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ACADEMY

# Safeguarding Policy

**September 2016**

Review Date

## **Introduction**

This policy is based on Safeguarding children and safer recruitment in education (DfES).

These procedures are based on the national guidelines agreed between representatives of the Local Education Authorities and the teacher organisations in England and Wales. The guidelines were endorsed by the Association of Chief Police Officers and the Association of Directors of Social Services.

These procedures must be read and used alongside the multi-agency Child Protection Procedures produced by the Area Child Protection Committee.

For the purpose of these procedures a 'staff member' is a person whose work brings them into contact with children in an education setting. It therefore applies to all staff whether paid or working in a voluntary capacity.

In the case of an allegation against the Principal, all actions should be undertaken by the Chair of Governors in consultation with the Lead Officer CP.

## **Purpose**

- The protection of students from abuse is the responsibility of all staff, and the Principal should ensure that staff and students are aware of how to report concerns of abuse.
- The Principal and the governing body are responsible for creating a safe and healthy environment in the Academy.
- Allegations or concerns made by or on behalf of a child must always be taken seriously and referred to the investigating agencies, as appropriate.
- Child Protection investigations will be conducted in a way that recognises the vulnerability of staff and protects them from mistaken or false allegations.
- Investigations must be dealt with quickly, fairly and impartially. The member of staff will be informed about the allegation as soon as possible [in accordance with procedure].
- The rights of the child and member of staff must be considered. However, where there exists a conflict between the interests of the adult and those of the child, then the child's interests must be paramount as required by the Children Act 1989.

## **Child Protection Issues**

All staff have a responsibility for the active protection of students from avoidable harm.

Due to their day to day contact with students, staff are in a good position to observe signs of abuse, changes of behaviour or failure of a student to develop. They are therefore in a particularly good position to refer concerns on to the appropriate agencies. Academy staff are also in a particularly good position to further the personal and social development of children.

Unfortunately, due to their close professional relationships with students, staff are also vulnerable to allegations of abuse or misconduct. These accusations may be false, malicious or

misplaced. They may also be true. Academy staff can harm students either deliberately or as a result of their conduct or failure to follow procedures and policies.

## **Procedure**

### **Explanation of Roles**

An explanation of the various roles involved in dealing with allegations is in Appendix 1.

### **Listening to Children**

Children who report to a member of staff that another member of staff has harmed them must be listened to and taken seriously.

'Listened to' means just that; on no account should suggestions be made to children as to alternative explanations for their worries. They must not be interrogated, but must be listened to and a written record made of the initial conversation as soon as practicable. The written record should record the child's words as far as is possible and should be dated and signed by the person producing the record. A copy of the report should be kept by the person. Additional questions may only be asked given prior approval of the Principal in order to establish facts about the alleged incident.

Staff must not promise total confidentiality to students who make allegations. They must inform the student that they have a duty to inform the Principal/Chair of Governors but reassure the student that support will be made available to them [normally by the Academy-designated person[s] for safeguarding and child protection].

### **Records**

Documents relating to the referral and investigation must be retained in a secure place by the Academy, together with a written record of the outcome of the investigation and, where disciplinary action has been taken, retained on the member of staff's personal and confidential file, in accordance with the Academy's disciplinary procedures.

If the member of staff is dismissed, or resigns, before the disciplinary process is completed, he/she will be informed about the employer's statutory duty to report the case to the Department for Education Teachers' Misconduct Section, for consideration for their debarring from further employment.

Where a student has made an allegation, a copy of the statement or the record made of it will be kept on the section of a student's personal 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 of confidentiality.

## **1. MAKING A REFERRAL**

### **Reporting:**

#### **Action to be taken by a member of staff who hears an allegation from a child/parent**

All staff have a responsibility to report if they believe a member of staff is harming a child. Children who report to any member of staff that they have been abused or harmed by a member of staff must be listened to and taken seriously. Staff must immediately inform the Principal of the concern or allegation.

They must not attempt to investigate the allegation but provide a full written account of what the student has said; the account should be signed and dated, with a copy kept by the member of staff.

If the concern/allegation is against the Principal, staff will inform both the Chair of Governors and the Local Area's Designated Officer for Safeguarding and Child Protection [LADO].

#### **Action to be taken by Principal**

The Principal must not take any action or commence investigations before consulting the LADO. It is the responsibility of the Police and the Children's Social Care Department to conduct investigations of abuse.

The Principal or delegated person must only ask questions after seeking advice from the LADO in order to establish the following points:

- If the alleged incident occurred in the Academy.
- Was the student in the Academy on that day?
- Could the student have had contact with the member of staff?
- Have any other potential witnesses come forward?

Following confirmation that there was the potential for contact, the Principal/Chair of Governors must:

- seek advice/consult with the LADO
- ask for a written account from the member of staff hearing the allegation, countersign and date the written account of the person reporting the allegation to record receipt
- record any information about times, dates, location of potential witnesses

If the LADO is not available, advice can also be sought from:

- Education Welfare Office
- Children's Social Care Department
- Police Child Protection team

#### **Initial consideration by the Principal and the LADO**

The Principal and the LADO must consider the allegation and determine the appropriate way forward. There are four possible options:

- An immediate referral to the joint agencies [Police and SCT and LA] under the local Child Protection procedures
- Further local enquiries need to be made together more information/clarification

- The allegation may have been prompted by inappropriate behaviour by the member of staff but a child protection issue does not arise. In this case this may need further investigation and possible consideration under the local disciplinary procedures
- The allegation was false or unfounded

The issue of whether suspension, or other alternative arrangements e.g. asking the individual to remain at home, is appropriate [see Appendix 2] should be considered at this stage.

### **Allegations which call for an immediate referral to the Child Protection agencies [Police, SCT]**

Immediate referrals:

- Where the student has suffered, is suffering, or is likely to suffer significant harm. The harm maybe of a physical, sexual or of a psychological nature.
- Where the student is alleging that a criminal offence has been committed. Any physical injury to a student *may* constitute a criminal offence of assault and must therefore be treated as a Child Protection referral.
- Any allegation of a sexual nature.

The Principal must be aware that some other complaints may also be deemed child protection issues and must therefore consider each complaint carefully with the LADO before taking *any* action.

Where allegations of the above are referred to Children's Social Care Department, subsequent action will be in accordance with the local Child Protection procedures agreed by the Liverpool Area Child Protection Committee [ACPC].

### **Further Enquiries**

The Principal must not investigate the allegation but make further enquiries as agreed with the LADO.

### **Subsequent Action by Children's Social Care Department/Police**

When an allegation has been referred by the LADO for Safeguarding and Child Protection and accepted by the Police and/or Children's Social Care Team, a strategy meeting will be arranged.

### **Attendance at Strategy Meeting**

The strategy meeting will be attended by the Principal [Chair of Governors, if the allegation is against the Principal] and representatives from Children's Social Care Department, Police, the LADO for Safeguarding and Child Protection or his/her representative and personnel.

The member of staff who is the subject of the allegation will not be invited to attend the meeting. The accused member of staff should be told about the allegation as soon as possible, but where a strategy discussion is needed, this would be decided by the meeting.

## **Purpose of the Strategy Meeting**

To:

- Consider the risk to the child/other children
- determine the need for an investigation and by whom
- establish a clear action plan with timescales
- ensure staff and student[s] receive appropriate support
- determine who should inform the member of staff about the allegation and what information can be disclosed
- consider the need to inform other relevant parties
- determine the process of the media/press/PR service

The members of the meeting will balance the welfare of the child [which must remain paramount] and the interests of the member of staff.

## **2. THE INVESTIGATION**

### **Investigating the Allegation**

The investigation may have three related but independent strands [The strategy meeting will determine the nature of the investigation]:

- Child Protection issues involved; an investigation under Section 47 of the Children Act.
- Police investigation re. a possible criminal act, e.g. assault.
- Disciplinary investigation; any disciplinary investigation should be clearly separated from the Child Protection investigation. The Child Protection investigation must take precedence and no disciplinary action should be commenced without the consent of Police/Children's Social Care Department. It is good practice to not commence the disciplinary investigation until the outcome of the CP investigation is known.

### **Direct Referral to the Police**

Parents or students may make a direct referral to the police regarding a member of staff. Any such referral must be dealt with in accordance with the procedures. The matter must be referred to the Police Family Protection team who will immediately inform/discuss with the SCT and the LADO for Safeguarding and Child Protection. Consideration will take place regarding the nature of the allegation, any information available from the Academy, LA, and Human Resources Department. Further action required will be determined at the strategy meeting.

### **Notification of Interested Person**

The Principal in consultation with the LADO for Safeguarding and Child Protection must ensure there is no objection by the Police before contacting any parties. Subject to there being no objection, the Principal/Chair of Governors must:

- inform the child/children who have made the allegation in consultation with their parents of action to be taken
- inform the member of staff against whom the allegation is made of action to be taken
- inform the Chair of Governors/nominated governor of the Academy of action to be taken

Where the Police object to the above, it then becomes their responsibility to inform the Principal/LA when the notifications may take place.

### **Action to be taken during a Section 47/Police Investigation**

A contact officer will be appointed to support the teacher-see *Appendix 3*.

The LA Lead Officer for Child Protection is responsible for checking the progress of any investigation. Close communication is required between the Education Department, Personnel, Police, Children's Social Care Department and appropriate Police/Council Press and PR office. The initial strategy meeting will have determined the need for any further strategy meeting[s] and how the progress of the investigation will be monitored.

If the Police refer the matter to the CPS as a result of a criminal offence being committed by the alleged member of staff and/or the matter is placed before the court, monthly contact must be made by the LADO for Safeguarding and Child Protection with the Police/Children's Social Care Departments check the progress of the case.

The Police will ensure that the parents of the child and any witnesses agree that information supplied to them can be shared with the LA.

### **Action to be taken if the Police/Section 47 Investigation closes without charge or CPS decide not to proceed**

If the Police/Section 47 investigation closes without a charge being made the Police/Social Services Department must inform the LADO for Safeguarding and Child Protection immediately. A further strategy meeting may be convened if the investigation has highlighted professional conduct issues, which may need to be addressed through the disciplinary process.

See below if allegation is without foundation or considered to be false.

### **Action to be taken if the allegation is not referred to Social Services Department/Police**

If the allegation does not meet the 'significant harm' criteria:

The LADO for Safeguarding and Child Protection and Principal will discuss whether to:

- take no action if the allegation is accepted to be of a malicious or false nature
- issue informal 'admonishment' and/or professional advice [in the case of a minor professional conduct issue]
- institute an investigation under disciplinary procedures [in the case of a professional conduct issue]. This should be taken forward in accordance with the disciplinary procedures adopted by the Governing Body.

### **Action to be taken if the allegation is believed or found to be false/unfounded**

The Principal/LADO for Safeguarding and Child Protection may conclude that the allegation is without foundation or the Police/Children's Social Care Department may determine the allegation is without foundation following a full investigation.

Without foundation means that no evidence has been found to suggest that the alleged member of staff had harmed the student or acted in an unprofessional manner.

The Principal and the LA DO for Safeguarding and Child Protection will agree a strategy plan outlining what action should be taken, by whom and with timescales.

### **Issues to consider where an allegation is shown to be false/unfounded**

Consider whether the child might have been abused by someone else and whether a referral should be made under the Child Protection procedures.

Inform the member of staff of the allegation and the fact that no further action is to be taken. [The contact officer will already have been supporting and arranging counselling as appropriate].

If the member of staff is suspended, discuss the necessary steps to support the staff member's return to work. As part of the process consideration must be given, in consultation with Social Services

Department and/or police, where appropriate, to what information should be given to the child and/or family who made the allegation.

Consider with the Education Welfare Service whether additional support is appropriate for the student who made the allegation.

### **Action to be taken if member of staff is found guilty at court**

If the member of staff is found guilty the matter will need to be considered by the Governing Body under the disciplinary procedures. Personnel guidance will be provided by the Senior HR Manager/HR Advisors [Education] in this event.

Under the provisions of The Education [Prohibition from Teaching or Working with Children] Regulations 2003, the relevant employer [the LA for community schools or the school in the case of Voluntary Aided and Foundation schools] is required to report to the Secretary of State for Education & Skills circumstances where the staff member ceases to be used. This will be in cases where the individual ceases to work as a teacher or in a role that involves regular contact with children because s/he is considered unsuitable, or as a result of misconduct it raises the possibility of risk to the safety or welfare of children. Situations where the staff member ceases to be used include:

- Where the Academy's disciplinary procedures result in the dismissal of the staff member
- Where the Academy decides not to renew the fixed-term [temporary/fixed task] contract that the member of staff had been employed on
- Where the Academy decides not to continue to engage the member of staff if they are a supply teacher
- Where the staff member resigns or a compromise agreement is made
- Those circumstances where the Academy terminates the placement of a student teacher or trainee
- The Academy no longer uses staff employed by contractors
- Where the individual voluntarily withdraws from supply teaching, contract working, or a course of Initial Teacher Training

### **Action to be taken if the member of staff is found not guilty at court**

If the member of staff is found not guilty at Court a review of the suspension should take place within 5 working days.

A strategy meeting will be convened to consider all the information and to determine a resolution whether the matter needs to be dealt with under the disciplinary procedures. A clear action plan with timescales will be established to cover:

- any further action via disciplinary procedures
- information to be given to child and family making allegation
- a statement to be given to staff group at Academy which has been agreed with the member of staff concerned; a meeting to update staff on the current position may be helpful
- information to be given to other parents
- support to be made available to student and/or family
- support to be made available to member of staff [which may include a trade union or a professional association]

The staff member will not return to the Academy until after:

- disciplinary process is completed and appropriate action taken
- clear action plan to support the child and member of staff is in place

### **Suspension**

If a decision is made that the alleged member of staff should be suspended either at the beginning of the process or during the investigation, the Principal must consult with the HR Manager/HR Advisors [Education] to ensure the correct procedure is followed.

A member of staff against whom an allegation is made should not automatically be suspended. Suspension is not only a traumatic experience for the individual involved but also for their family, other children at the Academy, their parents and for other staff at the Academy.

A decision to suspend and/or disciplinary action is for the Principal/Governing Body. Suspension will only be considered if:

- information received indicates that the member of staff may have committed an act of gross misconduct
- his/her continued presence at the Academy could impede an investigation
- he/she could pose a risk to the child/other children at the Academy

Alternatives to suspension will also be considered. Examples: Removing member of staff from direct contact with students. Ensuring the member of staff does not teach the student making the allegation.

Additional source of guidance and documents used in the preparation of this guidance:

- Multi-agency Child Protection procedures
- NEOST/Teacher Unions-Education Staff and Child Protection Staff facing an allegation of abuse.

Guidelines on practice and procedure

- DfE Circular 10/95 'Protecting Children from Abuse: The Role of the Education Service'
- Dept. of Health 'Working together to safeguard children'
- Safer Recruitment principles and guidelines

Resources

## APPENDIX 1

### EXPLANATION OF ROLES

#### **Designated Local Area Designated Officer [LADO] for Safeguarding and Child Protection**

- The senior officer within Education Service who has overall responsibility of liaising with the Principal, governors, members of senior staff from the police and social services, senior managers from education and the DfE Teachers' Misconduct Team on all matters relating to allegations made against adults within the education service.

**Principal-** Responsible for creating a safe environment in the Academy and ensuring all staff are aware of the child protection procedures. The Principal must consult with the LA Lead Officer regarding any allegation of abuse made against a staff member and attend any meetings requested. The Principal is responsible for taking forward any action within the Academy which is required to protect children.

**Staff Member-**Any adult paid or volunteer [e.g. parents]; work experience placements who work in a school, service or educational establishment within the LA has responsibility for the protection of students and must report any allegations of abuse to the Principal.

**Nominated Governor [normally the Chair or Vice Chair of Governors]** - Responsible for liaising with the LA Lead Officer for Child Protection when an allegation is made against the Principal. The Chair will attend strategy meeting and take forward any action that is needed to protect students within the Academy.

**Police-** have a duty and responsibility to investigate criminal offences committed against children. These allegations are dealt with through the unit in the force that is responsible for child protection. There should be a senior officer who has oversight of cases involving professionals and is responsible for ensuring that there is effective liaison with other agencies.

**Children's Social Care Department-** have specific legal duties in respect of children under the Children Act [1989]. They have a general duty to safeguard and promote the welfare of children in their area who are in need and to make enquiries if they have reason to suspect that a child in their area is suffering or likely to suffer significant harm. As in the police, there should be a senior officer who has oversight of cases involving professionals and is responsible for ensuring that there is effective liaison with other agencies.

## **SUSPENSION**

### **APPENDIX 2**

#### **Introduction**

In all cases where a teacher is to be suspended the following process must be followed:

#### **Reasons for Suspension**

A member of staff may be suspended from duty in the following circumstances:

- where a child or children is/are at risk
- where the allegations are so serious that dismissal for gross misconduct is possible
- where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded

However, in certain circumstances, e.g. a clearly vexatious allegation against a member of staff in a school, a different approach could be justifiable. To suspend automatically following an allegation of this nature could be unnecessary and damaging to staff. In such circumstances the Principal must take advice from the LADO for Safeguarding and Child Protection and he/she can then consider the weight and balance of the circumstances and evidence available.

In cases of allegations of potential child abuse, if a decision not to suspend is taken, this should be clearly documented and the LADO and Chairman of Governors informed accordingly. Principals must be aware of the Multi-Agencies Child Protection procedures and the LA procedures if dealing with allegations against staff.

#### **Process of Suspension**

Any decision to suspend a member of staff can only be made by the Principal/Chair of Governors or committee, where this responsibility has been delegated, acting in consultation with the HR Manager/HR Advisors [Education]. The Chair of the Governors will need to be informed, and, in the case of voluntary aided schools, the Archdiocese.

In the case of an incident where it is not practicable to obtain immediate advice from the HR Manager/HR Advisors [Education], for example at weekends, a reasonable course of action, as an interim measure, would be to send the individuals] home. Although legally this may be regarded as suspension, at this stage the proper process of suspension will not have been taken. Also, the action is easily reversible, should the Principal, in consultation with the HR Manager/HR Advisors [Education] decide subsequently to suspend, and then the normal process should be carried out immediately.

The suspension must be carried out face to face with the staff member concerned. The staff member should be provided with the opportunity to be accompanied at the meeting to suspend him or her.

The process must be handled sensitively. The staff member should be informed that an allegation has been made against him/her and that he/she is being suspended as a precautionary measure pending a full investigation of the case. [See Appendix2]

The staff member will be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation about the allegation. The

LADO for Safeguarding and Child Protection will advise on this in liaison with the Child Protection agencies.

The staff member will be assured that he/she remains an employee of the Academy. The staff member will also be informed that he/she would attend an investigatory interview normally in this event with the police, and the opportunity to put forward his/her side of the case.

The staff member must be advised to seek advice and assistance from his/her Trade Union or Professional Association. A staff member who is not a member of a Trade Union or Professional Association may be assisted by a colleague or 'friend'.

The staff member must be offered a Contact Officer, normally from outside his/her line management [usually from the LA], who can offer help and guidance during the subsequent process. [See Guidance notes on the role of the Contact Officer]. Note: where there is a need to suspend a member of staff on a Friday or immediately before a holiday period, special consideration should be given to the support arrangements.

It must be explained to the staff member that his/her suspension will be on full pay and that he/she will be required to be contactable by management during the period of suspension. However, in order not to prejudice the objectivity of the investigation, the staff member is not permitted to attend the workplace or contact any colleagues or other staff without the permission of the Principal or, in the case of a Principal, the Chair of Governors.

The staff member must be informed that his/her suspension will be confirmed in writing, that the period of suspension will be kept under review [with a formal review after one month] and that he/she will be informed of progress relating to the investigation. Wherever possible written confirmation must be prepared and handed to the individual at the meeting.

It is also appropriate to agree with the staff member what his/her colleagues and the wider school community will be told concerning the reason for his/her absence. This is particularly important in cases of a sensitive nature and will allay continued suspicions or doubts if he/she returns to work on the conclusion of any investigation/disciplinary action.

The staff member will be asked to return any school/student books or keys, as appropriate, and, under supervision, collect any personal belongings, which he/she might need during the period of suspension. This must be done in a sensitive, courteous and professional manner.

### **Review of Suspension**

All suspensions must be kept under constant review and are subject to a formal review with the staff member and his/her Trade union or Professional Association or other representative after one month, as stated in the Disciplinary Procedure.

The aim is to ensure that suspicions are kept as short as possible. It is unfair on a member of staff to delay the process of investigation and resolution of any disciplinary issues.

Except in very complex circumstances where this may be unavoidable, it will be indefensible to keep an individual suspended for any protracted period of time.

### **Note:**

In cases where Principals are the subject of allegations and are suspended, the same principles will apply except that the Chairman of the Governors, or appropriate committee of Governors will be responsible for the suspension.

## **ROLE OF THE CONTACT OFFICER**

### **APPENDIX 3**

#### **Introduction**

It is recognised that there is a need for management both at the School and Local Authority level, to provide some means of support to teachers who are the subject of allegations of misconduct at work, or who have been suspended for alleged misconduct under the Disciplinary Procedure. In such circumstances the teacher involved may be experiencing feelings of anxiety and stress; they may also be feeling isolated from their workplace and colleagues.

It is important that teachers are not left unaware of what is happening in relation to the Child Protection/disciplinary investigation, as this may also lead to further stress and ill health. In addition, it must be understood that the allegations may have placed a teacher in a difficult situation in relation to handling the implications of the allegation on his/her family.

In view of the above and in order to give support in cases of allegations against a teacher or where a teacher is suspended, it is recommended that an appropriate person is selected to undertake the role of Contact Officer as set out below. The Contact Officer should be totally objective and not involved in the case.

Similar support will also be available from the Trade Union and Professional Associations. It is intended that these provisions will be complementary to the support offered by such Unions/Associations.

#### **Allocation of a Contact Officer**

The Contact Officer allocated should normally be outside the line management of the person suspended and can often be a member of the LA such as a representative of Human Resources Division. He/she should ideally be a sensitive and caring person who will be able to provide the necessary level of support to the suspended employee and, if appropriate, make any contacts on his/her behalf.

The Contact Officer must be acceptable to the person suspended. If not, perhaps for personality reasons, an alternative Contact Officer will be offered to give support.

When a staff member's suspension is confirmed in writing, the name of the Contact Officer allocated and his/her contact number should be included in the letter.

It is good practice for the Contact Officer to make initial contact with the suspended teacher as soon as possible after the suspension. Contact thereafter will be according to the wishes of the person suspended and his/her union/association representative.

#### **Role of Contact Officer**

To reassure and offer confidential help and support to the suspended staff member. In particular, he/she must be available to listen and to pick up any indicators about the staff member's state of health and well-being.

To recognise that the disciplinary process may be personally very stressful and to help the staff member to cope with this. This may involve supporting him/her in seeking additional help or counselling, e.g. from his/her GP, the Occupational Health Unit, etc.

To feed back any concerns [without breaching confidentiality] about the staff member's well-being so that appropriate action can be taken.

To offer any other support which may be necessary. To support the staff member until the disciplinary process is concluded. Depending on the outcome of the case, this may involve continuing the support to some degree until the teacher has settled back into the workplace.

### **Management Support**

The Contact Officer is seen as having a key role in supporting staff during any disciplinary process. This support will be made available to all staff who are suspended, but particular attention should be paid to those cases which, by their nature, are especially sensitive, e.g. in relation to matters of a sexual nature or where allegations of abuse of children may be involved. Because of the particular pressures that such allegations create, there may be a need for additional specialist support pending the outcome of the disciplinary hearing.

In relation to the above, the Contact Officer's own line manager needs to be aware of his/her involvement in supporting a suspended staff member and the impact and effect which this may have on them in both personal terms and in relation to time commitment.

**PROCEDURE FOR HANDLING ALLEGATIONS OF PHYSICAL, SEXUAL OR EMOTIONAL ABUSE OF CHILDREN BY EMPLOYEES**

