leadership - [Initial teacher training provider supporting advice and initial teacher training criteria](#)

39 Schools and colleges will wish to consider the offence of allowing individuals to engage in regulated activity whilst barred. It is intended that, at a date to be announced, any regulated activity provider will have a duty to request a barred list check before allowing any individuals to engage in regulated activity (section 34ZA Safeguarding Vulnerable Groups Act 2006) and for it to be possible to obtain such a check independently from the enhanced check from the DBS.

121. Where a teacher’s employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.\textsuperscript{41}

**Volunteers**

122. Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

123. Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges, will be in regulated activity. The school or college should obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, schools and colleges may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

124. Schools and colleges may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers (see paragraph 126 for supervision). Employers are not legally permitted to request barred list information on a volunteer who, because they are supervised, is not in regulated activity.

125. The school or college should undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. In doing so they should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and

\textsuperscript{41} Sections 141D and 141E of the Education Act 2002 do not apply to further education colleges (other than sixth form colleges).
• whether the role is eligible for an enhanced DBS check.

126. The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as schools and colleges in deciding what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity, which would be regulated activity if it was unsupervised, the statutory guidance must be followed. This is replicated at Annex F. The guidance issued following this change requires that:

• there must be supervision by a person who is in regulated activity; 42
• the supervision must be regular and day to day; and
• the supervision must be “reasonable in all the circumstances to ensure the protection of children.”

127. The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to enter, regulated activity.

**Maintained school governors**

128. Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. 43 It is the responsibility of the governing body to apply for the certificate for any of their governors who does not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

**Other school and sixth form college governors**

129. Governors who are volunteers should be treated on the same basis as other volunteers, that is, an enhanced DBS check (which will include a barred list check) should only be requested if the governor will be engaging in regulated activity. Governing bodies can request an enhanced DBS check without a barred list check on an individual as part of the appointment process for governors.

**Proprietors of independent schools including academies and free schools or alternative provision academies and free schools** 44

130. Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary

---

42 If the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.
44 The proprietor of an academy or free school or alternate provision academy or free school is the academy trust.
of State will: 45–46

- carry out an enhanced DBS check; where relevant, and where such a check is made, obtain an enhanced DBS check certificate (either including or not including barred list information as appropriate); 47

- confirm the individual’s identity; and

- if the individual lives or has lived outside of the UK, where making an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

The Secretary of State also undertakes these checks in respect of the chair of governing bodies of non-maintained special schools. 48

131. The requirement for an enhanced DBS check and certificate is disapplied for the chair of an academy trust if the academy is converting from a maintained school and the person has already been subject to a check carried out by the local authority. 49

132. Where the proprietor is a body of people, the chair must ensure that enhanced DBS checks are undertaken, where relevant, for the other members of the body and that where such a check has been undertaken, an enhanced DBS certificate is obtained, and that identity checks are completed before, or as soon as practicable after, any individual takes up their position. The chair must also ensure that other members are not subject to a section 128 direction that would prevent them from taking part in the management of an independent school (including academies and free schools). Further checks as the chair considers appropriate should be undertaken where, by reason of the individual’s living or having lived overseas, obtaining an enhanced DBS certificate is not sufficient to establish his or her suitability to work in a school.

133. In the case of an academy trust newly established to operate a free school, the department will ask the DBS to conduct checks on all members and trustees of the new trust. Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS certificates for permanent and supply staff. 61

45 Paragraph 20 of the Schedule to the Education (Independent School Standards) Regulations 2014.
46 This will include an academy trust of any academy or free school, other than for 16–19 academies or free schools.
47 Regulation 2(5) of the Education (Independent School Standards) Regulations 2014 sets out when such checks are considered relevant.
48 Paragraphs 6 and 17 of the Schedule to The Non-Maintained Special Schools (England) Regulations 2015.
61 The Education (Independent School Standards) Regulations 2014. The regulations do not apply to 16-19 free schools and academies.
Contractors

134. Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

135. Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.

136. If a contractor working at a school or college is self-employed, the school or college should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

137. Schools and colleges should always check the identity of contractors and their staff on arrival at the school or college.

Visitors

138. Schools and colleges do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children’s relatives or other visitors attending a sports day). Headteachers and principals should use their professional judgment about the need to escort or supervise visitors.

Adults who supervise children on work experience

139. Schools and colleges organising work experience placements should ensure that policies and procedures are in place to protect children from harm.\textsuperscript{50}

140. Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement.\textsuperscript{51} The school or college should consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be:

\textsuperscript{50} Guidance on work experience

\textsuperscript{51} Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, which came into force on 10 September 2012.
• unsupervised; and
• providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

141. If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the school or college could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

142. Schools and colleges are not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.\(^{52}\)

143. If the activity undertaken by the child on work experience takes place in a ‘specified place’, such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.\(^{53}\)

**Children staying with host families**

144. Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to whom they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour. Such arrangements could amount to “private fostering” under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both. See Annex E for further details.

---

\(^{52}\) The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 was amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012 so that employers may no longer request checks in these circumstances.

\(^{53}\) Under the Police Act 1997, an individual must be 16 or over to be able to make an application for a DBS check.
Part four: Allegations of abuse made against teachers and other staff

Duties as an employer and an employee

145. This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age has:

• behaved in a way that has harmed a child, or may have harmed a child;

• possibly committed a criminal offence against or related to a child; or

• behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

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

147. Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

Initial considerations

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

149. Some rare allegations will be so serious they require immediate intervention by children’s social care services and/or police. The designated officer(s) should be informed of all allegations that come to a school or college’s attention and appear to meet the criteria so they can consult police and children’s social care services as appropriate.
150. The following definitions should be used when determining the outcome of allegation investigations:\(^{54}\)

- **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.

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

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

153. The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy 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.

---

\(^{54}\) Schools may wish to use the additional definition of ‘unfounded’ to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.
Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step (see further information on suspension which follows).

154. If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance *Working together to safeguard children*. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

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

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

157. However, in other circumstances, such as lack of appropriate resource within the school or college, or the nature or complexity of the allegation, the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that maintained schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges have access to an affordable facility for independent investigation where that is appropriate.

**Supporting those involved**

158. Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children’s social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.
159. The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. For staff in maintained schools and colleges, that may include support via the local authority occupational health or employee welfare arrangements. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

160. 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 should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.55

161. Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraph 163). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

162. 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

163. It is extremely important that when an allegation is made, the school or college makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case.

55 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.
arising from the allegation.\textsuperscript{56} 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 provisions commenced on 1 October 2012.

164. 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).

165. 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.)

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

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

Managing the situation and exit arrangements

Resignations and ‘settlement agreements’

167. If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met – see paragraph 120. 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 or college from making a DBS referral when the

\textsuperscript{56} Carried out by the National College for Teaching and Leadership.
criteria are met would likely result in a criminal offence being committed as the school or college would not be complying with its legal duty to make the referral.

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

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

Record keeping

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

171. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

172. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.57

---

References

173. 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

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

175. For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Oversight and monitoring

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

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

- liaising with the designated officer(s);
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.
178. 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

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

180. Suspension should be considered only in a case where there is cause to suspect a child or other children at the school or college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or college or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the designated officer(s). In cases where the school or college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school or college, it will be necessary to immediately suspend that person from teaching pending the findings of the National College for Teaching and Leadership’s (NCTL) investigation.

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

- redeployment within the school or college so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
• redeploying to alternative work in the school or college so the individual does not have unsupervised access to children;

• moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or

• temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

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

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

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

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

Information sharing

186. 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.
187. Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

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

**Specific actions**

**Following a criminal investigation or a prosecution**

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

**On conclusion of a case**

190. If the allegation is substantiated and the person is dismissed or the employer ceases to use the person’s services, or the person resigns or otherwise ceases to provide his or her services, the designated officer(s) should discuss with the case manager and their personnel adviser whether the school or college will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff, whether to refer the matter to the NCTL to consider prohibiting the individual from teaching.58

191. There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. See paragraph 120.

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

In respect of malicious or unsubstantiated allegations

193. If an allegation is determined to be unsubstantiated or malicious, the designated officers(s) should refer the matter to the children’s social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headteacher, principal or proprietor should consider whether any disciplinary action is appropriate against the pupil 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

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

Further information


Annex A: Further information

Further information on a child missing from education

All children, regardless of their circumstances, are entitled to a full time education, which is suitable to their age, ability, aptitude and any special educational needs they may
have. Local authorities have a duty to establish, as far as it is possible to do so, the identity of children of compulsory school age who are missing education in their area. Effective information sharing between parents, schools, colleges and local authorities is critical to ensuring that all children are safe and receiving suitable education.

A child going missing from education is a potential indicator of abuse or neglect and such children are at risk of being victims of harm, exploitation or radicalisation. School and college staff should follow their procedures for unauthorised absence and for dealing with children that go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation, and to help prevent the risks of going missing in future.

Schools and colleges should put in place appropriate safeguarding policies, procedures and responses for children who go missing from education, particularly on repeat occasions. It is essential that all staff are alert to signs to look out for and the individual triggers to be aware of when considering the risks of potential safeguarding concerns such as travelling to conflict zones, female genital mutilation and forced marriage. Further information about children at risk of missing education can be found in the Children Missing Education guidance.

**Schools**

The law requires all schools to have an admission register and, with the exception of schools where all pupils are boarders, an attendance register. All pupils must be placed on both registers. Schools must place pupils on the admission register at the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. If a pupil fails to attend on the agreed or notified date, the school should consider notifying the local authority at the earliest opportunity to prevent the child from going missing from education.

It is important that the admission register is accurate and kept up to date. Schools should regularly encourage parents to inform them of any changes whenever they occur. This can assist the school and local authority when making enquiries to locate children missing education.

Schools should monitor attendance and address it when it is poor or irregular. All schools must inform the local authority of any pupil who fails to attend school regularly, or has been absent without the school’s permission\(^{59}\) for a continuous period of 10 school days or more, at such intervals as are agreed between the school and the local authority.\(^{60}\)

\(^{59}\) or by reason of sickness or unavoidable cause or on a day exclusively set apart for religious observance by the religious body to which their parent belongs or because the school is not within walking distance of the pupil’s home and no suitable arrangements have been made by the local authority either for their transport to and from the school or for boarding accommodation for them at or near the school or for enabling them to become a registered pupil at a school nearer their home.

\(^{60}\) In default of such agreement, at intervals determined by the Secretary of State.
Where a parent notifies a school that a pupil will live at another address, all schools are required to record in the admission register:

- the full name of the parent with whom the pupil will live;
- the new address; and
- the date from when it is expected the pupil will live at this address.  

Where a parent of a pupil notifies the school that the pupil is registered at another school or will be attending a different school in future, schools must record in the admission register:

- the name of the new school; and
- the date on which the pupil first attended or is due to start attending that school.

Schools are required to notify the local authority within five days when a pupil’s name is added to the admission register. Schools will need to provide the local authority with all the information held within the admission register about the pupil. This duty does not apply to pupils who are registered at the start of the school’s youngest year, unless the local authority requests for such information to be provided.

Schools must also notify the local authority when a pupil’s name is to be deleted from the admission register under any of the fifteen grounds set out in the Education (Pupil Registration) (England) Regulations 2006 as amended, as soon as the ground for deletion is met and no later than the time at which the pupil’s name is deleted from the register. This duty does not apply where the pupil has completed the school’s final year, unless the local authority requests for such information to be provided.

A pupil’s name can only be deleted from the admission register under regulation 8(1), sub-paragraph (f)(iii) or (h)(iii) if the school and the local authority have failed to establish the pupil’s whereabouts after jointly making reasonable enquiries. Advice on carrying out reasonable enquiries can be found in the Children Missing Education guidance.

Where a school notifies a local authority that a pupil’s name is to be deleted from the admission register, the school must provide the local authority with:

- the full name of the pupil;
- the full name and address of any parent with whom the pupil lives;
- at least one telephone number of the parent with whom the pupil lives;

---

64 Under regulation 12 of the Education (Pupil Registration) (England) Regulations 2006 as amended.
• the full name and address of the parent with whom the pupil is going to live, and the date the pupil is expected to start living there, if applicable;
• the name of pupil’s destination school and the pupil’s expected start date there, if applicable; and
• the ground in regulation 8 under which the pupil’s name is to be deleted from the admission register.

Schools and local authorities should work together to agree on methods of making returns. When making returns, the school should highlight to the local authority where they have been unable to obtain the necessary information from the parent, for example in cases where the child’s destination school or address is unknown. Schools should also consider whether it is appropriate to highlight any contextual information of a vulnerable child who is missing education, such as any safeguarding concerns.

It is essential that schools comply with these duties, so that local authorities can, as part of their duty to identify children of compulsory school age who are missing education, follow up with any child who might be at risk of not receiving an education and who might be at risk of being harmed, exploited or radicalised.

The department provides a secure internet system – school2school – to allow schools to transfer pupil information to another school when the child moves. All local authority maintained schools are required, when a pupil ceases to be registered at their school and becomes a registered pupil at another school in England or Wales, to send a Common Transfer File (CTF) to the new school. Academies (including free schools) are also strongly encouraged to send CTFs when a pupil leaves to attend another school. Independent schools can be given access to school2school by the department.

The school2school website also contains a searchable area, commonly referred to as the ‘Lost Pupil Database’, where schools can upload CTFs of pupils who have left but their destination or next school is unknown or the child has moved abroad or transferred to a non-maintained school. If a pupil arrives in a school and the previous school is unknown, schools should contact their local authority who will be able to search the database.

**Colleges**

Where a college is providing education for a child of compulsory school age, the college shall work collaboratively with the appropriate local authority in order to share information about the attendance and/or absences of that child as the local authority deems necessary, as set out in departmental advice [Enrolment of 14 to 16 year olds in full time further education](#). The college should also inform the relevant local authority immediately if that child is removed from the roll so that the local authority can as part of their duty identify children of compulsory school age who are missing education.
Further information on child sexual exploitation

Child sexual exploitation is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation does not always involve physical contact and can happen online. A significant number of children who are victims of sexual exploitation go missing from home, care and education at some point. Some of the following signs may be indicators of sexual exploitation:

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

Further information on so-called ‘honour based’ violence

So-called ‘honour-based’ violence (HBV) encompasses crimes which have been committed to protect or defend the honour of the family and/or the community, including Female Genital Mutilation (FGM), forced marriage, and practices such as breast ironing. All forms of so called HBV are abuse (regardless of the motivation) and should be handled and escalated as such. If in any doubt, staff should speak to the designated safeguarding lead. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a child being at risk of HBV, or already having suffered HBV.

Indicators

There are a range of potential indicators that a child may be at risk of HBV. Guidance on the warning signs that FGM or forced marriage may be about to take place, or may have already taken place, can be found on pages 38-41 of the Multi agency statutory guidance on FGM (pages 59-61 focus on the role of schools and colleges) and pages 13-14 of the Multi-agency guidelines: Handling case of forced marriage.

Actions

If staff have a concern regarding a child that might be at risk of HBV, they should activate local safeguarding procedures, using existing national and local protocols for multiagency liaison with police and children’s social care. Where FGM has taken place, since 31
October 2015 there has been a mandatory reporting duty placed on teachers\footnote{Section 5B(11) of the FGM Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) provides the definition for the term 'teacher'; "teacher" means – (a) in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).} that requires a different approach (see following section).

**FGM mandatory reporting duty**

FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences.

Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon teachers along with regulated health and social care professionals in England and Wales, to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18. Those failing to report such cases will face disciplinary sanctions. It will be rare for teachers to see visual evidence, and they should \textbf{not} be examining pupils, but the same definition of what is meant by “to discover that an act of FGM appears to have been carried out” is used for all professionals to whom this mandatory reporting duty applies. Information on when and how to make a report can be found at \textit{Mandatory reporting of female genital mutilation procedural information}.

Teachers \textbf{must} personally report to the police cases where they discover that an act of FGM appears to have been carried out.\footnote{Section 5B(6) of the Female Genital Mutilation Act 2003 states teachers need not report a case to the police if they have reason to believe that another teacher has already reported the case.} Unless the teacher has a good reason not to, they should also still consider and discuss any such case with the school or college’s designated safeguarding lead and involve children’s social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. where the teacher does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, teachers should follow local safeguarding procedures. The following is a useful summary of the FGM mandatory reporting duty: \textit{FGM Fact Sheet}.

**Forced marriage**

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

The Forced Marriage Unit has published Multi-agency guidelines, with pages 32-36 focusing on the role of schools and colleges. School and college staff can contact the Forced Marriage Unit if they need advice or information: Contact: 020 7008 0151 or email fmu@fco.gov.uk.

Further information on preventing radicalisation

Protecting children from the risk of radicalisation should be seen as part of schools’ and colleges’ wider safeguarding duties, and is similar in nature to protecting children from other forms of harm and abuse. During the process of radicalisation it is possible to intervene to prevent vulnerable people being radicalised.

Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism. There is no single way of identifying an individual who is likely to be susceptible to an extremist ideology. It can happen in many different ways and settings. Specific background factors may contribute to vulnerability which are often combined with specific influences such as family, friends or online, and with specific needs for which an extremist or terrorist group may appear to provide an answer. The internet and the use of social media in particular has become a major factor in the radicalisation of young people.

As with other safeguarding risks, staff should be alert to changes in children’s behaviour which could indicate that they may be in need of help or protection. Staff should use their judgement in identifying children who might be at risk of radicalisation and act proportionately, which may include making a referral to the Channel programme.

Prevent

From 1 July 2015, specified authorities, including all schools (and, since 18 September 2015, all colleges) as defined in the summary of this guidance, are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism”. This duty is known as the Prevent duty. It applies to a wide range of public-facing bodies. Bodies to which the duty applies must have regard to statutory guidance issued under section 29 of the CTSA 2015. Paragraphs 57-76 of the Revised Prevent duty guidance: for England and Wales are specifically concerned with

---

67 Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.

68 According to the Prevent duty guidance ‘having due regard’ means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions.

69 “Terrorism” for these purposes has the same meaning as for the Terrorism Act 2000 (section 1(1) to (4) of that Act).
Schools (but also cover childcare). The guidance is set out in terms of four general themes: Risk assessment, working in partnership, staff training, and IT policies.

- Schools are expected to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. This means being able to demonstrate both a general understanding of the risks affecting children and young people in the area and a specific understanding of how to identify individual children who may be at risk of radicalisation and what to do to support them. Schools should have clear procedures in place for protecting children at risk of radicalisation. These procedures may be set out in existing safeguarding policies. It is not necessary for schools to have distinct policies on implementing the Prevent duty.

- The Prevent duty builds on existing local partnership arrangements. For example, governing bodies and proprietors of all schools should ensure that their safeguarding arrangements take into account the policies and procedures of the Local Safeguarding Children Board. Effective engagement with parents / the family should also be considered as they are in a key position to spot signs of radicalisation. It is important to assist and advise families who raise concerns and be able to point them to the right support mechanisms. Schools should also discuss any concerns in relation to possible radicalisation with a child’s parents in line with the individual school’s safeguarding policies and procedures unless they have specific reason to believe that to do so would put the child at risk.

- The Prevent guidance refers to the importance of Prevent awareness training to equip staff to identify children at risk of being drawn into terrorism and to challenge extremist ideas. Individual schools are best placed to assess the training needs of staff in the light of their assessment of the risk to pupils at the school of being drawn into terrorism. As a minimum, however, schools should ensure that the designated safeguarding lead undertakes Prevent awareness training and is able to provide advice and support to staff on protecting children from the risk of radicalisation.

- Schools should ensure that children are safe from terrorist and extremist material when accessing the internet in schools.

The department has also published advice for schools on the Prevent duty. The advice is intended to complement the Prevent guidance and signposts other sources of advice and support.

There is additional guidance: Prevent duty guidance: for further education institutions in England and Wales that applies to colleges.

The Government has launched educate against hate, a website designed to equip school and college leaders, teachers and parents with the information, tools and resources they need to recognise and address extremism and radicalisation in young people. The
website provides information on training resources for teachers, staff and school and college leaders, such as Prevent e-learning, via the Prevent Training catalogue.

Channel

School and college staff should understand when it is appropriate to make a referral to the Channel programme. Channel guidance is available at: Channel guidance. An elearning channel awareness programme for staff is available at: Channel General Awareness. Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. It provides a mechanism for schools to make referrals if they are concerned that an individual might be vulnerable to radicalisation. An individual's engagement with the programme is entirely voluntary at all stages. In addition to information sharing, if a staff member makes a referral to Channel, they may be asked to attend a Channel panel to discuss the individual referred to determine whether support is required.

Section 36 of the CTSA 2015 places a duty on local authorities to ensure Channel panels are in place. The panel must be chaired by the local authority and include the police for the relevant local authority area. Following a referral, the panel will assess the extent to which identified individuals are vulnerable to being drawn into terrorism and, where considered appropriate and the necessary consent is obtained, arrange for support to be provided to those individuals. Section 38 of the CTSA 2015 requires partners of Channel panels to co-operate with the panel in the carrying out of its functions and with the police in providing information about a referred individual. Schools and colleges that are required to have regard to Keeping children safe in education are listed in the CTSA 2015 as partners required to cooperate with local Channel panels.

Annex B: Role of the designated safeguarding lead

Governing bodies, proprietors and management committees should appoint an appropriate senior member of staff, from the school or college leadership team, to the role of designated safeguarding lead. The designated safeguarding lead should take lead responsibility for safeguarding and child protection. This should be explicit in the roleholder’s job description. This person should have the appropriate status and authority within the school to carry out the duties of the post. They should 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 interagency meetings – and/or to support other staff to do so – and to contribute to the assessment of children.

Guidance issued under section 36(7) and section 38(6) of the CTSA 2015.

Such partners are required to have regard to guidance issued under section 38(6) of the CTSA 2015 when cooperating with the panel and police under section 38 of the CTSA 2015.
Deputy designated safeguarding leads

It is a matter for individual schools and colleges as to whether they choose to have one or more deputy designated safeguarding lead(s). Any deputies should be trained to the same standard as the designated safeguarding lead.

Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate lead responsibility for child protection, as set out above, remains with the designated safeguarding lead; this lead responsibility should not be delegated.

Manage referrals

The designated safeguarding lead is 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 Channel programme where there is a radicalisation concern as required;
• support staff who make referrals to the Channel programme;
• refer cases where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service as required; and
• refer cases where a crime may have been committed to the Police as required.

Work with others

The designated safeguarding lead is expected to:

• liaise with the headteacher or principal to inform him or her of issues especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations;

• as required, liaise with the “case manager” (as per Part four) and the designated officer(s) at the local authority for child protection concerns (all cases which concern a staff member); and
• 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.

Training

The designated safeguarding lead (and any 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 or college’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;\(^ {72}\)
- are able to keep detailed, accurate, secure written records of concerns and referrals;
- understand and support the school or college with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation;
- obtain access to resources and attend any relevant or refresher training courses; and
- encourage a culture of listening to children 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 lead should:

- ensure the school or college’s child protection policies are known, understood and used appropriately;
- ensure the school or college’s child protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with governing bodies or proprietors regarding this;

\(^ {72}\) Section 17(10) Children Act 1989: those unlikely to achieve a reasonable standard of health and development without local authority services, those whose health and development is likely to be significantly impaired without the provision of such services, or disabled children.
• 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 or college in this; and
• link with the local LSCB to make sure staff are aware of training opportunities and the latest local policies on safeguarding.

**Child protection file**

Where children leave the school or college ensure their child protection file is transferred to the new school or college 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 lead (or a deputy) should always be available (during school or college hours) for staff in the school or college to discuss any safeguarding concerns. Whilst generally speaking the designated safeguarding lead (or deputy) would be expected to be available in person, it is a matter for individual schools and colleges, working with the designated safeguarding lead, to define what “available” means and whether in exceptional circumstances availability via phone and or Skype or other such media 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.

**Annex C: Online safety**

The use of technology has become a significant component of many safeguarding issues. Child sexual exploitation; radicalisation; sexual predation: technology often provides the platform that facilitates harm. An effective approach to online safety empowers a school or college to protect and educate the whole school or college community in their use of technology and establishes mechanisms to identify, intervene in and escalate any incident where appropriate.

The breadth of issues classified within online safety is considerable, but can be categorised into three areas of risk:

• content: being exposed to illegal, inappropriate or harmful material;
• contact: being subjected to harmful online interaction with other users; and
• conduct: personal online behaviour that increases the likelihood of, or causes, harm.
Filters and monitoring

Governing bodies and proprietors should be doing all that they reasonably can to limit children’s exposure to the above risks from the school or college’s IT system. As part of this process, governing bodies and proprietors should ensure their school or college has appropriate filters and monitoring systems in place. Whilst considering their responsibility to safeguard and promote the welfare of children, and provide them with a safe environment in which to learn, governing bodies and proprietors should consider the age range of their pupils, the number of pupils, how often they access the IT system and the proportionality of costs vs risks.

The appropriateness of any filters and monitoring systems are a matter for individual schools and colleges and will be informed in part by the risk assessment required by the Prevent Duty.  

The UK Safer Internet Centre has published guidance as to what “appropriate” might look like:

- [UK Safer Internet Centre: appropriate filtering and monitoring](#)

Guidance on e-security is available from the National Education Network- [NEN](#). Buying advice for schools is available here: [buying for schools](#).

Whilst filtering and monitoring are an important part of the online safety picture for schools and colleges to consider, it is only one part. Governors and proprietors should consider a whole school approach to online safety. This will include a clear policy on the use of mobile technology in the school. Many children have unlimited and unrestricted access to the internet via 3G and 4G in particular and the school and college should carefully consider how this is managed on their premises.

Whilst it is essential that governing bodies and proprietors ensure that appropriate filters and monitoring systems are in place, they should be careful that “over blocking” does not lead to unreasonable restrictions as to what children can be taught with regards to online teaching and safeguarding.

Staff training

Governors and proprietors should ensure that, as part of the requirement for staff to undergo regularly updated safeguarding training (paragraph 64) and the requirement to ensure children are taught about safeguarding, including online (paragraph 68), that online safety training for staff is integrated, aligned and considered as part of the overarching safeguarding approach.

---

73 Prevent duty
Information and support

There is a wealth of information available to support schools and colleges to keep children safe online. The following is not exhaustive but should provide a useful starting point:

www.thinkuknow.co.uk  www.disrespectnobody.co.uk  www.saferinternet.org.uk
www.gov.uk/government/publications/the-use-of-social-media-for-online-radicalisation

Annex D: Boarding schools, residential special schools and children’s homes

There are additional requirements for boarding schools, residential special schools, and children’s homes to consider with regards to safeguarding. These are set out in National Minimum Standards and regulations for the relevant setting. All schools and colleges that provide such residential accommodation and/or are registered as children’s homes must comply with the relevant National Minimum Standards and/or regulations for their sector. Such schools and colleges should be particularly alert to the signs of abuse in such settings and work closely with the host local authority and, where relevant, any local authorities that have placed their children there. The relevant guidance for each sector is on GOV.UK and the relevant links are listed below:

- The National Minimum Standards for Boarding Schools
- The National Minimum Standards for Residential Special Schools
- The National Minimum Standards for FE Colleges which accommodate under 18s
- Guide to the Children's Homes Regulations
Annex E: Children staying with host families

Private fostering and educational institutions

Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour. Such arrangements could amount to “private fostering” under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both. The following paragraphs are not intended to be a comprehensive guide to all the circumstances in which private fostering may arise, but only to those situations which might arise for schools and colleges through the normal course of their activities in promoting learning activities for children.

DBS check request by a regulated activity provider

Where a private fostering arrangement is made by a school or college or a third party (such as a language school) and the school, college or third party has the power to terminate the arrangement, then it could be the regulated activity provider for the purposes of the Safeguarding Vulnerable Groups Act 2006.74 A regulated activity provider will be committing an offence if they allow a person to carry out a regulated activity whilst barred and they know or have reason to believe that the person was barred.90 Where the school or college is the regulated activity provider, it should request a DBS enhanced check (which will include barred list information) to help determine their suitability for the arrangement. However, where the parents make the arrangements themselves, this will be a private matter between the child’s parents and the host parents and in these circumstances the school or college will not be the regulated activity provider.

LA notification when private fostering is discovered

Where schools and colleges have not been involved in making the arrangement but a member of staff or volunteer at a school or college becomes aware that a pupil may be in a private fostering arrangement, where a child under the age of 16 (or 18 if disabled) is provided with care and accommodation by someone to whom they are not related in that person’s home, they should raise this in the first instance with the designated senior person for child protection. The school or college should notify the local authority of the circumstances, and the local authority will check that the arrangement is suitable and safe for the child.

74 Section 53(3) and (4) of the Safeguarding Vulnerable Groups Act 2006. This also applies to schools and colleges if they broker student accommodation with host families for which the host family receives a payment from a third party, such as a language school. At a future date, the regulated activity provider will have a duty to carry out a barred list check on any new carer – section 34ZA Safeguarding Vulnerable Groups Act 2006. 90 Section 9 Safeguarding Vulnerable Groups Act 2006.
A person who is barred from regulated activity will themselves be committing an offence under the Children Act 1989 and under the Safeguarding Vulnerable Groups Act 2006 if they privately foster a child. If the school or college has any reason to believe that the third party is failing to undertake a statutory duty they should notify the police.\textsuperscript{75, 76}

Schools and colleges arranging for their children to stay with families overseas should be aware that the DBS cannot access criminal records held overseas. Host families in other countries, therefore, cannot be checked in the same way by local authorities as schools and colleges in this country when children stay abroad. Schools and colleges should work with partner schools abroad to ensure that similar assurances are undertaken prior to a visit. If they wish, local authorities and schools can contact the relevant foreign embassy or High Commission of the country in question and find out if similar checks can be done in that country.

\textsuperscript{75} Section 68(3A)(a) Children Act 1989

\textsuperscript{76} Section 7 Safeguarding Vulnerable Groups Act 2006.
Annex F: Statutory guidance – regulated activity (children) - Supervision of activity with children which is regulated activity when unsupervised.

This statutory guidance on the supervision of activity with children which is regulated activity when unsupervised is also published separately on GOV.UK.

1. This document fulfils the duty in legislation that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, colleges, youth groups and sports clubs.

2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

   • there must be supervision by a person who is in regulated activity;
   • the supervision must be regular and day to day; and
   • the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

The organisation must have regard to this guidance. This gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

4. Supervision by a person in regulated activity/regular and day to day: supervisors must be in regulated activity themselves. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.
5. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual’s work (or, in a specified place such as a school, the individual’s opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
- how many workers would be supervised by each supervising worker.

6. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

**EXAMPLES**

*Volunteer, in a specified place*

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr Jones is not in regulated activity.

*Volunteer, not in a specified place*

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club’s managers decide whether the coach’s supervision is such that Mr Wood is not in regulated activity.

*Employee, not in a specified place*

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club’s managers decide whether the leader’s supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:
• consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
• consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
• consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 5 of this guidance above; and if it is a specified place such as a school;
• consider whether the supervised worker is a volunteer.

i Safeguarding Vulnerable Groups Act 2006, amended by Protection of Freedoms Act 2012: Schedule 4, paragraph 5A: guidance must be "for the purpose of assisting" organisations "in deciding whether supervision is of such a kind that" the supervisee is not in regulated activity.

ii Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Schedule 2, paragraph 5A, is as above on guidance on "supervision" for Northern Ireland.

iii If the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.

iv The Protection of Freedoms Act 2012 includes provisions for a statutory duty on an organisation arranging regulated activity (under the 2006 Act or 2007 Order, both as amended) to check that a person entering regulated activity is not barred from regulated activity and a stand-alone barring check. These are as yet not commenced.

v A volunteer is: in England and Wales, a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives; in Northern Ireland, a person engaged, or to be engaged, in an activity for a non-profit organisation or person which involves spending time unpaid (except for travel and other approved out-of-pocket expenses) doing something which amounts to a benefit to some third party other than, or in addition to, a close relative.

Annex G: Disclosure and Barring Service checks

These are the types of checks available to those working with children:

<table>
<thead>
<tr>
<th>Type of check</th>
<th>What the check involves</th>
<th>Positions eligible for this level of check</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard check</td>
<td>Check of the Police National Computer records of convictions, cautions, reprimands and warnings.</td>
<td>The position being applied for must be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.</td>
</tr>
<tr>
<td>Enhanced check</td>
<td>Check of the Police National Computer records <strong>plus</strong> additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed.</td>
<td>The position being applied for must be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.*</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Enhanced criminal record check with children’s and/or adult’s barred list information</td>
<td>Check of the Police National Computer records <strong>plus</strong> additional information held by police <strong>plus</strong> check of the DBS Children’s Barred List <strong>plus</strong> check of the DBS Adults’ Barred List.</td>
<td>The position must be eligible for an enhanced level criminal record check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check.</td>
</tr>
</tbody>
</table>

*This legislation does not provide a list of job roles that are eligible for this check – such a list does not exist. Instead, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 sets out the ‘exempted questions’ for which a standard check can be obtained. Similarly, the Police Act 1997 (Criminal Records) Regulations 2002 set out the purposes for which an enhanced check can be obtained, and the Police Act 1997 (Criminal Records) (No 2) Regulations 2009 list the circumstances in which an enhanced check will automatically include a barred list check. It is important to note that the Regulations can also remove roles, duties or activities through the removal of an exempted question or of a particular purpose. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Police Act 1997 (Criminal Records) Regulations 2002 and the Police Act 1997 (Criminal Records) (No 2) Regulations 2009 can all be found on the [legislation website](#). Any individual (including an applicant for a job which does not involve working with children) can be asked to apply for a basic criminal record check. This will just show unspent convictions and cautions. This service is currently provided through Disclosure Scotland.

---

**Annex H: Table of substantive changes from July 2015**

<table>
<thead>
<tr>
<th>Where</th>
<th>What</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td>Clarification of what “must have regard” means.</td>
</tr>
<tr>
<td>Summary</td>
<td>Removed- “Legislation this guidance refers to is listed as Annex A”</td>
</tr>
<tr>
<td>Summary</td>
<td>New- “The above persons should ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities as set out in Part 1 of this guidance.”</td>
</tr>
<tr>
<td>Part one</td>
<td>Some paragraphs re-ordered for a better flow and emphasise the role all staff have in safeguarding</td>
</tr>
<tr>
<td>paras 1-3</td>
<td>New paragraphs added. They set out the wider safeguarding system that schools, colleges and their staff are part of.</td>
</tr>
<tr>
<td>paras 9, 14, 25 &amp; 26</td>
<td>More information included on “early help”.</td>
</tr>
<tr>
<td>para 13</td>
<td>In addition to regularly updated training an added expectation in the guidance for staff to receive regular safeguarding updates, as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.</td>
</tr>
<tr>
<td>para 16</td>
<td>Moved information regarding confidentiality from Part 2 into Part 1 and provided additional guidance.</td>
</tr>
<tr>
<td>para 18</td>
<td>More information on the content of <em>What to do if you are worried a child is being abused: Advice for practitioners</em> and why it will be helpful for staff.</td>
</tr>
<tr>
<td>para 19</td>
<td>Added “best” interests of the child.</td>
</tr>
<tr>
<td>paras 21-28</td>
<td>Made clear the difference between a “concern” about a child and “immediate danger or at risk of harm” and the actions that should follow each.</td>
</tr>
<tr>
<td>para 27</td>
<td>Updated original paragraph to reflect mandatory reporting requirement for teachers regarding Female Genital Mutilation.</td>
</tr>
<tr>
<td>para 29</td>
<td>Explicit expectation in the guidance in Part 1 so all staff can see it.</td>
</tr>
<tr>
<td>para 31</td>
<td>Information on what staff should do if they have concerns about a head who is sole proprietor of an independent school moved from Part 2 into Part 1.</td>
</tr>
<tr>
<td>paras 32-34</td>
<td>Made clear that staff should not only feel able to raise concerns but those concerns should be taken seriously. Also provided information on the NSPCC whistleblowing helpline.</td>
</tr>
<tr>
<td>Flow chart</td>
<td>Old flow chart replaced with this one - largely the same information but changed to improve the flow and be clearer on the steps in the process and what schools can expect from children’s social care.</td>
</tr>
<tr>
<td>Paragraph</td>
<td>Text</td>
</tr>
<tr>
<td>-----------</td>
<td>------</td>
</tr>
<tr>
<td>para 35</td>
<td>New paragraph explaining that abuse, neglect and safeguarding issues are complex and can overlap with one another.</td>
</tr>
<tr>
<td>para 36</td>
<td>Definition of abuse updated to reflect other departmental guidance and advice documents.</td>
</tr>
<tr>
<td>para 41</td>
<td>New paragraph added to emphasise the harmful behaviours linked to safeguarding issues that can put children in danger.</td>
</tr>
<tr>
<td>para 42</td>
<td>New paragraph added to emphasise the importance of staff being aware that children can abuse children and knowing what to do if it happens.</td>
</tr>
<tr>
<td>para 44</td>
<td>New paragraph explaining that Annex A contains important information about abuse and safeguarding issues. However as it is detailed information it is targeted at leaders and staff working directly with children.</td>
</tr>
<tr>
<td>Part two</td>
<td>Some paragraphs re-ordered for a better flow.</td>
</tr>
<tr>
<td>para 45</td>
<td>Clarification that management committees are covered by Part 2.</td>
</tr>
<tr>
<td>para 46</td>
<td>Cross reference to Working together to safeguard children (details in footnote).</td>
</tr>
<tr>
<td>para 47</td>
<td>Links policies to appropriate and timely safeguarding.</td>
</tr>
<tr>
<td>para 48</td>
<td>Updated to reflect the proportional, risk based approach that governing bodies and proprietors should take when considering the level of safeguarding information provided to temporary staff and volunteers.</td>
</tr>
<tr>
<td>para 51</td>
<td>Links to guidance to support governing bodies and proprietors.</td>
</tr>
<tr>
<td>paras 52-58</td>
<td>Clarification as to the cover requirements for the role, options regarding deputy DSLs and requirement to keep knowledge and skills up to date.</td>
</tr>
<tr>
<td>paras 59-63</td>
<td>Updated to provide more information on LSCBs and highlight importance of data sharing and not allowing data sharing concerns to come before safeguarding a child.</td>
</tr>
</tbody>
</table>
| paras 64-66 | New sub heading with information pulled out of what was the designated safeguarding lead section in the 2015 guidance.  
New requirement in the guidance regarding regular safeguarding and child protection updates.  
Updated to reflect the importance of governing bodies and proprietors utilising the experience and expertise of their staff when shaping safeguarding policies. |
<p>| para 67 | New sub heading to reflect importance of appropriate online safety measures. |
| paras 68 &amp; 69 | Changed “should consider” to “should ensure”. Plus new paragraph introduced for governing bodies and proprietors to consider “over blocking”. |
| para 70 | Paragraph updated to reflect new Ofsted frameworks and supporting documents. |
| para 73 | Updated to reflect broad nature of staff this covers. |
| paras 76-78 | Paragraph updated and new ones added to provide additional information for proprietors and governing bodies to consider when developing policy and procedures with regards to peer on peer abuse. |
| para 80 | Removed Host Families as this is covered in Part three- para 144. |
| paras 81 &amp; 82 | Updated to reflect the fact that whilst the designated teacher is only a requirement for maintained schools and academies all schools might have looked after children and staff should be trained appropriately and have the appropriate knowledge to protect and promote the welfare of looked after children. |
| para 83 | What was mainly covered via a footnote is now in the main guidance. |
| para 84 | New paragraph providing information on the virtual school head and what the relationship should be with them. |
| para 85 | New paragraph highlighting importance of giving specific consideration to this group of children when developing policies. |
| para 91 | Reflects section 128 requirement for independent schools- including academies and free schools. |
| paras 92 &amp; 93 | Updated to reflect latest DBS published information. |</p>
<table>
<thead>
<tr>
<th>Paragraphs</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>para 97</td>
<td>Section updated to reflect new Teacher Services’ system.</td>
</tr>
<tr>
<td>paras 99 &amp; 100</td>
<td>New paragraphs reflecting the requirement to check if people being appointed to management positions in independent schools have been prohibited by the Secretary of State.</td>
</tr>
<tr>
<td>para 102</td>
<td>Updated to reflect latest DBS published information.</td>
</tr>
<tr>
<td>para 103</td>
<td>Updated to reflect Teachers Services’ system.</td>
</tr>
<tr>
<td>para 106</td>
<td>Updated to reflect latest DBS published information.</td>
</tr>
<tr>
<td>para 112</td>
<td>Updated to reflect section 128 and EEA checks.</td>
</tr>
<tr>
<td>para 114</td>
<td>Updated to reflect EEA checks.</td>
</tr>
<tr>
<td>para 127</td>
<td>Updated to reflect latest DBS published information.</td>
</tr>
<tr>
<td>paras 128 &amp; 130</td>
<td>Updated to reflect change in requirement for DBS check on maintained school governors.</td>
</tr>
<tr>
<td>para 140</td>
<td>Updated to provide clarity.</td>
</tr>
<tr>
<td>para 190</td>
<td>Updated by DBS to provide clarity.</td>
</tr>
<tr>
<td>Annex A- Further information on a child missing from education</td>
<td>Updated to reflect revised Pupil Registration Regulations.</td>
</tr>
<tr>
<td>Annex A- Further information on so called honour based violence</td>
<td>Female Genital Mutilation (FGM) section broadened to include so called honour based violence. Updated to reflect the commencement of the mandatory reporting duty for FGM on 31 October 2015.</td>
</tr>
<tr>
<td>Annex A- Further information on preventing radicalisation</td>
<td>Updated to reflect the commencement of the Prevent duty in colleges. Additional links to guidance added.</td>
</tr>
<tr>
<td>Annex B</td>
<td>Updated to reflect changes in main guidance.</td>
</tr>
<tr>
<td>Annex C</td>
<td>New Annex to support para 67.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Annex E</td>
<td>Updated to provide clarity. The department’s policy position has not changed. In the case of private fostering under the Safeguarding Vulnerable Groups Act 2006 if a person makes arrangements for another person to foster a child as a private foster parent and has power to terminate the arrangements, then they will be a regulated activity provider in relation to the fostering carried out by the foster parent. The reason we have removed: “or take responsibility for the selection of the parents themselves” is that in some cases i.e. where the school makes the arrangements and retains the power to terminate the arrangements (even where parents have selected the host family) then the school would still be the regulated activity provider, assuming there is a private fostering arrangement in place, under the Safeguarding Vulnerable Groups Act 2006. We believe the sentence as it stands: “However where the parents make the arrangements themselves” is a clearer indication as to when the school will not be the regulated activity provider.</td>
</tr>
<tr>
<td>Annex G</td>
<td>Updated to provide clarity.</td>
</tr>
<tr>
<td>Annex H</td>
<td>Table of changes included in this guidance for the first time.</td>
</tr>
</tbody>
</table>