



Wrotham School



SAFEGUARDING POLICY

Updated - February 2018

Safeguarding Policy Statement

Wrotham School

Key Contact Personnel In School

Designated Safeguarding Lead: Michael Cater

Named Safeguarding Governor: Sheila Smith

All staff have access to this policy and have signed to the effect that they have read and understood its content.

Updated: 26/1/2018
Date of next review: February 2019

INTRODUCTION:

This policy has been developed in accordance with the principles established by the Children Acts 1989 and 2004 and related guidance. This includes

- DfE guidance Keeping Children Safe in Education (July, 2015)
- Working Together to Safeguard Children (2013)
- Framework for the Assessment of Children in Need and their Families (2000)
- Kent and Medway Online Safeguarding Children Procedures (2014)

Section 175 of the Education Act 2002 requires school governing bodies, local education authorities and further education institutions to make arrangements to safeguard and promote the welfare of all children who are pupils at a school, or who are students under 18 years of age. Such arrangements will have to have regard to any guidance issued by the Secretary of State.

LINKED POLICIES:

- E- Safety Policy
- Sex and Relationships Policy
- Equality Policy
- Whistle Blowing Policy
- Safer Recruitment Policy
- Anti Bullying Policy

SAFEGUARDING AT WROTHAM SCHOOL

Our school is a community and all those directly connected (staff, governors, parents, families and pupils) have an essential role to play in making it safe and secure. We welcome suggestions and comments that will contribute to this process.

Wrotham School recognises the importance of providing an ethos and environment within school that will help children to feel safe, secure and respected; encourage them to talk openly; and enable them to feel confident that they will be listened to.

We recognise that children who are abused or witness violence are likely to have low self-esteem and may find it difficult to develop a sense of self worth. They may feel helplessness, humiliation and some sense of blame. Our school may be the only stable, secure and predictable element in their lives.

The Safeguarding Team (updated January 2017)

- **Link Governor – Mrs S Smith**
- **Designated Safeguarding Lead – Mr M Cater (Headteacher)**
- **Safeguarding Officer – Mrs S Groves**
- **Year 10 and 11 Safeguarding Team – Mr D Zamblera, Mrs S Williams, Mr D Scott and Miss B Williamson**
- **Year 8 and 9 Safeguarding Team – Mrs A Griffin, Mr D Weeks, Mr A Bishop, Miss S Fuller and Mrs L Collacott**
- **Year 7 Safeguarding Team – Mrs A Sanders and Mr K Williams**
- **Attendance Safeguarding – Mrs L Marchant**
- **Safeguarding PA/ADMIN – Mrs K Lee**

Ofsted’s definition of safeguarding

“Safeguarding is not just about protecting children from deliberate harm. It includes issues for schools such as: pupil health and safety; bullying; racist abuse; harassment and discrimination; use of physical intervention; meeting the needs of pupils with medical conditions; providing first aid; drug and substance misuse; educational visits; intimate care; internet safety; issues which may be specific to a local area or population, for example gang activity; school security.” (Briefing for Section 5 Inspectors on Safeguarding Children, Ofsted January 2014)

This policy should therefore be understood alongside school policies on related safeguarding issues as listed below. These can be found in the following places:

- Staff shared/Policy Documents/Safeguarding/Safeguarding Policy
- Administration Office
- www.wrothamschool.com/policies

All policies will be reviewed on an annual basis by the Governing Body which has responsibility for oversight of school safeguarding and child protection systems. The Designated Safeguarding Lead / Head Teacher will ensure regular reporting on safeguarding activity and systems in school to the Governing Body. The Governing Body will not receive details of individual pupil situations or identifying features of families as part of their oversight responsibility.

**Other School Policies on Related Safeguarding Issues
(to be read and followed alongside this document)**

- Behaviour Management Policy
- Guidelines for the Use of Physical Intervention
- Searching screening and confiscation
- Procedures for Managing Allegations Against Staff
- Guidelines for Safeguarding Record Keeping in Schools
- Safeguarding Children and Child Protection - Induction Leaflet Guidelines for School Staff
- Advice notes : Dealing with Disclosures in School
- Health and Safety Policy
- Guidance for Safer Working Practice for Adults who Work with Children and Young People / Code of Conduct for Staff
- KSCB document : Safer Practice with Technology – Guidance for Adults who Work with Children and Young People
- Guidance on the Use of Photographic Images
- Safer Recruitment Guidelines
- School Drug Policy
- Home Office *Mandatory Reporting of Female Genital Mutilation – Procedural Information*
- Procedures for Assessing Risk (re school trips)
- First Aid and Accident Policies
- DOH (2009) “Safeguarding Disabled Children – Practice Guidance”

Key documents from this list above are in the staff handbook (in your professional development portfolio) and on the school website www.wrothamschool.com/policies and here <http://www.wrothamschool.com/wellbeing-safeguarding-and-e-safety/>

All documents can be found together in one folder in the staffroom, next to the medical and safeguarding board.

Contact details for Education Safeguarding Team and LADO:

Area safeguarding adviser (Education): Claire Ray
Tel. 03000 412284

ETHOS

Our school is a community and all those directly connected (staff, governors, parents, families and pupils) have an essential role to play in making it safe and secure. We welcome suggestions and comments that will contribute to this process.

Wrotham School recognises the importance of providing an ethos and environment within school that will help children to feel safe, secure and respected; encourage them to talk openly; and enable them to feel confident that they will be listened to.

We recognise that children who are abused or witness violence are likely to have low self-esteem and may find it difficult to develop a sense of self worth. They may feel helplessness, humiliation and some sense of blame. Our school may be the only stable, secure and predictable element in their lives.

Wrotham School will endeavour to support the welfare and safety of all pupils through:

- maintaining children's welfare as our paramount concern
- ensuring the content of the curriculum includes social and emotional aspects of learning
- ensuring that child protection is included in the curriculum to help children stay safe, recognise when they don't feel safe and identify who they might / can talk to
- providing suitable support and guidance so that students have a range of appropriate adults to approach if they are in difficulties
- promoting a positive, supportive, neutral and secure environment where pupils can develop a sense of being valued and heard in their own right
- ensuring all steps are taken to maintain site security and student's physical safety
- working with parents/carers to build an understanding of the school's responsibility to ensure the welfare of all children including the need for referral to other agencies in some situations
- ensuring all staff are able to recognise the signs and symptoms of abuse and are aware of the school's procedures and lines of communication
- monitoring children and young people who have been identified as having welfare or protection concerns; keeping confidential records which are stored securely and shared appropriately with other professionals
- developing effective and supportive liaison with other agencies

RESPONSIBILITIES

Everyone who comes into contact with children and their families has a role to play in safeguarding children. Schools and colleges form part of the wider safeguarding system for children.

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

All school and college staff have a responsibility to identify children who may be in need of extra help or who are suffering, or are likely to suffer, significant harm. All staff then have a responsibility to take appropriate action, working with other services as needed.

The Designated Safeguarding Lead has overall responsibility for the day to day oversight of safeguarding and child protection systems in school. This includes

- Acting as a consultant for staff to discuss concerns
- Maintaining a confidential recording system
- Co-ordinating safeguarding action for individual children
- Liaising with other agencies and professionals
- Ensuring that locally established procedures are followed and making referrals as necessary
- Representing or ensuring the school is appropriately represented at inter-agency safeguarding meetings (including Child Protection conferences)
- Managing and monitoring the school's part in Kent Family Support Framework (KFSF) / EHA (Early Help Assessment) / Child in Need / Child Protection plans
- Organising training for all school staff

The Governing Body and school Leadership Team will ensure that the DSL is properly supported in this role at a time and resource level.

The welfare and safety of children however are the responsibility of all staff in school and ANY concern for a pupil's welfare MUST be reported to the Designated Safeguarding Lead, Michael Cater.

In order to protect confidentiality, safeguarding information about individual children is shared on a need to know basis only and thus, what may seem to be a minor issue to one staff member, may be highly significant to the bigger picture of risk.

SAFEGUARDING AND CHILD PROTECTION PROCEDURES

Wrotham School adheres to the KSCB Safeguarding Children Procedures (2014). The full KSCB procedures document and additional guidance relating to specific safeguarding issues can be found on the KSCB website www.kscb.org.uk

Additional guidance including;

'What to do if you are Worried About a Child Being Abused' (DfES 2006)
Kent and Medway Inter-Agency Threshold Criteria for Children in Need
The Assessment Framework for Children in Need and their Families (2000)

can be found here:

<http://www.wrothamschool.com/wellbeing-safeguarding-and-e-safety/>

All staff have been provided with a copy of Part one of the DfE guidance "*Keeping Children Safe in Education*" that covers Safeguarding information.

It is the responsibility of the DSL to receive and collate information regarding individual children, to make immediate and on-going assessments of potential risk and to decide actions necessary (with parents / carers in most cases). This includes the need to make referrals to partner agencies and services. To help with this decision s/he may choose to consult with the Area Education Safeguarding Adviser. Advice may also be sought from Specialist Children's Services Duty Social Workers who offer opportunities for consultation as part of the Child in Need / Child Protection process.

Issues discussed during consultations may include the urgency and gravity of the concerns for a child or young person and the extent to which parents/carers are made aware of these. Some concerns may need to be monitored over a period of time before a decision is made to refer to Specialist Children's Services or other services.

Such referrals might include referral to Specialist Children's Services as either Child Protection or Child in Need, to Police where there are potential criminal issues, referral to the Kent Family Support Framework (KFSF) / EHA (Early Help Assessment) process or referral to services such as Child and Adolescent Mental Health Service (CAMHS), counselling, MARAC, etc.

Referrals to Specialist Children's Services will be made using Kent's inter-agency referral form and with reference to the Kent and Medway Interagency Threshold Criteria for Children in Need. In situations where there are felt to be urgent or grave concerns, a telephone referral will be made prior to the form being completed and sent to the County Duty Team. All referrals are now made via the County Duty Team unless it's already an open case.

In all but the most exceptional circumstances, parents /carers will be made aware of the concerns felt for a child or young person at the earliest possible stage. In the event of a referral to Specialist Children's Services being necessary, parents/carers will be informed and consent to this will be sought unless there is a valid reason not to do so.

In the absence of the availability of the DSL to discuss an immediate and urgent concern, staff can seek advice from Mrs S Groves or a member of the identified safeguarding team. If the advice needed relates to an allegation towards a member of staff then the Head Teacher will give advice. The number for the Area Safeguarding Advisor is 03000 412284 or 07920 108828.

The role of the school in situations where there are child protection concerns is NOT to investigate but to recognise and refer.

On occasion, staff may pass information about a child to the DSL, but remain anxious about action subsequently taken. Staff should feel able to clarify with the DSL further progress, so that they can reassure themselves the child is safe and their welfare is being considered. If following this process, the staff member remains concerned that appropriate action is not being taken, it is the responsibility of that staff member to seek further direct consultation from either a member of the Education Safeguards Team or the local Specialist Children's Services Team (numbers as above) who will be able to discuss the concern and advise on appropriate action to be taken.

The school has a nominated governor for safeguarding named on the front of this document. The nominated governor will take the lead role in ensuring that the school has an effective policy which interlinks with related policies; that locally agreed procedures are in place and being followed; and that the policy and structures supporting safeguarding children are reviewed annually.

A statement in the school prospectus will inform parents and carers about our school's duties and responsibilities under child protection and safeguarding procedures. Parents can obtain a copy of the school Safeguarding Policy and other related policies on request or can view via the school website: www.wrothamschool.com/policies

Recognition and categories of abuse:

All staff in school should be aware of the definitions and signs and symptoms of abuse. There are four categories of abuse:

- Physical abuse (including FGM – see Guidance at end of policy)
- Sexual abuse
- Emotional abuse
- Neglect

The most up to date definitions are found in Appendix 1 of this document.

Indicators and signs of abuse are listed in the leaflet "**Safeguarding Children and Child Protection - Induction Leaflet Guidelines for School Staff**" distributed to all staff. A copy of this leaflet can be found in the staff handbook (in your professional development portfolio).

Staff need to remember that child abuse can occur within all social groups regardless of religion, culture, social class or financial position. Children who have a disability are statistically subject to greater risk of abuse and are particularly vulnerable. It is also important to remember that those who abuse children can be of any age, gender, ethnic group or background and it is important not to allow personal preconceptions to prevent recognition or action taking place.

INDUCTION AND TRAINING

All school-based staff will be offered an appropriate level of safeguarding training. This will include internal school responsibilities, child protection processes, how to recognise and respond to signs and symptoms of concern and abuse and safe working practice. Training is organised by the DSL in line with government guidance that currently requires this to be updated every three years.

The nominated governor should receive safeguarding training from a strategic perspective on a three yearly basis, to be disseminated to the rest of the Governing Body.

The school leadership team will ensure the DSL attends the required DSL safeguarding training when they first take up the role and that they continue to update their knowledge on an on-going basis and at least every 2 years as required by guidance.

The DSL will ensure that all new staff and volunteers are appropriately inducted as regards the school's internal safeguarding procedures and communication lines. A summary information sheet is available to be given to staff and volunteers to support this process.

The DSL and Head Teacher will provide an annual report to the Governing Body detailing safeguarding training undertaken by all staff and will maintain up to date registers of who has been trained.

DSL Training updated – January 2018

RECORD KEEPING

Staff must record any welfare concern that they have about a child on the school's safeguarding incident/concern form (with a body map where injuries have been observed) and pass this without delay to the DSL. Records must be completed as soon as possible after the incident/event and must be signed and dated.

GREEN Concern forms are kept in the staffroom, in the Green Concern Form tray.

Safeguarding records are kept separate from all other records relating to the child in school. They are retained centrally and securely by the DSL and are shared on a 'need to know' basis only.

The Head Teacher will be kept informed of any significant issues by the DSL.

Detailed guidance on Record Keeping is found in a separate document “Guidelines for Safeguarding Record Keeping in Schools” – Staff MUST familiarise themselves with the responsibilities outlined in this document.

All safeguarding records will be forwarded to a child’s subsequent school under confidential and separate cover to the new DSL or Head Teacher.

ALLEGATIONS AGAINST MEMBERS OF STAFF AND VOLUNTEERS

Wrotham School recognises that it is possible for staff and volunteers to behave in a way that might cause harm to children and takes seriously any allegation received. Such allegations should be referred immediately to the Head Teacher who will first contact the Local Authority Designated Officer (LADO) to agree further action to be taken in respect of the child and staff member. You can also report a concern to Public Concern at Work (pcaw.org.uk) if you feel you cannot speak to the Headteacher. Tel: 020 7404 6609

All staff need to be aware of the school’s Whistle-blowing procedure and that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk. When in doubt – consult.

<http://www.wrothamschool.com/wellbeing-safeguarding-and-e-safety/>

For specific guidance on how to respond to allegations against staff, please refer to the Safeguarding flowchart in your handbook and consult the “**Procedures for Managing Allegations Against Staff**” document which can be found in the shared area or at the end of this document.

<http://www.wrothamschool.com/wellbeing-safeguarding-and-e-safety/>

WORKING WITH OTHER AGENCIES

Wrotham School recognises and is committed to its responsibility to work with other professionals and agencies both to ensure children’s needs are met and to protect them from harm. We will endeavour to identify those children and families who may benefit from the intervention and support of external professionals and will seek to enable referrals, in discussion with parents/carers as appropriate.

Schools are not the investigating agency when there are child protection concerns and the school will therefore pass all relevant cases to the statutory agencies. We will however contribute to the investigation and assessment processes as required and recognise a crucial part of this may be in supporting the child while these take place.

Wrotham School recognises the importance of multi-agency working and will ensure that staff are enabled to attend relevant safeguarding meetings, including Child Protection Conferences, Core Groups, Strategy Meetings, Child in Need meetings and any meetings arising from Early Help Assessment Forms.

The School Leadership Team and DSL will work to establish strong and co-operative relationships with relevant professionals in other agencies.

Contacts for the SG team at KCC can be found here:

https://www.kelsi.org.uk/data/assets/pdf_file/0009/26478/contact-list-EST.pdf

CONFIDENTIALITY AND INFORMATION SHARING

We recognise that all matters relating to child protection are confidential. The Headteacher or DSL will disclose any information about a pupil to other members of staff on a need to know basis.

All staff must be aware that they have a professional responsibility to share information with other agencies in order to safeguard children. All staff must be aware that they cannot promise a child to keep secrets which might compromise the child's safety or wellbeing. Further advice on dealing with disclosures can be found in the document **"Child Protection - Dealing with Disclosures in School"**

CURRICULUM AND STAYING SAFE

We recognise that schools play an essential role in helping children to understand and identify the parameters of what is appropriate child and adult behaviour; what is 'safe'; to recognise when they and others close to them are not safe; and how to seek advice and support when they are concerned.

Wrotham School will use the curriculum to provide opportunities for increasing self awareness, self esteem, social and emotional understanding, assertiveness and decision making so that students have a range of contacts and strategies to ensure their own protection and understand the importance of protecting others.

Systems have been established to support the empowerment of children to talk to a range of staff. Children at Wrotham School will be listened to and heard and their concerns will be taken seriously and acted upon as appropriate.

Specific systems outside of expected day to day classroom interaction and support include: Students are made aware that they can bring concerns to any member of staff they feel comfortable talking to, students also have access to Deputy Progress Leaders and Progress Leaders before school, at break times and after school. Students know that we have a school nurse and a school counsellor that they can seek an appointment with through any member of the Progress Team. Students cover safeguarding and well-being topics during Progress Group Time and on PSHE days and they are involved in school campaigns to raise awareness. We also have student voice representatives in every Progress Group who liaise and meet with a member of SLT on a regular basis.

PREVENT

Prevent awareness training will be held at the beginning of each academic year for all staff and will form part of the induction safeguarding training for new staff. Wrotham School are in a very low risk area for radicalisation but all staff will be aware and will use the current safeguarding system to report any concerns to the DSL.

Students and teachers will learn about the risks posed by the online activity of extremist and terrorist groups. This will be achieved through the current PSHE programme, delivered in Progress Group Time and through assemblies. We will build students' resilience to radicalisation by providing a safe environment for debating controversial issues and helping them to understand how they can influence and participate in decision-making. We already promote the spiritual, moral, social and cultural development of students and, within this, fundamental British values.

School staff will understand when it is appropriate to make a referral to the Channel programme. 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.

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.

E-SAFETY

It is recognised that the use of new technologies presents particular challenges and risks to children both inside and outside of school. Wrotham School will ensure a comprehensive curriculum response to enable all pupils/students to learn about and manage the associated risks effectively and will support parents and the school community (including all members of staff) to become aware and alert to the needs of keeping children safe online. Detailed information can be found in the school's **e-Safety policy** which can be found at:

<http://www.wrothamschool.com/wellbeing-safeguarding-and-e-safety/>

SUPERVISION AND SUPPORT:

Any member of staff affected by issues arising from concerns for children's welfare or safety can seek support from the DSL.

All newly qualified teachers and classroom assistants have a mentor or co-ordinator with whom they can discuss concerns including the area of child protection.

The DSL can put staff and parents in touch with outside agencies for professional support if they so wish. Staff can also approach Support Line directly.

SAFE WORKING PRACTICE

Staff are required to work within clear Guidelines on Safe Working Practice / the school's Code of Conduct.

Children may make allegations against staff in situations where they feel vulnerable or where they perceive there to be a possible risk to their welfare. As such, all school staff should take care not to place themselves in a vulnerable position regarding child protection or potential allegations. For example, it is always advisable for interviews or work with individual children or parents to be conducted in view of other adults.

Physical intervention should only be used when the child is endangering him/herself or others and such events should be recorded and signed by a witness. Staff should be aware of the school's **Behaviour Management and Physical Intervention Policies**, and any physical interventions must be in line with agreed policy and procedure in which appropriate training should be provided.

Full advice and guidance can be found in **Guidance for Safer Working Practice for Adults who Work with Children and Young People** (2009) which can be found at:

- Staff shared/Policy Documents/Safeguarding/Safeguarding Policy
- Administration Office

Staff should be particularly aware of the professional risks associated with the use of electronic communication (e-mail; mobile phones; texting; social network sites) and should familiarise themselves with advice and professional expectations outlined in **Guidance for Safer Working Practice for Adults who Work with Children and Young People**, the school's **e-Safety Policy** and **Acceptable Use Policy** and the **KSCB document : Safer Practice with Technology – Guidance for Adults who Work with Children and Young People**

COMPLAINTS

The school has a **Complaints Procedure** available to parents, pupils/students and staff who wish to report concerns. This can be found at www.wrothamschool.com/policies and a copy is in the safeguarding file in the administration office.

All reported concerns will be taken seriously and considered within the relevant and appropriate process. Anything that constitutes an allegation against a member of staff or volunteer will be dealt with under the specific **Procedures for Managing Allegations Against Staff (see below)**.

<http://www.wrothamschool.com/wellbeing-safeguarding-and-e-safety/>

SAFER RECRUITMENT

Wrotham School is committed to ensure that all steps are taken to recruit staff and volunteers who are safe to work with our pupils/students and have their welfare and protection as the highest priority. The Governing Body and School Leadership Team are responsible for ensuring that the school follows safe recruitment processes outlined within Guidance, including accurate maintenance of the Single Central Record; and an application, vetting and recruitment process which places safeguarding at its centre, regardless of employee or voluntary role.

The Governing Body will ensure that the Head Teacher, other senior staff responsible for recruitment and one member of the Governing Body complete accredited Safer Recruitment Training in line with government requirements.

THE USE OF SCHOOL PREMISES BY OTHER ORGANISATIONS

Where services or activities are provided separately by another body using the school premises, the Head Teacher and Governing Body will seek assurance that the organisation concerned has appropriate policies and procedures in place with regard to safeguarding children and child protection and that relevant safeguarding checks have been made in respect of staff and volunteers. If assurance is not achieved, an application to use premises may be refused.

SECURITY

All staff have a responsibility for maintaining awareness of buildings and grounds security and for reporting concerns that may come to light. We operate within a whole-school community ethos and welcome comments from pupils/students, parents and others about areas that may need improvement as well as what we are doing well.

Appropriate checks will be undertaken in respect of visitors and volunteers coming into school as outlined within guidance. Visitors will be expected to sign in and out via the office visitors log and to display a visitors badge whilst on school site. Any individual who is not known or identifiable should be challenged for clarification and reassurance.

The school will not accept the behaviour of any individual (parent or other) that threatens school security or leads others (child or adult) to feel unsafe. Such behaviour will be treated as a serious concern and may result in a decision to refuse access for that individual to the school site.

DEFINITIONS OF ABUSE

Physical Abuse

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

Female Genital Mutilation: Female Genital Mutilation (FGM) comprises all procedures involving the partial or total removal of the external female genitalia or any other injury to the female genital organs for nonmedical reasons. FGM is sometimes known as 'female genital cutting' or female circumcision. Communities tend to use local names for referring to this practice, including 'sunna'.

At Wrotham School we believe that all our pupils should be kept safe from harm. Female Genital Mutilation affects girls particularly from North African countries, including Egypt, Sudan, Somalia and Sierra Leone. Although our school has no children from these backgrounds and consider girls in our school safe from FGM, we will continue to review our policy annually.

Emotional Abuse

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

Sexual Abuse

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

Neglect

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

SEXUAL HARASSMENT

This section of the policy has been written in reference to the DFE guidance Dec 2017 on managing sexual harassment between children in schools and colleges.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/667862/Sexual_Harassment_and_Sexual_Violence_-_Advice.pdf

Context:

Sexual violence and sexual harassment can occur between two children of any sex. They can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support. Schools and colleges should consider the following:

It is more likely that girls will be the victims of sexual violence and more likely that sexual harassment will be perpetrated by boys. Schools and colleges should be aware of the importance of:

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

Children with Special Educational Needs and Disabilities (SEND) can be especially vulnerable. Disabled and deaf children are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND 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 SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs; and communication barriers and difficulties overcoming these barriers.

- Children who are Lesbian, Gay, Bi, or Trans (LGBT) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT.

For the purpose of this policy, when referring to sexual harassment we mean ‘unwanted conduct of a sexual nature’ that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child’s dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual “jokes” or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment, which might include: non-consensual sharing of sexual images and videos and sharing sexual images and videos (both often referred to as sexting); inappropriate sexual comments on social media; exploitation; coercion and threats. Online sexual harassment may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

It is important that schools and colleges consider sexual harassment in broad terms. Sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

Sexual violence

It is important that schools and colleges are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence in this advice, we do so in the context of child on child sexual violence.

When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

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

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

What is consent?

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

Legal statutory definitions:

- a child under the age of 13 can never consent to any sexual activity
- the age of consent is 16
- sexual intercourse without consent is rape
- rape, assault by penetration and sexual assault are defined in law
- creating and sharing sexual photos and videos of under-18s is illegal (often referred to as sexting). This includes children making and sharing sexual images and videos of themselves.

The school has a duty to prevent and take action against all forms of sexual harassment, violence and harm.

The school ensures the following in order to prevent and manage sexual harassment between children in schools:

- The school operates and enforces a clear “no touch policy” between students.
- Students are educated through our pastoral programme and SMSC provision on healthy relationships and how to report sexual harassment as defined above. This is recorded on our SMSC tracker to ensure effective coverage and consistency. This coverage is monitored to include:
 - healthy and respectful relationships;
 - what respectful behaviour looks like;
 - gender roles, stereotyping, equality;
 - body confidence and self-esteem;
 - prejudiced behaviour;
 - that sexual violence and sexual harassment is always wrong; and
 - addressing cultures of sexual harassment.

- Students are encouraged to report sexual harassment or harmful sexual behaviour via our SG structure and pastoral network.
- Staff are trained and updated regularly on this as a SG behaviour and report concerns through our “green form” reporting system.
- The SG team follows the guidance in the Sexual violence and sexual harassment between children in schools and colleges guidance (DFE, Dec 2017) to effectively deal with and manage sexual harassment between children in school and in SG situations outside of school that pose a risk to the child.
- Outside agencies including a visit from the sexual health nurse, qualified outside speakers and early help are used to support the school in effectively dealing with sexual harassment and harmful sexual behaviors.
- The school website contains a student wellbeing section that offers external links to advice on related issues.
- The school has an up to date equality policy that supports the equal treatment of all students in relation to dealing with sexual harassment and harmful sexual behaviors.
- The school will ensure that it meets its requirements for sexual education.
- The school complies with PSED guidance relating to equality in schools and the workplace. This is defined in our equality policy.
- Safeguarding training is updated regularly and includes training on sexual harassment and harmful sexual behaviors.
- Where sexual harassment is reported the school will create a risk assessment that is shared appropriately to manage the risk of anyone being involved in a level of sexual harassment which is likely to be repeated.
- Victims of Sexual harassment or related crimes will be supported carefully by the school to minimise any existing or further harm. This will be conducted by the SG team and reviewed weekly.
- Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator will be removed from any classes they share with the victim. The school or college should also consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school or college premises and on transport to and from school or college where appropriate. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator.

Victims and Alleged Perpetrators

There are many different ways to describe children who have been subjected to sexual violence and/or sexual harassment and many ways to describe those who are alleged to have carried out any form of abuse.

For the purposes of this advice, we use the term ‘victim’. It is a widely recognised and understood term. It is important that schools and colleges recognise that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way.

Ultimately, schools and colleges should be conscious of this when managing any incident and be prepared to use any term with which the individual child is most comfortable. For the purpose of this advice we use the term 'alleged perpetrator'.

It is important to remember that, as a child, any alleged perpetrator is entitled to, deserving of, and should be provided with, a different level of support to that which might be provided to an adult who is alleged to have abused a child.

This policy does not exist in isolation and the school endorses and utilises the advice and guidance found in the following documents:

- Exclusions From Maintained Schools, Academies and PRUs (statutory guidance)
- Keeping Children Safe in Education (statutory guidance)
- Sex and Relationship Education (statutory guidance)
- Working Together to Safeguard Children (statutory guidance)
- Behaviour and Discipline in Schools (advice for schools)
- Children Missing Education (advice for schools)
- Cyberbullying (advice for schools) • Equality Act 2010 and Public Sector Equality Duty (advice for schools)
- Equality Act 2010 Technical Guidance (advice for further and higher education)
- Mental Health and Behaviour in Schools (advice for schools)
- Preventing and Tackling Bullying (advice for schools)
- The Equality and Human Rights Commission (provides advice on avoiding discrimination in a variety of educational contexts)

Harmful Sexual Behaviours

Children's sexual behaviours exist on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent.

Problematic, abusive and violent sexual behaviours are developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviours".

Harmful sexual behaviours can occur online and offline and can occur simultaneously between the two.

Harmful sexual behaviours are to be considered in a child protection context.

When considering harmful sexual behaviours, ages and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference in age or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is disabled or smaller in stature.

The Brook sexual behaviours traffic light tool is used by the SG team to assess harmful sexual behaviours.

SG staff are trained in recognising harmful sexual behaviors and how to deal with these effectively for the children involved.

Confidentiality

Staff taking a disclosure should never promise confidentiality as it is very likely that it will be in the best interests of the victim to seek advice and guidance from others in order to provide support and engage appropriate agencies.

The school or college should only engage staff and agencies who are required to support the children involved and/or be involved in any investigation.

The victim may ask the school or college not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children.

The designated safeguarding lead (or a deputy) should consider the following:

Parents/carers should normally be informed (unless this would put the victim at greater risk);

The school follows the basic safeguarding principle which is: if a child is at risk of harm, is in immediate danger or has been harmed a referral should be made to children's social care. Rape, assault by penetration and sexual assaults are crimes. The starting point is that reports should be passed to the police.

Ultimately, the designated safeguarding lead (or a deputy) will have to balance the victim's wishes against their duty to protect the victim and other children.

If the designated safeguarding lead (or a deputy) do decide to go ahead and make a referral to children's social care and/or a report to the police against the victim's wishes, this should be handled extremely carefully, the reasons should be explained to the victim and appropriate specialist support offered.

Anonymity

Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools and colleges should be aware of anonymity, witness support and the criminal process in general so they can offer support and act appropriately.

As a general SG practice anonymity of both victim and alleged perpetrator must be maintained outside the discussions of the SG team and outside agencies.

CSE and FGM

Wrotham School follows the guidance and good practice as described in the KCC document below and advice from the home office regarding FGM.

Staff at Wrotham school are trained regularly on ways to recognise and prevent CSE and FGM.

Our website contains support information for staff, students and parents.

Safeguarding Children Abused through Sexual Exploitation (KSCB)

1.1 Definition

- 1.1.1 The sexual exploitation of children is child sexual abuse. The sexual exploitation of children defines a broader context of abuse than formal 'prostitution'; the full spectrum of sexually exploitative situations includes children and young people exchanging sex for accommodation, food, gifts, drugs and/or safety.

Child Sexual Exploitation is a form of Child Sexual Abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victims needs or wants, and/or (b) for financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child Sexual Exploitation does not always involve physical contact, it can occur through the use of technology. (Child Sexual Exploitation – Definition and a guide for practitioners, local leaders and decision makers working to protect children from Child Sexual Exploitation - DfE February 2017)

1.2 Summary of Profile

- 1.2.1 Sexually exploited children are rarely visible on the streets, and it is therefore difficult to gather meaningful data. Moreover, street based sexual exploitation of children is only a small part of the bigger picture of sexual exploitation of children by adults and other children and young people.
- 1.2.2 A growing number of the young people are being sexually exploited by adults and other young people they meet via the Internet. This is referred to as 'online or non- contact abuse', and the access it affords to groom children for abuse has contributed to the invisibility of the sexual exploitation of children.

- 1.2.3 The age range of children who are victimised through sexual exploitation has lowered in recent years from the 16-18 age group, to children under 16 years of age. The evidence suggests that children across all cultures, and including a significant proportion of children in the care of Local Authorities, can be at risk of sexual exploitation. Vulnerability and low self-esteem are the most common factors amongst children who are at risk of being sexually exploited.
- 1.2.4 In some cases, children may be drawn into sexual exploitation by peers who are already involved. Girls in particular are frequently coerced into sexual exploitation by an older young person or man who poses as, and who they view as, their boyfriend. The girl becomes physically and emotionally dependent upon the 'boyfriend', and this may be reinforced by the use of alcohol and drugs. Over time, the girl's access to her friends and family becomes curtailed and she becomes alienated from agencies which may be able to identify and interrupt the abuse.
- 1.2.5 There is some evidence of the involvement of gangs in sexual exploitation in Kent and Medway. Sexual exploitation is used in gangs to exert power and control over members. It can be part of the initiation of young people, male and female, into the gang. Young people may exchange sexual activity for status or protection. Gangs may entrap rival gang members by exploiting girls and young women or inflict sexual assault as a weapon in conflict.

1.3 These Procedures

- 1.3.1 These procedures should be read in conjunction with the Kent and Medway Safeguarding Sexually Active Children Procedures, and particular note should be taken to guidance about assessing whether a relationship presents a risk of harm to a child.
- 1.3.2 The Kent and Medway Safeguarding Children Abuse through Sexual Exploitation Procedures provides guidance on identifying concerns that a child may have been, or is currently being exploited.
- 1.3.3 Professionals should consult the Kent and Medway Safeguarding Children Procedures for concerns, decisions and actions related to, but not covered, in the document.

2. Underpinning Principles for Multi-Agency Responses

- 2.1 The principles underpinning multi-agency responses to the sexual exploitation of children include that:
- Sexual exploitation incorporates sexual, physical and emotional abuse, as well as, in some cases, neglect.
 - Children do not make informed choices to enter or remain in sexual exploitation. Rather, they do so from coercion, enticement, manipulation or desperation.

- The Sexual Offences Act 2003 creates a number of offences to protect children under 18 and acknowledges the vulnerability of younger children by removing their ability to consent when under 16; there are further measures to protect children under 13.
- Sexually exploited children should be treated as victims of abuse, not as offenders. Children under 16 will always be dealt with as actual or potential victims.
- With increasing use of online media and technology (such as mobile phones, games consoles, social networking sites, instant messaging and webcams etc.) children, young people, and adults need to be aware that it is a crime to take, make, permit to take, distribute, show, possess, possess with intent to distribute, or to advertise indecent photographs or pseudo-photographs or any person below the age of 18, as per Section 1 of the Protection of Children Act 1978, as amended by Section 45 of the Sexual Offences Act 2003, to extend the definition of children from under 16s to under 18s.
- For young people from 16 to 18 years old, consideration may be given, **in very limited circumstances** and where all other options have failed, to the use of criminal justice action;
- Many sexually exploited children have difficulty distinguishing between their own choices around sex and sexuality, and the sexual activities they are coerced into. This potential confusion needs to be handled with care and sensitivity.
- The primary law enforcement effort must be against the coercers and sex abusers who may be adult, but could also be the child's peers, or young people who are older than the child. Careful consideration needs to be given to criminalising offending behaviour by children who are also victims.

2.2 Children and young people who are sexually exploited are children in need of services under the Children Act 1989. They are also children in need of protection. A multi-agency network or planning meeting / discussion should take place for all children considered at risk of sexual exploitation. The younger the child, the more likely it is that the child protection procedures set out in Kent and Medway Safeguarding Children Procedures should be followed. Child protection procedures must always be followed where:

- The child is at immediate risk of significant harm and has other additional vulnerabilities.
- There is a concern that the sexual exploitation is being facilitated by the child's parent/carer.
- There is concern that a related or unrelated adult in a position of trust or responsibility to the child is organising or encouraging the sexual exploitation.

3. Risk-Vulnerability Factors, Levels, Indicators and Responses

3.1 Vulnerability Factors to Sexual Exploitation

3.1.1 Children are more vulnerable to abuse through sexual exploitation if they have experience of one or more of the following:

- Child Sexual Abuse.
- Domestic Abuse within the family.
- Family breakdown.
- Physical abuse and emotional deprivation.
- Bullying in or out of school.
- Family involvement in sexual exploitation.
- Parents with a high level of vulnerabilities (drug, alcohol, mental health issues etc.)
- Drug, alcohol, mental health or other difficulties themselves.
- Being looked after in residential care.
- Going missing frequently.

3.2 Exploitation Risk Assessment Framework

3.2.1 Vulnerabilities and risks relating to Child Sexual Exploitation very rarely present themselves in isolation of other factors such as missing episodes or drug related concerns.

Tier 1 provides a **Risks, Threats and Vulnerabilities Checklist**, and is designed for professionals who typically do not undertake assessments. It is intended for use by partner agencies – not Specialist Children’s Services (SCS), Youth Offending Services (YOS) or Early Help and Preventative Services (EHPS) workers, who undertake assessments as part of their everyday intervention with children and young people. Its purpose is to support those professionals, with the help of their safeguarding lead, to decide on appropriate action to support the child/young person. This may result in a referral to the Local Authority Children’s Services.

Tier 2 provides an **Exploitation Risk Assessment**, and is for use by assessing staff (SCS, YOS, and EHPS). This has replaced the Kent and Medway Child Sexual Exploitation Toolkit and should be used as part of ongoing planning and assessment work. It is not intended to be a document which should be completed with the child/young person. However, elements of the assessment or areas of risk should be shared and discussed as part of your interaction with the child/young person to gain their views and to clarify elements of risk. It is Signs of Safety compliant in order to aid ease of transfer to ongoing planning and interventions.

3.3 Initial Professional Response

3.3.1 Professionals in all agencies should be alert to the possibility that a child with whom they are in contact may be being sexually exploited. The professional may already have concerns about the child e.g. that she/he is missing school, frequently missing from home, misusing substances, is depressed or self-harming etc.

- 3.3.2 The professional should discuss their concerns with their agency's nominated child protection advisor and, together with the nominated adviser; they should use the Risk, Threats and Vulnerabilities Checklist or complete the Exploitation Risk Assessment to determine the perceived level of risk of significant harm posed towards the child or young person.

If it is suspected that the child or young person you are working with has either a vulnerability or risk around sexual exploitation then you have a responsibility to complete the **Partner Information Sharing Form** and submit it to **Operation Willow** – the multi-agency **Child Sexual Exploitation Team (CSET)** to share the soft intelligence. The primary role of the CSE team is to identify the intelligence picture for the County in order to establish the prevalence of CSE. In addition the CSE team will proactively investigate the highest/substantiated risk CSE cases. All other cases that may require a response under the safeguarding procedures will progress through to the district Police Missing Children Exploitation Team (MCETs).

- 3.3.3 In cases where a child is considered to be at low risk of harm (Level 1), a plan for focused early intervention and diversion should be made to safeguard the child. Agencies should consider, in discussion with the Local Authority Children's Services, the extent to which the agency is able to meet the child's needs themselves as a single agency, and how to proceed if not (see Sections 4.1 and 4.2 below).
- 3.3.4 In cases where the risk is considered to be substantiated – medium or high, the professional and/or their nominated adviser should make a referral to the Local Authority Children's Services in accordance with Section 6 below and using the appropriate Referral Form.

Operation Willow's CSE team will become actively involved if the case meets the following threshold criteria for CSE:

- On street CSE.
- A degree of organisation.
- Multiple offenders and/or victims.
- Victims deemed as high risk of CSE or are otherwise particularly vulnerable.
- The CSE Team will then develop the intelligence and utilise the full array of multi-agency investigation, disruption and safeguarding opportunities that is available to manage and reduce risk to the victims and bring offenders to justice.

4. Intervention

4.1 Early Multi-Agency Intervention

- 4.1.1 Interventions to interrupt abuse through sexual exploitation and support children to recover a healthy lifestyle are more likely to be successful if a child who is at risk can be identified and information about concerns shared within a multi-agency support network as early as possible.
- 4.1.2 Professionals are often in a position of having to develop the child's trust, or having established this are concerned about breaking that trust through the sharing of confidential information with other agencies. These issues should be discussed with the agency's nominated safeguarding children adviser, and efforts made to share information as soon as possible. (See the KSCB and MSCB Information Sharing Agreement).
- 4.1.3 A professional or agency view that a child is low risk i.e. has a vulnerability to being harmed through sexual exploitation may be inaccurate. Sharing information about the child with other agencies may reveal that there is a medium or high risk i.e. that there is a substantiated concern or that the child is in need of immediate protection. The process for gathering information from the Police is in line with current safeguarding procedures and information sharing agreements.
- 4.1.4 All professionals should maintain clear records of contact with the child, their concerns, all information shared and discussed and with whom, and decisions made and actions taken.

4.2 Low Risk /Vulnerability: Multi-Agency Network Meeting/Discussion and Division Plans

- 4.2.1 In cases where there are indications that a child is at risk of being groomed for abuse through sexual exploitation, professionals in **any agency** may, after consultation with their agency's nominated safeguarding children adviser, call a meeting or discussion of the network of agencies currently in contact with the child.
- 4.2.2 Network meetings/discussions should be attended by/involve agencies currently providing services for the child e.g. the child's school and/or Education Welfare Officer, Health Services as appropriate (School Nurse, Sexual Health Professional, GP), Local Authority Children's Social Care Lead Professional (if involved) or equivalent; and any other agency which is in a position to contribute significantly to the development of a diversion plan for the child. This may include the nominated worker for your agency within the CSE team being consulted beforehand or being invited to the meeting.

- 4.2.3 Where appropriate, the child and their family should be made aware of the concerns engaged in developing the diversion plan and involved in all subsequent network meetings to review the plan. However, engaging the child and family and alerting them to the risks should be approached with a high level of sensitivity to avoid compounding risks of furthering alienation. There are circumstances where a child and/or their parent/carer may be not invited to attend a network meeting – these are set out in paragraph 4.2.6 below.
- 4.2.4 The meeting/discussion should be minuted and the diversion plan should be shared with relevant professionals in the child’s professional network.
- 4.2.5 Agencies which have access to a family group conference service may wish to consider a conference as a way to formulate a diversion plan in partnership with the child and their family.
- 4.2.6 Criteria for deciding whether or not to invite the child and their family includes:
- The child’s age and level of maturity, taking into account learning difficulties.
 - The child’s perception and interpretation of their involvement.
 - Patterns and frequency of any behaviours causing concern.
 - Identity and role of adults involved.
 - Age and maturity of other participants.
 - Nature of sexual activity, who is controlling the sexual activity, and where it is taking place.
 - The actual and potential physical and emotional effects.
 - Existence of substance misuse and their significance for the child’s behaviour.
 - Likely reaction of parents/carers.
 - Likely reaction of peers.
 - Likely reaction of other agencies.
 - Any objections to the child/family’s attendance raised by other agencies, needs to be considered carefully.
- 4.2.7 The purpose of the meeting is to:
- Share and clarify information.
 - Establish exact nature of concerns.
 - Agree on action and make recommendations to address the concern.
 - Develop a diversion and support plan for the child and parent/carer.
 - Work towards a recovery strategy.
 - Identify the factors to be taken into account (these will include the indicators in the Risk Assessment Framework).
 - Agree what information should be recorded and stored in relation to gathering data and intelligence for possible evidential purposes.

4.3 Substantiated Risk / Medium and High Risk: Multi-Agency Planning

- 4.3.1 In cases where a child is considered to be at high or medium risk of sexual exploitation, this assessment should be reached by the professional in consultation with their agency's nominated safeguarding children adviser. The professional and/or the nominated adviser should make a referral to the Local Authority Children's Services, in line with their referral procedures.
- 4.3.2 As in all cases of suspected abuse and neglect, the Local Authority Children's Services will respond in one of three ways and will advise the refer which plan is in place:
- As assessment will be undertaken to identify the child's level of risk and need for service provision.
 - The assessment may identify the child to be at risk of significant harm and in need of protection. This will necessitate a child protection enquiry and a core assessment of need under *Section 47 of the Children's Act 1989*.
 - Where no concerns are identified, there will be no further action. In these cases, Local Authority Children's Services will advise the referral verbally and in writing as to why the agency is to take this position.
- 4.3.3 In cases where a Social Services assessment confirms that a child is at risk of significant harm, they will convene a Strategy Discussion; in order to determine whether child protection enquires should be made in line with KSCB and MSCB Safeguarding Procedures.
- 4.3.4 As with all child sexual abuse cases, child sexual exploitation involves varying degrees of coercion, reward, secrecy and fear, which means that interventions to support and rehabilitate children may need to be long-term, and safeguarding and support plans should be progressed at the child's pace.

5. Role of Local Authority Children's Services

5.1 All Children

- 5.1.1 The Local Authority Children's Services hold the lead responsibility for responding to children abused through or are at risk of sexual exploitation.
- 5.1.2 On receipt of a referral, the Local Authority Children's Services must consider whether the child is at immediate risk of significant harm, and if so, child protection procedures apply. If the risk relates to sexual exploitation the CSE team must be included in the planning e.g. Strategy Discussion.
- 5.1.3 If child protection procedures are not considered appropriate, the Social Worker, in discussion with their Team Manager and/or the Lead Professional/Child Protection Manager, will identify and assess the level and the level of risk of harm to the child.

- 5.1.4 The Local Authority Children's Services are encouraged to collect information to monitor prevalence activity patterns and effectiveness of interventions for children who are sexually abused, including sexually exploited, in their area. They are expected to complete the Partner Information Sharing Form and submit to the CSE team.
- 5.1.5 When a case is already allocated, concerns may be presented by another professional or by the child's Social Worker. The risk of harm to the child's needs are to be re-assessed in accordance with their responsibilities under the Children Act 1989. In light of new information, a discussion is held with the relevant team or service manager and lead professional/child protection manager, and the case is progressed.
- 5.1.6 The outcome of the assessment should be discussed within an Outcome Strategy Discussion, and an appropriate safeguarding and support plan put in place.
- 5.1.7 Implementing an effective safeguarding and support plan for a child may require professionals to be extremely persistent in continuing to offer support and services. It may be that non Local Authority Children's Services professional may be able to provide a direct service. Nevertheless, in medium and high risk cases the case should remain allocated to a Social Worker as a Child in Need whilst a safeguarding and support plan is in place, in order to act as a point of contact for the child, family and professionals, and to coordinate the plans.
- 5.1.8 Resources which may be appropriate as part of the safeguarding and support plan include:
- Use of accommodation.
 - Application to court for a care or supervision order.
 - Provision of counselling and health services.
 - Provision of advice, support and mentoring.
 - Opportunity to access leisure, education, employment, and housing.
 - Direct provision of family support service.
 - In extreme circumstances, application for a secure order (Section 35 of the Children's Act 1989).

5.2 Children in the Care of Local Authorities

- 5.2.1 When a referral is received regarding a Child in Care, the allocated Social Worker must inform their Team Manager and Independent Reviewing Officer.
- 5.2.2 A Strategy Discussion should be considered, in accordance with the procedures in Section 5.1 above, including the CSE team. In addition, the following factors should be taken into account:
- The risks of other children in the placement.
 - Whether the child should remain in their present placement.
 - Whether effective safeguarding measures can be put in place to reduce the risks sufficiently in the current placement.

- 5.2.3 As in paragraphs 5.1.8 and 5.1.9 above, a safeguarding and support plan should be drawn up, which will form part of the overall care plan for the child. The Social Worker must alert the Service/District Manager for a child who is in care of the Local Authority and where there are concerns for sexual exploitation.
- 5.2.4 The Strategy Discussion should consider the appropriateness and method of informing the child's/young person's parent(s). If the child/young person is accommodated, the parent(s) must be informed of all significant matters. When a child/young person is subject to a Care Order, generally their parent(s) should be informed. A decision not to inform the parent(s) should be authorised by the Team/Service Manager and recorded on file.
- 5.2.5 The child's/young person's Social Worker and carer(s) should put in place a written Risk Management Plan, which balances the need for assertive action and the need to not unduly increase the likelihood of the child/ young person running away, in response to the action being taken, and possibly placing themselves at even greater risk. Any consideration of restriction or liberty or confiscation or property needs to be agreed by the Team/Service Manager responsible for the child's/young person's case.
- 5.2.6 Active work should be undertaken with the child/young person to address any concerns of their self-esteem, relationships, sexuality, sexual relationships, and health.
- 5.2.7 Other children in the placement should be monitored to help identify if they are also at risk of harm from, or are in some way supporting, sexual exploitation.
- 5.2.8 If the child/young person is in a residential unit, the staff should be asked to take positive action to clarify and record suspicions and minimise the child's/ young person's involvement in sexual exploitation. If suspicions are confirmed, the following steps should be taken:
- Treating the child/young person as a victim of exploitation, not a criminal.
 - Ensuring that all relevant information is recorded in the child's/young person's care plan and file, concerning adults and identifying information e.g. appearance cars, telephone activity, the child's/young person's patterns of going missing etc, together with decisions and clear directions for action, including timescales.
 - Making every effort to dissuade the child/ young person from leaving to engage in sexual exploitation by talking to them, involving them in alternative activities, and ensuring they have the resources to attend, including escorting where necessary.
 - Offering advice about appropriate clothing.
 - Ensuring that the child/young person is aware of the legal issues involved.

- Monitoring telephone calls, letters and all forms of electronic communication, e.g. social networks, emails, instant messenger, by preventing the child/ young person from receiving some incoming calls, being present when phone calls are made, confiscating a mobile phone which is being used inappropriately, monitoring electronic communication, opening some letters in the presence of the child/ young person and withholding letters if necessary; reasons for intercepting letters and calls should be included in the care plan.
- Monitoring callers to the home, or adults collecting children/ young people by car. This may involve turning visitors away or passing information directly to the Police.
- Monitoring any suspicious activity in the vicinity of the home and informing the Police.
- Using physical control where appropriate, in accordance with agreed policy and practice guidance, to prevent the child/young person leaving home to engage in sexual exploitation.
- Where these efforts fail, and the child/ young person leaves, staff need to decide whether to follow them, and continue to encourage them to return.
- If they will not return, staff should inform the Police and pass on relevant information.
- Liaising with outreach agencies, so they can look out for a child/ young person who has gone missing.
- Offering sensitive and welcoming responses to children/young people returning home.

5.2.9 If the child/ young person is in foster care, the Social Worker and the Fostering Link Worker should meet with the Foster Carer to decide which of the above steps could reasonably be taken by the Foster Carer. This needs to take place in consultation with the Fostering Team Manager.

5.2.10 The child's/ young person's behaviour and attitude may be extremely challenging and carers and staff will require ongoing support and training in knowing how to respond. These needs must be considered and resources identified, either by the manager of the residential unit or the Fostering Link Worker.

5.2.11 Professionals and carers should be aware of their own position in relation the child/young person e.g. male carers or staff may be viewed with suspicion or contempt.

5.3 Involvement of Groups of Children in Care

- 5.3.1 Where there is knowledge or strong suspicion that children/ young people are involved in sexual exploitation together, or are being controlled by the same person, particularly when that person is a child/young person, there will need to be additional planning, including consideration of the use of child protection and/or organised abuse procedures.
- 5.3.2 The Strategy Discussion will need to ensure that there are no inconsistencies between individual children's/ young person's care plans. Where the placement is in another authority, or children/ young people from other authorities are involved, that authority's child protection manager (or equivalent) must be contacted, to discuss which authority is to take overall responsibility for convening the meeting and coordinating the response.

5.4 Leaving Care / Aftercare

- 5.4.1 The same procedures as above should be followed in cases where young people in the leaving care service are considered to be at medium or high risk of abuse through sexual exploitation.
- 5.4.2 The Pathway Plan for any child/young person where there are concerns about sexual exploitation should specifically identify their vulnerability to sexual exploitation, and address the factors known to impede successful recovery from sexual exploitation e.g. homelessness, poverty, lack of educational and employment opportunities, lack of supportive social contacts etc. The Social Worker must alert the service/district manager for a child/young person who is a relevant child and where there are concerns for sexual exploitation.

6. Role of the Police

- 6.1.1 Sections 47 to 51 of the Sexual Offences Act 2003 deal with the exploitation of children, whether through prostitution or pornography. The act creates a number of offences that apply to both types of exploitation, see the [Sexual Offences Act 2003](#).
- 6.1.2 The priority for the Police is the investigation and prosecution of offenders who have been involved in abusing the child through sexual exploitation. This role should be undertaken in accordance with the principle of multi-agency cooperation to safeguard children.
- 6.1.3 Police may become aware of children/ young people at risk of sexual exploitation through normal Police work on the streets, in the course of other criminal investigations and by intelligence gathering. Where appropriate, and in consultation with partner agencies the Police will employ disruption tactics to prevent opportunities for perpetrators to operate and premises to be used for such purposes.

- 6.1.4 The initial Police response to the discovery of a child/ young person, who is being, or, is at immediate risk of being abused through sexual exploitation, must be to remove them from the source of harm using Police protection powers if necessary and ensure that evidence is secured. This action must be followed by referral to the Local Authority Children's Services. Following this, a Strategy Discussion will be convened. If there are suspicions that a child/ young person is a victim of sexual exploitation, but there is no immediate or direct evidence, the Police Officer noting the concern should consult with the combined safeguarding team that have responsibility for the locality or the Centre Referral Unit, and if deemed appropriate refer to the Local Authority Children's Services. If a crime has been committed, the matter will be allocated to an appropriately trained officer to investigate.
- 6.1.5 Criminal action in respect of the child in sexually exploitative circumstances will be carefully considered with partners. Such action should be instigated until the matter has been discussed within a Strategy meeting, when it is established that all attempts at diversion have failed. Particular attention should be paid to the following:
- The age and vulnerability of the child/young person.
 - The protection of other children/young people.
 - Any intent to return to sexual exploitation must be considered genuinely voluntary, with no evidence of physical, mental or emotional coercion.
 - The child/ young person has been told and understands that criminal proceedings may take place, and the implications of this for them now and in the future. If the matter reaches the point of referral the Youth Offending Team, this provides further opportunity for positive intervention.
- 6.1.6 All interviews with the child/ young person as an actual or potential victim should be conducted, as far as possible, in accordance with the best evidence interview (ABE). However, flexibility needs to be applied, as it may take a number of interviews before the child is able to make or complete a statement.
- 6.1.7 If the child/young person has made a statement and/or is a potential witness, witness protection and support should be considered as early as possible.

7. Role of Leisure and Community Services

- 7.1.1 The role of Leisure and Community Services staff in relation to children abused through sexual exploitation is in the prevention, recognition and referral stages.
- 7.1.2 Where staff, such as Play Workers, Leisure Centre Workers or Librarians, have immediate they should, together with their agency's nominated Safeguarding Children Adviser, make a referral to the Local Authority Children's Services. Where the concerns are not immediate or are unclear, staff should discuss the case with their nominated adviser.

- 7.1.3 In the case of street activity being noted, including within parks, staff should contact the Police.

8. Role of Education Services

8.1 Prevention

- 8.1.1 Staff in schools, colleges, early years settings, and other education establishments, are uniquely places to recognise and refer children/ young people who are abused through sexual exploitation. They are also in a position to help children/ young people avoid being sexually exploited, and support abused children/ young people.
- 8.1.2 Education settings should ensure that children/ young people are taught about safeguarding through a variety of teaching and learning opportunities, as part of providing a broad and balanced curriculum as identified within [Keeping Children Safe in Education \(KCSIE\) 2016](#). This may include covering relevant issues through Personal, Social, Health and Economic Education (PSHE), tutorials and/or through Sex and Relationships Education (SRE). An effective and appropriate curriculum can help children/ young people make informed and health choices about issues such as sexual activity, grooming techniques, online safety, drug use, and keeping themselves safe.

8.2 Recognition and Referral

- 8.2.1 Education leaders (including Headteachers and Governing Bodies) should ensure that their setting is compliant with the statutory safeguarding obligations in relation to CSE (including children's safeguarding education, staff safeguarding training, and multi-agency working) as identified within KCSIE 2016.
- 8.2.2 All members of staff working within educational settings should be alert and competent to identify and act upon concerns that a child/young person is at risk of, or is experiencing abuse through sexual exploitation. Members of staff within schools and colleges must read and understand part one of the KCSIE 2016. School staff who work directly with children/ young people should also read Annex A, which contains important additional information about specific forms of abuse and safeguarding issues, including sexual exploitation.
- 8.2.3 The nominated Designated Safeguarding Lead (DSL) in each educational setting should monitor information to identify when any child/ young person in the setting, or community may be being targeted for sexual exploitation.

- 8.2.4 Because of the probability of attendance issues with sexually exploited children, a referral to the Kent PRU Inclusion and Attendance Services (PIAS) / Medway Advice, Attendance and Support to Schools and Academies (AASSA), is likely to have been made or considered. School Liaison Officers (SLOs) should be alerted to the possibility of sexual exploitation if concerns exist when referrals are made to the service. In Medway, these are known as Attendance Advisory Practitioners. In their general assessment and ongoing work with children, young people and their families, and liaison with school staff, Education Welfare Officer's (EWOs) can identify children/ young people who are being, or are at risk of being abused through sexual exploitation. Where the child/ young person is known to an SLO, she/he would also be expected to attend the network meetings or Strategy meetings, and contribute to developing the child's/ young person's safeguarding and support plan.
- 8.2.5 Where school staff have immediate concerns that a child is at risk of sexual exploitation, they should, together with their DSL, make a referral to the Local Authority Children's Service. If the concerns are not immediate, or are unclear, the DSL should discuss the case with their named Area Education Safeguarding Advisor from the Education Safeguarding Team (Kent), of the Education Safeguarding Coordinator (Medway).
- 8.2.6 DSLs should ensure that they share any appropriate information or intelligence about possible sexual exploitation risks for children/young people within the setting or the wider community promptly with the CSE team (CSET).

9. Role of Health Services

- 9.1.1 Government guidance on children/young people involved in sexual exploitation notes: *'Because of the universal nature of most health provision, health professionals may often be the first to be aware that a child may be involved, or be at risk of becoming involved in sexual exploitation. Children involved in sexual exploitation are likely to need a range of services, including advice and counselling for harm minimisation, health promotion, advice on sexually transmitted diseases and HIV'.*
- 9.1.2 Health professionals should be alert and competent to identify and act upon concerns that a child/young person is at risk of, or experiencing abuse through sexual exploitation. They have a crucial role in providing support for the physical and mental health of these children/ young people.
- 9.1.3 The named or designated professional for safeguarding children in each health service trust should monitor information to identify when any child/ young person in the community may be being targeted for sexual exploitation.
- 9.1.4 Where health professionals have immediate concerns they should, following discussions with their named professional, make a referral to the Local Authority Children's Services. Where the concerns are not immediate or are unclear, staff should discuss the case with their named or designated professional.

9.1.5 Health staff should offer and/or continue to provide health education, counselling, sexual health and medical intervention to the child/young person as an appropriate part of early intervention. The Kent and Medway Safeguarding Sexually Active Children Procedures provides specific guidance in relation to sharing information about children/young people for whom a professional has concerns.

9.1.6 Health professionals who may be invited to attend network or strategy meetings include:

- All current health professionals involved with the child/young person, including School Nurses, Nurses working with Children in Care, GPs, Practice Nurses, Health Workers involved with Outreach Clinics, and sexual health and family planning resources.
- Any previously involved health professional (recent past) who would have a useful contribution to make to the meeting (i.e. most recent health reports and knowledge of the child/ young person while at school).
- Health professionals involved in any screening or medicals involving the child/ young person who is the subject of the meeting (e.g. Clinical Medical Officer, GP etc.).
- When no other health person is involved, current or past, the trusts designated or named professional should attend in an advisory capacity.

10. Role of Voluntary and Community Groups / Agencies 10.1 Support Services

10.1.1 Government guidelines on young people involved in sexual exploitation emphasise the importance of a multi-agency approach, which includes voluntary and community groups / agencies: *'The child may seek to avoid statutory services. They are more likely to respond to informal contact, for example, with health outreach workers, or local non-statutory agencies. The primary concern of all those involved must be the welfare of the child, and decisions on the sharing of concerns about a child's safety must form part of local protocols between Police, Local Authority Children's Services, Health and Education Authorities, and Non- Statutory Agencies'*.

10.1.2 There is a wide range of specialist (drug misuse, HIV prevention, homelessness, counselling, and advice) and other voluntary and community agencies/groups (youth clubs, sport/drama groups, faith groups, and churches etc.) who may be well placed to identify children/ young people who are at risk of, or are experiencing abuse through sexual exploitation; because:

- Voluntary and community sector agencies often have a close relationship with their local communities.
- Voluntary and community sector agencies can develop relationships of trust with the children/ young people and maintain a link to the child/ young person if they become 'lost' to statutory services.

- Outreach agencies are often the first point of contact for children/ young people in risk situations.
- Specialist voluntary agencies often have the opportunity to provide vital health/harm minimisation/risk reduction support.

10.1.3 It is essential that voluntary and community groups/agencies operate as multi- agency network partners in order to provide children/ young people with access to the widest possible range of intervention and support services.

10.2 Recognition and Referral

10.2.1 Professionals and volunteers in voluntary and community groups/agencies should be alert and competent to identify and act upon concerns that a child/ young person is at risk of or experiencing abuse through sexual exploitation. They are well placed to receive and verify information about sexual abuse and exploitation of children in the local community.

10.2.2 Each voluntary and community group or agency should have a nominated safeguarding child advisor (referred to as the nominated adviser in this procedure).

10.2.3 All staff and volunteers working in voluntary and community agencies/groups should be aware of the Kent County Council's Child Sexual Exploitation Policy, and the Risk, Threats and Vulnerabilities Checklist. Where the level of risk is determined as significant a referral should be made to the Local Authority Children's Services. In cases where the level of concern is not immediate or clear staff should discuss the case with their nominated adviser.

Appendix 1: Definitions of Children in Care

An 'eligible child' is aged 16 or 17, who has been looked after by a Local Authority for a period (prescribed under the regulations as 13 weeks), or periods amounting in all to that period, which began after he/she reached 14 years of age and ended after he/she reached the age of 16. It is the duty of the Local Authority looking after an eligible child to advise, assist and befriend him/her with a view to promoting his/her welfare when they have ceased to look after him/her.

For each eligible child, the Local Authority shall carry out an assessment of his/her needs with a view to determining what advice, assistance and support it would be appropriate for them to provide while they are still looking after him, and after they cease to look after him/her, and shall then prepare a pathway plan for him/her.

The plan has to be kept under regular review. A Local Authority shall arrange for the child to have a personal adviser.

A 'relevant child' is a child who is not being looked after by any Local Authority, but was, before last ceasing to be looked after, an eligible child, and is aged 16 or 17. It is the duty of each Local Authority to take reasonable steps to keep in touch with a relevant child for whom it is the responsible authority, whether he is within their area or not to appoint a personal adviser for each relevant child. If no pathway plan has already been prepared, the authority must carry out an assessment of the child's needs with a view to determining what advice, assistance and support it would be appropriate for them to provide and prepare a pathway plan for him/her.

The responsible Local Authority shall safeguard and promote the child's welfare and, unless they are satisfied that his/her welfare does not require it, support him/her by (a) maintaining him/her; (b) providing him/her with or maintaining him/her in suitable accommodation; and (c) providing support of such other descriptions as may be prescribed, which may include cash.

If the Local Authority have lost touch with a relevant child, despite taking reasonable steps to keep in touch, they must without delay (a) consider how to re-establish contact; and (b) take reasonable steps to do so, and while the child is still a relevant child must continue to take such steps until they succeed.

A Local Authority has duties towards (a) a person who has been a relevant child (and would be one if he/she were under 18), in relation to whom they were the last responsible authority; and (b) a person who was being looked after by them when he/she attained the age of 18, and immediately before ceasing to be looked after was an eligible child (known as a 'former relevant child'). They must take reasonable step (a) to keep in touch with a former relevant child whether he/she is within their area or not; and (b) if they lose touch with him, to re-establish contact. They must continue the appointment of a personal adviser for a former relevant child and continue to keep the pathway plan under regular review.

The Local Authority has a duty to give a former relevant child assistance to the extent that his/her welfare and his/her educational or training needs require it, in kind or, in exceptional circumstances, in cash until he/she reaches the age of 21, or longer if his/her pathway plan sets out a programme of education or training which extends beyond his/her 21st birthday.

New duty for health and social care professionals and teachers to report female genital mutilation (FGM) to the police

What is the new duty?

On 31 October 2015 a new duty was introduced that requires health and social care professionals and teachers to report 'known' cases of FGM in girls aged under 18 to the police.

For example, if a doctor sees that a girl aged under 18 has had FGM they will need to make a report to the police. Or, if a girl tells her teacher that she has had FGM, the teacher will need to report this to the police.

What will happen after the case has been reported to the police?

FGM is a serious crime and the police will need to investigate each reported case appropriately. The police will work with social care professionals to make sure that the girl is safe and her needs are put first.

Why is it being introduced?

When a girl has undergone FGM, a serious crime has taken place so it is very important that the police are involved as soon as possible. This will make sure that a proper investigation can take place.

The purpose of the new duty is to help make sure that professionals have the confidence to confront FGM and to help increase the number of referrals to the police so that cases can be investigated appropriately.

What the new duty won't do

It doesn't mean that police will take action without consulting appropriately with social care professionals and other relevant professionals.

It won't require professionals to report cases to the police where they suspect FGM may have been carried out or think a girl may be at risk. The duty also doesn't apply to women aged 18 or over. Professionals will follow existing safeguarding procedures in these cases.

Summary: Mandatory reporting of FGM*

Duty applies to regulated health and social care professionals and teachers in England and Wales.

Requires these professionals to make a report to the police if, in the course of their professional duties, they:

- are informed by a girl under 18 that an act of FGM has been carried out on her; or
- observe physical signs which appear to show that an act of FGM has been carried out on a girl under 18 and have no reason to believe that the act was necessary for the girl's physical or mental health or for purposes connected with labour or birth.

*introduced in Section 5B of the FGM Act 2003, as inserted by section 74 of the Serious Crime Act 2015

Dealing with Allegations made towards staff:

We follow the following KCC approved policy for managing all allegations towards staff.

EDUCATION & YOUNG PEOPLE'S SERVICES DIRECTORATE

Safeguarding Children in Education

SAFEGUARDING PROCEDURES FOR
MANAGING ALLEGATIONS AGAINST STAFF
WITHIN SCHOOLS AND EDUCATION SERVICES

Procedures to be read in conjunction with KSCB Operational Guidelines for the Local Authority Designated Officer function.

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EDUCATION & YOUNG PEOPLE'S SERVICES DIRECTORATE

SAFEGUARDING PROCEDURES

MANAGING ALLEGATIONS AGAINST STAFF **(Schools and Education Services)**

1. INTRODUCTION

- 1.1** This procedure is informed by 'Working Together to Safeguard Children' (2013), the Kent Safeguarding Children Board Procedures (section 11) and related guidance (Safeguarding Children - Operational Guidelines for Managing Allegations Against Members of the Children's Workforce). In addition the Education Act 2002 (Section 175) and Section 11 of the Children Act (2004) place a statutory responsibility on LAs and governing bodies to ensure that schools/services have procedures in place for safeguarding and promoting the welfare of children. This Procedure has been agreed and promulgated by representatives of Kent County Council, agency partners on Kent Safeguarding Children Board, and the following trade unions: NUT, NAHT, SHA, PAT, ATL, UNISON and GMB.
- 1.2** Employees should also be aware of legislation under the Sexual Offences Act 2003 that makes it an offence for those in a position of trust to have a sexual relationship with a young person under the age of 18 years who is currently being cared for or educated by the individual.
- 1.3** New guidance issued by the DfE in 2014 (*Keeping Children Safe in Education*) also introduced a new outcome category of **False** Allegation and removed the previous outcome category of **Unfounded** These changes have been incorporated into the revised LADO outcome form.
- 1.4** Legislation issued under section 13 of the Education Act 2011 also introduced an anonymity clause for teachers who are subject of an allegation. It is now an offence for anyone to put sensitive information regarding an allegation against a teacher into the public domain prior to any charge or subsequent court appearance. Headteachers and Governing Bodies need to pay particular attention to this legislation when dealing with enquiries from parents or the media.

2. KENT SAFEGUARDING CHILDREN BOARD PROCEDURES

- 2.1 A copy of the Kent Safeguarding Children Board Safeguarding Procedures is available to any member of staff, on request, from the Headteacher or the Designated Child Protection Co-ordinator. Headteachers and managers should ensure that all staff are aware of this and can access a copy. This Procedure outlines the principles of child protection, definitions of abuse, powers of statutory agencies and roles and responsibilities of multi agency staff within the children's workforce. A copy of the KSCB procedures can also be accessed on line at www.kscb.org.uk.
- 2.2 Employees working in schools/services have a responsibility to report all allegations of child abuse and to alert others where appropriate if they suspect that child abuse may have occurred. The specific arrangements for reporting such concerns are set out in detail in this procedure. An appropriate referral to Specialist Children's Services will ensure that the statutory agencies can fulfil their child protection responsibilities.
- 2.3 If an allegation of abuse is made against a member of staff, immediate consultation is required with the Local Authority Designated Officer who fulfils the operational LADO function as outlined in *Working Together to Safeguard Children (2013)*. **This consultation must take place prior to any form of investigation being undertaken by the school or service and before the member of staff is made aware of the allegation.** Any allegation against an employee should lead to careful consideration of the possibility of abuse and of a referral being made of any concerns to the statutory agencies if it is considered that the threshold of significant harm has been reached and a person who works with children has:
- behaved in a way that has harmed, 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 s/he poses a risk of harm if they work regularly or closely with children.

Staff also need to be aware that if their own child/children come to the attention of the statutory agencies for child protection, then issues of suitability will need to be considered by the employer (as outlined in the KSCB Operational Guidelines).

- 2.4 It is the responsibility of the Head of Service/Governing Body and the Headteacher to ensure that all employees are aware of their responsibility to report any allegation or possible concern of a child protection nature. Failure to report may (a) put a child at risk and (b) imply a breach of the employee's contractual duty. Staff must be aware of this procedure, understand their responsibilities and know where in the school/service a copy of the procedure is to be found.

- 2.5** A child who reports that he/she may have been abused by an employee of the school/service, must be carefully listened to in all circumstances. 'Listened to' means just that; on no account should suggestions be made to a child as to alternative explanations for his/her worries; neither should any member of staff attempt to question the child as part of any investigation, as this could lead to primary evidence for any future investigation being compromised.
- 2.6** Staff cannot promise total confidentiality to pupils who disclose allegations. Staff should make this clear to children who approach them, whilst also offering reassurance that they have a right to be heard and that their allegation will be taken seriously.
- 2.7** All Kent County Council employees, in addition to those employed to work in schools have a duty to assist the statutory child protection investigation agencies by ensuring any possible allegation or concern is reported to an appropriate person and by co-operating with any investigative process, if/when required.
- 2.8** Employees must be aware of the need to avoid impeding an investigation, e.g., by publicising the allegation or providing the opportunity for evidence to be obscured or destroyed. In cases where the Police or the Crown Prosecution Service have decided against a criminal prosecution, staff employed in Kent schools/services must continue to co-operate fully with any internal disciplinary investigation that may follow.
- 2.9** All risk assessments and responses to concerns undertaken as part of this procedure will be conducted in a reasonable, proportional and transparent manner. The procedure will be applied fairly and transparently in line with KCC's Equality of Opportunity Policy and Disability Discrimination Legislation.

3. ROLE OF THE RESPECTIVE AGENCIES IN AN INVESTIGATION

3.1 There will be three possible types of investigation:

- 1) By Social Services and the Police under Section 47 of the Children Act 1989
- 2) By the Police under criminal law, and:
- 3) By the school/LA in line with staff disciplinary procedures.

3.2 Any disciplinary process should be clearly separated from the child protection or criminal investigations. The disciplinary process may be informed by these other investigations and in some circumstances the child protection agencies might decide to make a **recommendation** about suspension or other protective action as a result of a strategy discussion. The child protection or criminal investigation has different objectives from the disciplinary procedure and the two processes should not be confused.

3.3 The Role of Specialist Children's Services

Specialist Children's Services has a duty to investigate cases where there is reasonable cause to believe that a child has suffered, or is likely to suffer, significant harm. On receiving a referral relating to an allegation against a member of staff which reaches the threshold of abuse, SCS (Central Referral Unit unless child is an open case)) will call an initial strategy meeting in line with KSCB procedures. This meeting will define whether a joint investigation is necessary under section 47 of the Children Act 1989.

At any point during a subsequent investigation, SCS and the Police may agree that the investigation be terminated. This will either be because enquiries lead them to a conclusion that the child has not suffered the alleged harm or they are satisfied, where harm has occurred, that there is no likelihood of it recurring.

Such decision will be ratified at an outcome strategy meeting with recommendations for further action by the employer as appropriate. (ie conducting an internal disciplinary investigation)

It is important to recognise that the purpose of the child protection investigation is to determine, on the **balance of probability** whether a child has suffered significant harm (abuse) and, if so, to eliminate the likelihood of further abuse.

The staff undertaking child protection investigations on behalf of the SCS are trained and experienced in doing so. They will handle cases sensitively and professionally, so that a thorough, independent investigation can be undertaken.

3.4 The Role of the Police

The Public Protection Unit of the Kent Police comprises a team of officers specialising in child protection. The officers are specially selected and trained for

working with vulnerable persons and they will undertake most interviews with children in line with Achieving Best Evidence procedures.

In the event of an allegation being made against a member of staff, it is possible that they will be invited for interview at a police station or arrested by Kent Police. In these circumstances the member of staff should be able to access free legal advice. Normally the interview and/or arrest will not take place on school premises.

The Police are responsible for investigating allegations which indicate that a crime has been committed. The Crown Prosecution Service will then take any decision on whether or not to formally prosecute based on the strength of evidence and the public interest test.

3.5 The Role of the Local Authority

The Local Authority Designated Officer is responsible for the oversight and management of allegations. Any allegation against a member of staff must be reported immediately to the Area LADO who fulfils the function at a local level. This consultation will determine whether the allegation reaches the threshold of **significant harm** to justify a referral to SCS. The LADO may wish to consult with colleagues in Social Care if there is any doubt about the need to refer the matter.

If the consultation discussion determines that the allegation does meet the criteria for referral to SCS as a child protection concern, the LADO will provide support to the school/service in making the referral and throughout the subsequent process as required.

The LADO will attend any strategy meetings that are convened and liaise closely with the school/service and the Personnel Consultant representing the Authority or the school. The LADO will also ensure that other key LA officers are informed according to the circumstances of the case and this may include the Press Office in certain circumstances that are likely to attract media interest.

Should it be determined at the initial point of consultation with the LADO that the allegation does not meet the threshold for a child protection referral to social care, then the LADO will advise on further action that may be taken by the school/service in investigating the matter internally in line with the staff disciplinary procedures. This will again require close liaison with the personnel provider. The Education Safeguarding Team would not normally be involved in an internal management investigation unless the role of expert witness or investigating officer was specifically commissioned by the school or service. In such circumstances the roles need to be clearly defined in terms of objectivity and impartiality.

3.6 The Role of the School/Service

The school/service has a duty to co-operate fully with an investigation undertaken by the Police and SCS under section 47 of the Children Act 1989 and the LA's Children's Safeguards Team will provide support throughout this process. School staff have a key role in reassuring and supporting the child who is the alleged

victim. Employers also have a duty of care to the member of staff who is the subject of the allegation and support will be facilitated in line with the staff disciplinary process.

The task of investigating the allegation under disciplinary procedures is set out below and is separate from the investigations conducted by Social Services and the Police.

Under no circumstances should the school/service initiate an internal management investigation into an allegation against a member of staff until a consultation has taken place with the Local Authority Designated Officer. Internal management investigations should only be pursued once the Police have concluded their involvement or it has been deemed unnecessary to refer the matter to refer the matter for section 47 investigation at the initial consultation with the LADO due to the allegation not reaching the significant harm threshold of abuse.

In exceptional circumstances it may be possible for a criminal investigation and an internal investigation to run concurrently but this should only be in the most severe of cases after discussion with the Police to ensure that primary evidence is not compromised. This matter is more straightforward when the member of staff has pleaded guilty to an offence.

The school or service has a statutory duty to comply with Child Protection Procedures and this will include ensuring that all staff are familiar with the process and understand their responsibilities to report a concern. **When in doubt – consult.**

4.

REPORTING AN ALLEGATION OR A CONCERN

- 4.1** When a complaint of abuse is made against an employee on behalf of a child there should be immediate consideration of whether a child or children is/are at risk of significant harm and in need of protection.
- 4.2** Any employee who becomes aware of a possible allegation or concern of a child protection nature must take immediate steps to ensure the matter is reported to the Headteacher/Head of Service or the school's Designated Child Protection Co-ordinator. In the event that neither the Headteacher/Head of Service or the DSL is available then the matter should be reported to the Deputy. Individuals with concerns must be encouraged to report this as quickly as possible and to the most senior person available at the time. An investigation may be impeded if a concern is reported late and/or is communicated through several individuals before Headteacher/Head of Service or DSL, and it is important that the school establishes at this stage who the lead contact will be for liaison purposes.
- 4.3** In the event that the allegation or concern involves the DSL then the matter must be reported directly to the Headteacher. **Should the allegation or concern involve the Headteacher then the matter must be reported to the DSL who must also refer the matter to the Chair of Governors. In cases where the Headteacher is also the DSL (as in many Primary Schools) the matter should be reported to the Chair of Governors.** If the allegation is against the Head of Service (HOS) then the matter should be reported to the relevant Director within E&YPS. At all times any report of any allegation or possible concern will be dealt with in the strictest confidence, and if necessary staff can raise concerns directly with the Principal Officer (Safeguarding in Education) with full protection under the Public Disclosure Act 1998 ('Whistle-blowing'). The Education Safeguarding Team can also provide advice and support to Chairs of Governors when an allegation has been made against the Headteachers.
- 4.4** **In all cases, the Headteacher/Head of Service, (or the DSL in cases where the Headteacher is involved), must have an immediate preliminary consultation about the allegation or concern with the LADO who will advise on further action in accordance with this procedure as appropriate. This is not the beginning of an investigation, but part of the basic information gathering process. This advice will include who should be made aware that an allegation or concern has been raised.**
- 4.5** The reporting member of staff, i.e., Headteacher/Head of Service, DSL, individual employee or governor must also seek the advice of their Personnel Services Provider regarding issues of process, responsibilities and communication.
- 4.6** Voluntary Aided Roman Catholic Schools should also inform the Archdiocese of Southwark Kent Schools' Commission and Voluntary Aided Church of England Schools should also inform the Canterbury or Rochester Diocesan Board of Education; the appropriate Director within Education is the contact in each case.

4.7 It is important that the member of staff reporting the concern acts quickly. Establishing whether an allegation warrants further investigation or consultation is not the same as forming a view on whether the allegation is to be believed. **The Headteacher/Head of Service or any other employee or governor to whom an allegation has been reported, is not expected to investigate the allegation, or interview pupils, but to assess, after consultation with the LADO how the matter will proceed. Confidentiality must be maintained throughout this stage in order that any subsequent investigation is not prejudiced and that the interests of all parties are protected.**

4.8 Where the allegation relates to the use of physical intervention to restrain a pupil (Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable to keep a situation safe), the Headteacher/Head of Service should consult with the LADO in the first instance as this may be appropriately managed within the school. It is important for this consultation to take place to demonstrate that the school has acted in an open and transparent manner in establishing if the allegation meets the threshold for referral. An allegation of assault beyond the use of reasonable force however, would need to be referred to SCS as a child protection matter.

5. CONSIDERING WHETHER SUSPENSION IS APPROPRIATE

- 5.1** The suspension of an employee, particularly in situations of potential child protection allegations will have a significant impact on the individual and therefore it is essential that the facts of the case, as they are known and alternative courses of action are carefully considered in deciding whether to suspend. The specific arrangements for the suspension of staff are set out in the school's/KCC disciplinary procedure (reference document: Discipline at Work 2003), but it should be recognised that suspension is a neutral act to protect the interests of both parties and not an assumption of guilt. It is also essential that the Disciplinary Procedures are followed in terms of providing appropriate support to the individual throughout the period of suspension.
- 5.2** The decision to suspend is taken by the Headteacher and/or the Governing Body and not by the Police or SCS. However, Social Care, in collaboration with other agencies, may advise the Directorate and the school of any action recommended to ensure the protection of children, protection of employees and safeguarding of information.
- 5.3** In the event of the suspended member of staff living in school accommodation on site, then alternative arrangements will need to be negotiated in the best interests of the children, the school and the member of staff concerned.
- 5.4** Being suspended or asked to refrain from work can give rise to great anxiety for the individual subject to the allegations. They may fear that colleagues and others within the school/community will have interpreted the very act of suspension as an indicator of presumed guilt from an early stage, and may feel particularly isolated and vulnerable.
- 5.5** Any member of staff subject to an allegation should be encouraged to seek advice and support at the earliest opportunity from their professional association or trade union. It must also be acknowledged that the whole school/community may be affected by a staff member's suspension, and consideration should be given to necessary support strategies to address this.
- 5.6** The need for support is equally applicable when considering a staff member's return to work. Suspension should be retained for as short a length of time as possible and if it is agreed a staff member is to return to school/work, careful planning needs to take place as to how this situation can be managed as sensitively as possible.
- 5.7** **Initial considerations**

It may not be immediately obvious that suspension should be considered, and this course of action sometimes only becomes clear after information is shared with, and discussion had, with other agencies.

In some cases early or immediate suspension may impede a Police investigation, and therefore the decision whether to suspend may have to be delayed until sufficient evidence has been gathered. Suspension should be avoided in such cases wherever possible, and should not be seen as an automatic response to an allegation. This applies to the possible suspension of Headteachers as well as other staff. Suspension should only follow after discussion with the lead officer. The decision to suspend remains the responsibility of the Headteacher or Governing Body (for schools) and the relevant Director (LA staff).

When considering suspension it is important to have regard to the following factors:

- The nature of the allegation
- Assessment of the presenting risk
- The context in which the allegation occurred
- The individual's contact with children
- Any other relevant information
- The power to suspend
- Alternatives to suspension

Suspension should only be applied if one or more of the following grounds apply:

- A child or children would be at risk
- The allegation is so serious that summary dismissal for gross misconduct is possible
- It is necessary to allow any investigation to continue unimpeded

5.8 Alternatives to suspension

While weighing the factors as to whether suspension is necessary, available alternatives to suspension should be considered. This may be achieved by:

- Leave of absence
- Undertaking different duties which do not involve direct contact with the individual child or other children
- Providing a classroom assistant or other colleague to be present throughout contact time.

If the member of staff is not based in a school then an alternative may be to:

- Undertake office duty
- Undertake non contact tasks only

5.9 Action Plan

The Children Act 1989 established the principle that the interests of the child are paramount. This, however, must be considered alongside the duty of care to staff. Any individual subject to allegations should, regardless of the decision to suspend

or otherwise, be offered welfare support. Where possible, a means of monitoring the take up and effectiveness of welfare support without compromising confidentiality or trust should be sought. Where suspension is being considered, the duty of care requires the Head Teacher/Head of Service to ensure that appropriate support is available to the member of staff. In the case of an allegation against the Head Teacher, this responsibility lies with the Chair of Governors (or nominated Chair). Agreement must be reached with education personnel (and police where appropriate) as to how information will be shared and contact maintained with the member of staff throughout the investigative process. This should include agreement as to:

- How the member of staff will be kept updated about the progress of the investigation,
- How support and counselling are to be offered: and
- How links will be maintained with the school so that the staff member is kept informed of other matters occurring within the school.

5.10 Confidentiality

The Head teacher, Chair of Governors (or nominated governor) and LA officers have a responsibility to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need to know basis with other professionals involved in the investigative process. Other people may become aware of the allegation and may not feel bound to maintain confidentiality. Therefore consideration should be given on how best to manage information, particularly in relation to who should be told what, when and how. This is particularly relevant in respect of parents, carers and the media in light of new legislation and the anonymity clause (referenced in 1.4)

5.11 Planning and Recording

It is essential to record the decisions reached and the rationale behind them. Records should also be made of the agreed action and strategies to manage the situation. The plan should clearly indicate the following:

- Any restrictions to normal contact or activity,
- Issues of contact with children,
- Arrangements for monitoring and welfare support in relation to the member of staff.
- Monitoring the support available for the child.

It is important for the LA lead officer to keep a record of the actions taken in the course of the investigation and, where relevant, the process and conclusion of suspension is undertaken as quickly and fairly as possible. If individuals have specific tasks or responsibilities to carry out, this should be noted and followed up. Agreed strategies for managing and sharing information should be included here. In addition, the member of staff should be informed of the decisions taken at the earliest opportunity.

- 6.1** No action under the disciplinary procedure should be taken in circumstances which might interfere with the criminal investigation. Child protection and criminal investigations shall be treated as paramount and any further action under disciplinary procedures may therefore have to await full completion of the child protection and criminal investigations, but will be undertaken as soon as possible.
- 6.2** Once any child protection investigation has been completed and the matter is not proceeding to court, a decision should be taken by the appropriate person in the school/service, as whether to investigate under the disciplinary procedures. The school/service will need to consult with its Personnel Provider prior to reaching a decision on this. In addition the school or service must seek advice from the LADO in all cases if the safeguarding of children's welfare remains an issue within the school/service.
- 6.3** At the request of the Governing Body/Assistant Director, a nominated representative may be appointed to conduct the investigation where it is inappropriate for the Headteacher/Head of Service or other member of the school's leadership group to do so, e.g., where the Headteacher/Head of Service knowledge might prejudice a fair hearing, where he/she is implicated or when the Governing Body believes it is in the best interests of the school. The investigation will be undertaken in accordance with the school's disciplinary procedure (see separate document).
- 6.4** The position of the employer, in coming to a reasonably held view is not analogous with the decision to be made by a criminal court. The employer is able to come to a reasonably held view '**on the balance of probability**'. The disciplinary investigation must gather evidence objectively establishing the facts where possible and follow the principles of fairness, reasonableness and natural justice.
- 6.5** Where allegations of child abuse are received against an employee at the school, the LADO will take responsibility for ensuring that relevant information, as defined by the Investigating Officer, resulting from a child protection investigation is made available to the school's/service Personnel Consultant and the Headteacher/Head of Service (where appropriate), in order to inform a decision about a possible disciplinary investigation.
- 6.6** Evidence derived from the child protection investigation or criminal investigation (e.g., statements, exhibits, video-recorded interviews with children) may be available for use in subsequent disciplinary proceedings, particularly where the witnesses are the same. If access is sought to such material a formal application should be made via the LADO to Kent Police in line with the agreed protocol. (It should be noted that the Branch Crown Prosecutor will be cautious about releasing any prosecution material until the criminal proceedings have been concluded and will only consider doing so upon a valid request being made in writing.)

- 6.7** Where no criminal prosecution is pending or intended, advice from the Kent Police Solicitor's Department on the release of material should be sought through the LADO who has established a protocol with the Kent Police on behalf of the LA to ease this process. Witnesses may include Police Officers and social workers who have interviewed the child/ren. SCS should usually release the minutes of strategy meetings and, where necessary, provide additional reports. (Protocol for release of evidence is included in Appendix.)
- 6.8** Whether it is appropriate to call children as witnesses will depend on their age, understanding and capability. However, the attendance of children at any hearing would be in extremely unusual circumstances and will only occur following careful consultation with all interested parties including the parents of the child/ren.
- 6.9** If a decision is taken to proceed with a disciplinary investigation, the employee should be informed, in writing, as required under the disciplinary procedure. It is advisable to confirm this position in a meeting with the employee and their representative.
- 6.10** If a decision is taken not to proceed with a disciplinary investigation, the employee should be invited to a meeting with a union representative or workplace colleague, to explain the circumstances of the decision and confirm this in writing.
- 6.11** Those involved in the investigation of the complaint or the continuing management of the situation at the school cannot hear consequent disciplinary cases, since they may receive information that may prejudice a fair hearing of the complaint. Governors who are to hear disciplinary appeals must not be involved in the investigation of the complaint or the disciplinary hearing.
- 6.12** The school/service will need to make appropriate arrangements to notify the parent/guardian of the child/ren of the outcome of the investigation/hearing and will take advice from the Personnel provider and the LADO regarding the nature of information that can be disclosed.

6.13 Time-scales

DfE guidance states that *"the quick resolution of the allegation should be a clear priority to the benefit of all concerned. Any unnecessary delays should be eradicated."*

- 1 If the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within **3 working days**.
- 2 If the evidence indicates that a disciplinary hearing may be required then the process will be completed as quickly as possible and without unavoidable delay within the requirements and timescales of the school's adopted disciplinary procedure. The employee must be kept regularly informed of the progress in this event.

7. REFERRAL TO THE DISCLOSURE AND BARRING SERVICE

7.1 The Secretary of State's powers to bar or restrict a person's employment are contained in section 142 of the Education Act 2002. The relevant regulations, setting out the procedure to be followed now sit under the Vulnerable Groups Act 2006 (List 99 was replaced by the ISA Barring list which in turn has now been replaced by the **Disclosure and Barring Service)**

A relevant employer, or agent (eg a teacher supply agency), is required to provide a report to the DBS where they cease to use a person's services, or a person is dismissed or resigns before a disciplinary process is completed, because they are considered unsuitable to work with children, as a result of misconduct, or because of a medical condition that raises a possibility of risk to the safety or welfare of children. **A compromise agreement does not override the statutory duty to report the matter and such an arrangement should not be considered if the concern was of a safeguarding nature.**

These reporting arrangements apply to anyone who works in a school, including volunteers, regardless of what they do. They also apply to staff convicted of a criminal offence against children outside the work setting, when notification may be through the police.

Anyone subject to a direction under section 142 of the 2002 Act given on the grounds that they are unsuitable to work with children is also disqualified from working with children. 'Work' includes people in unpaid employment, employed under contract, people undertaking work experience and volunteers.

There is an additional requirement that residential special schools report such matters to Ofsted. It is the responsibility of the employing body to make this referral, and to inform the individual of its' statutory duty to do so.

Further information on the Disclosure and Barring Service and the process of referral to the barring list can be found at www.homeoffice.gov.uk/dbs

8.**RETENTION OF RECORDS**

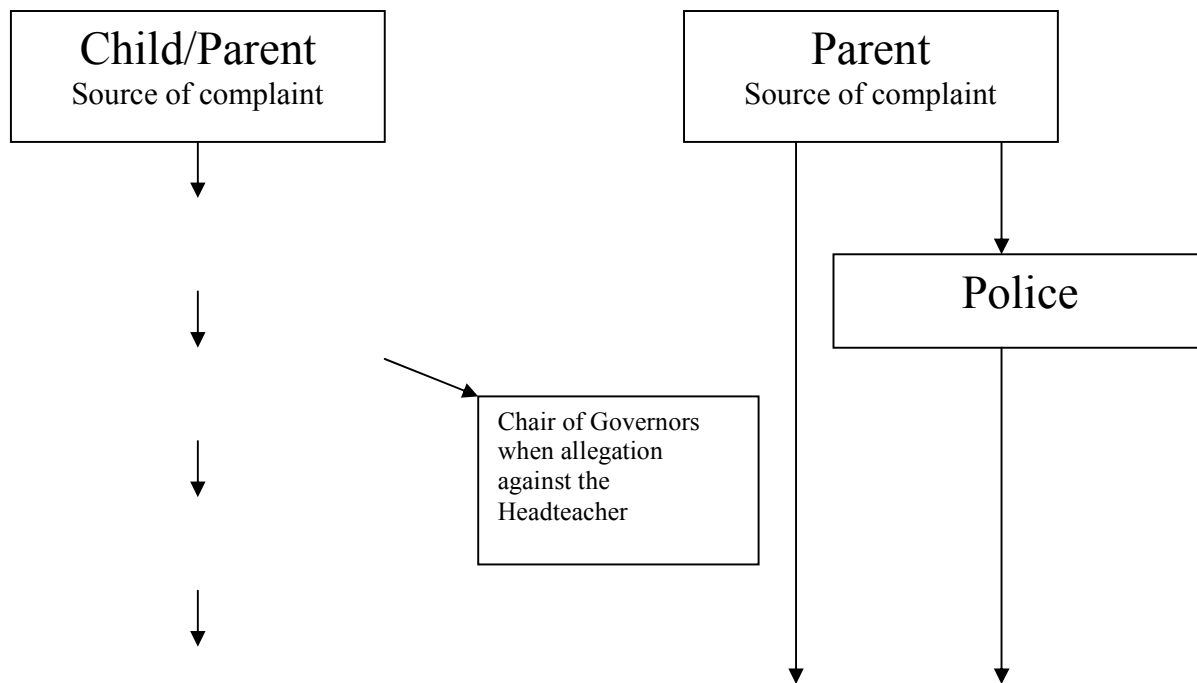
- 8.1** The Information Commissioner Code of Practice: Employment Records 2002 states that **“records of allegations about workers who have been investigated and found to be without substance should not normally be retained once an investigation has been completed. There are some exceptions to this where for its own protection the employer has to keep a limited record that an allegation was received and investigated, for example where the allegation relates to abuse and the worker is employed to work with children or other vulnerable individuals.”**
- 8.2** Records of investigations into alleged offences against children must be maintained, in order to identify patterns of concerns. A factual record of the details of all allegations and a written record of the outcome, will be retained. This information will be held by the LADO in line with the responsibilities of the LADO function.
- 8.3** The employee and/or his/her representative will be informed that such records exist, and will be able to seek disclosure within the parameters of the Data Protection Act by putting their request in writing through the appropriate channels.
- 8.4** An ‘outcomes’ pro-forma will be requested from the School / Service Manager. The member of staff who was the subject of the allegation has the opportunity to comment as part of the ‘outcome’ process. This record will be retained on the individual’s personnel file held by the employing body within the terms of the schools/LA Disciplinary Procedures. Such records will be retained in line with DfE Guidance which states *‘Until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer’* - Chapter 5 Section 10 ‘Safeguarding Children and Safer Recruitment in Education (2007). **It is important to note DfE Guidance states “cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in an employer’s reference.**
- 8.5** Where a pupil has made an allegation, a copy of the statement or the record made of it, should be kept on the section of a pupil’s child protection file, which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings, records may be subject to disclosure; and, therefore, no assurances can be given on confidentiality. Any allegation made by a child that is deemed to be **malicious** after external scrutiny should be investigated further to establish what concerns led to such a situation developing. This is in the best interests of the child and the member of staff.

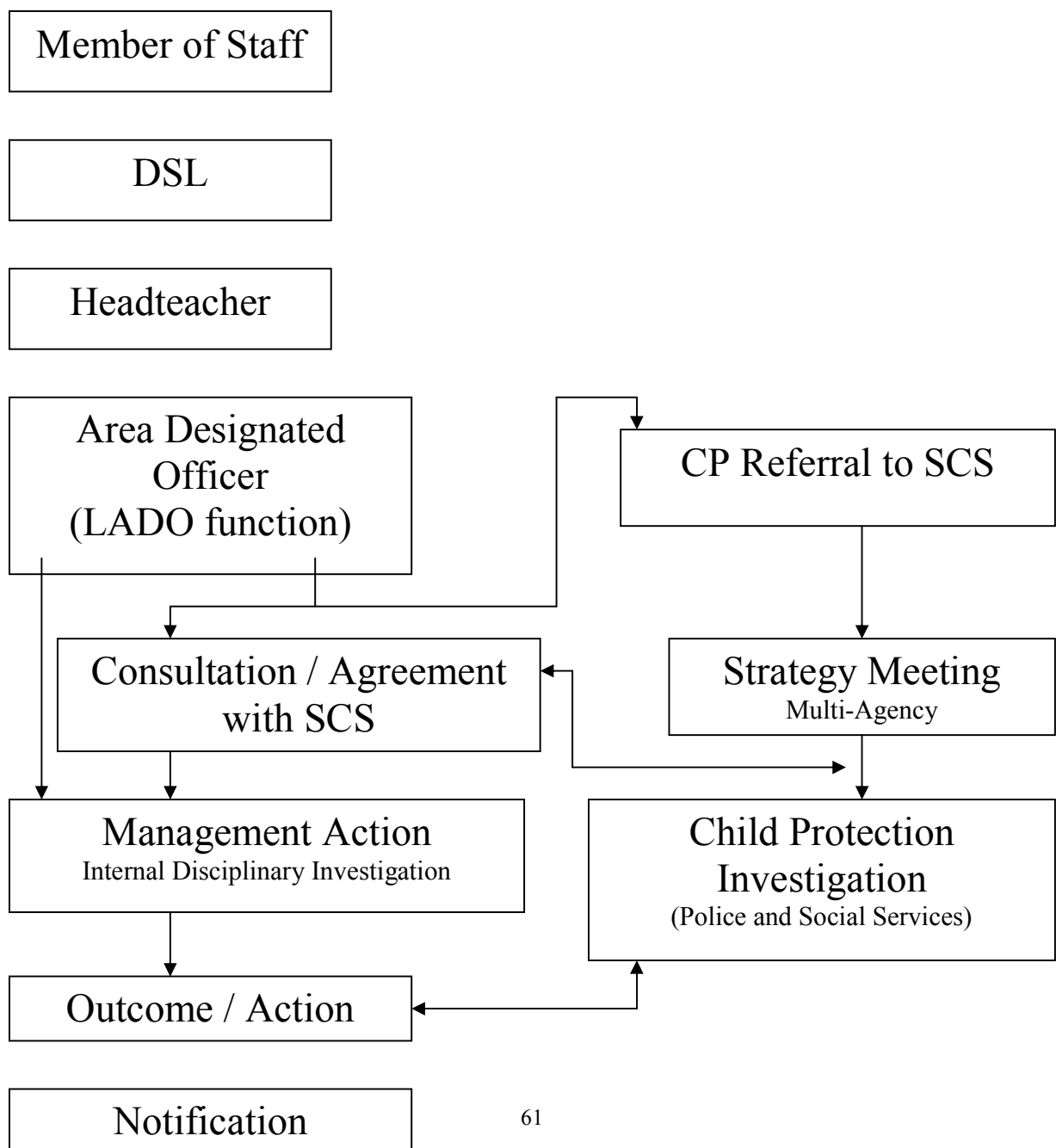
9.1 All schools and service units within the E&YPS Directorate are advised to establish a Code of Practice for all staff, which considers the following areas.

- Out of school contact with pupils.
- Physical contact with pupils.
- Personal care of pupils.
- Relationships and attitudes.
- Extra curricular activity.
- Reporting of incidents.
- Risk Assessment and lone working
- Use of e-mail and mobile phones

'Guidance for Safe Working Practice for Adults who work with Children and Young People 2009' (published by the Allegations Management Advisors network on behalf of DCSF). This document can help to inform practice and can be accessed via the Education Safeguarding Team page on Kenttrust web (KELSI)

CHILD PROTECTION – ALLEGATIONS AGAINST STAFF





Protocol Agreed with Kent Police for the Release of Evidence

1. In line with the requirements of DfE Guidance: **Working Together to Safeguard Children** the local authority has agreed a protocol with Kent Police for the release of evidence to inform Internal Disciplinary processes following the conclusion of Police involvement in the case.
2. *“Wherever possible the Police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the schools for disciplinary purposes. That should be done as their investigation proceeds rather than after it is concluded. That will enable the Police to share relevant information without delay and the conclusion of their investigation or any court case”.* (DfES 2006:244) The release of such evidence is vital to inform disciplinary investigations and to avoid witnesses, particularly children, having to be interviewed again.
3. To ensure that a consistent format is applied it has been agreed that all requests for the release of evidence should be channeled through the Children’s Safeguards Team who provide support and guidance to schools whenever an allegation is made against a member of staff. This will avoid Kent Police being approached by a variety of schools. Chairs of Governing Bodies or Personal Advisers who would need to be validated before evidence is released.
4. Once the evidence has been received by the Local Authority Designated Officer (LADO) he will liaise closely with the School \ Service and Personnel Provider to ensure that information is shared appropriately.
5. In cases where statements have been taken from children via video recording in line with procedures for Achieving Best Evidence, a transcript of the recording prepared for court will be provided. In cases that do not proceed to court, however, it is unlikely that a transcript will have been taken. Under these circumstances it is unlikely that the video evidence will be released, as disclosures may be evident that have no bearing on the disciplinary investigation being undertaken. In such cases Kent Police have agreed to provide a summary of the evidence that is relevant to the disciplinary investigation. It is recognised that this will not constitute primary evidence, but such information from Kent Police should suffice to inform a disciplinary process where the burden of proof is based on “balance of probability”.
6. Information shared must be treated in the strictest of confidence and should only be made available to those involved in the disciplinary process.

**Kate Davis
(Acting LADO Manger)**

**DCI Tim Smith
Detective Inspector PPU
Kent Police**

Date

Date

Kent County Council Local Authority Designated Officer

RELEASE OF EVIDENCE REQUEST

To: DCI Tim Smith
PPU - Force Headquarters, Sutton Road, Maidstone, Kent, ME15 9BZ

From: – Local Authority Designated Officer

Date:

It is understood that:

A Kent Police have undertaken a criminal investigation into the conduct of a member of staff for whom Kent County Council now wish to undertake an internal disciplinary investigation.

B Consent has been sought from the victim and witnesses to release their statements to KCC.

C Kent Police have concluded their criminal investigation.

The LADO, on behalf of KCC now seeks the disclosure of witness statements and / or ABE Video interviews taken by Kent Police for the sole purpose of use in the internal disciplinary investigation into the conduct of the member of staff. KCC understands that Kent Police policy N21 Child Protection, Clause 9 specifically deals with such a request.

Please accept this pro-forma as a formal request for the release of victim and witness statements and / or crime reports as appropriate

REQUEST FOR RELEASE OF EVIDENCE

Name of Victim/Complainant/Witness: _____ **Date of Birth:** _____

Date of Complaint/Allegation: _____

Name of Accused (member of staff): _____ **Date of Birth:** _____

Home Address:

Name and Address of Employer (school or LA service):

_____ **Tel No:** _____

P.P.U Officer: _____

Police Area Office: _____ **Tel No:** _____

Social Worker (where appropriate):

Tel No: -----

SCS Area Office:

Tel No: -----

LADO Making request for release of evidence

Tel No: -----

Tel No: -----

Type of Investigation: _____

Date of Final Strategy Meeting (where applicable): _____

Outcome of Police Investigation: _____

Evidence Requested (please tick)

- 1 Crime Report
- 2 Initial contact (STORM record)
- 3 Witness statement (victim)
- 4 Suspect interview
- 5 In the absence of above a summary report provided by the Police

Please be assured that the information provided will be treated in the strictest of confidence and will not be used without the prior consent of Kent Police and the witness providing the information.
Thank you for your co-operation in this matter

Kate Davis
Manager (LADO)
Room 2:64
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County Hall
Maidstone
Kent ME14 1XQ