

SAFEGUARDING  
CHILDREN  
IN EDUCATION

*LOCAL GUIDANCE  
AND  
CHILD PROTECTION  
PROCEDURES*

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# INTRODUCTION

On 1 June 2004 new responsibilities and duties were placed on Local Authorities and schools, including independent schools, further education colleges and other education providers, to safeguard and promote the welfare of children. (Sections 175 and 157 of The Education Act 2002). This guidance has been produced to assist all those in the education service to be aware of these responsibilities with particular regard to child protection.

This is the first time that separate legislation has been enacted around our child protection responsibilities, and reflects the consequence of previous failure to prevent the abuse of some vulnerable children even where they were known to the education system. Most notably Lauren Wright who was attending school until the time of her death. She was aged six and had lost two thirds of her body weight, weighing only two stone when she died and was regularly seen in school with bruises and black eyes. She died at the hands of her father and stepmother but this was a shocking example of how mistakes by professionals continue to fail to prevent children being abused or killed.

The DCSF have issued statutory guidance arising from the Education Act 2002: 'Safeguarding Children and Safer Recruitment in Education' (January 2007). This gives education staff detailed information on our roles and responsibilities for child protection and for the safer recruitment and selection of staff. There is no intention here to duplicate that guidance in full but to enhance this with local information on how together we can contribute to protecting children in Buckinghamshire from abuse by families, carers and occasionally by professionals.

Whilst Education is never an investigative agency, the role of education staff who have regular contact with all children and young people will always be critical in identifying children at risk and alerting other agencies. Safeguarding responsibilities in all agencies will be examined as part of the regular inspection routine.

This guidance is primarily focused on child protection. Lord Laming in his enquiry into the death of Victoria Climbié made clear that "Child Protection cannot be separated from policies to improve children's lives as a whole" Every Child Matters - Executive Summary. Therefore, both the DCSF guidance and this local document include a number of safeguarding issues which need to be considered alongside child protection policy. There may be others that will be added to the document later. The key factor is to consider safeguarding children in all we do.

# SECTION ONE

## LEGISLATIVE FRAMEWORK

### **THE CHILDREN ACT 1989**

This Act underpins all childcare legislation; the following three sections are particularly relevant to professionals working with children in education.

Section 17 – places a duty on Local Authorities (LAs) to safeguard and promote the welfare of children within their area who are in need, and to provide a range and level of services appropriate to those children's needs.

Section 27 – requires LAs and other organisations to assist in the exercise of functions, including those under Section 17.

Section 47 – requires LAs to make child protection enquiries if they have reasonable cause to suspect a child in their area is suffering or is likely to suffer significant harm, and for LAs and other organisations to assist them with those enquiries if asked to do so.

'Because of their day-to-day contact with individual children during school terms, teachers and other school staff are particularly well placed to observe signs of abuse, changes in behaviour or failure to develop'

(Working Together – Under the Children Act 1989)

### **CHILDREN ACT 2004**

This Act sets out the framework for all services working with children, safeguarding children being recognised as a key area. As a result of the Act, the Buckinghamshire Safeguarding Children's Board has replaced the Area Child Protection Committee, and the Director of Education has been replaced by the Director of Children's Services.

### **EDUCATION ACT 2002**

Legislation under Section 175 of the Education Act 2002 places a statutory duty on LAs and the Governing Bodies of all schools and further education institutions to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. In addition, these bodies must have regard to any guidance issued by the Secretary of State in considering what arrangements they need to make under Section 175.

Section 157 and the Education (Independent Schools Standards) (England) Regulations 2003 place the same duties on the proprietors of all independent schools and colleges. The Non-maintained Special Schools Regulations 1999 require the governing bodies of non-maintained special schools to make

arrangements for safeguarding and promoting the health, safety and welfare of pupils.

'Everyone in the Education Service shares an objective to help keep children and young people safe by contributing to:

- Providing a safe environment for children and young people to learn in education settings; and
- Identifying children and young people who are suffering or likely to suffer significant harm, and taking appropriate action with the aim of making sure they are kept safe both at home and at school'

(Safeguarding Children and Safer Recruitment in Education Guidance, 2007)

## **HUMAN RIGHTS ACT 1998 AND DATA PROTECTION 1998**

The Children Act 1989 and Human Rights Act 1998 have changed the way referrals to Social Care are made. Parents now have a right to know that their child is being referred – unless it is reasonable to assume that informing the parents will place the child in danger or that it would lead to the destruction of evidence – this is most likely in cases of alleged physical or sexual abuse.

A child can bring an action for damages against a Local Authority. If the child is still a minor, the parents or guardians would bring the action on their behalf. The child when an adult can bring a claim in their own right, normally within three years of the injury coming to their attention, but this can be extended by the court if leave is granted. This means that when a child moves school, their pupil record should be transferred to their new school: when they finally leave school, their last school should retain their record for a further nine years. In the case of child protection concerns, however, records should be retained until the young person reaches the age of 50. The school should retain allegations of a child protection nature against members of staff until the staff member concerned reaches the age of 100.

Data protection legislation means that parents/former pupils have the right to see their school records. Although child protection information is exempt from this requirement, if a parent or former pupil asked to see notes registering any child protection concerns, then it is likely that a Local Authority would be obliged to show them, unless the case had involved a criminal prosecution, care order or other legal prohibition. An exception might be made if to release the information would cause individual harm to the parent or former pupil. Therefore, it is vital that all information written about children, or allegations made by children is kept to objective comments, verbatim accounts and factual information.

Before disclosing any information as an access request you should follow Bucks County Council's procedure. If in doubt contact the Council's Data Protection Officer or Legal Services.

## **FREEDOM OF INFORMATION ACT 2000**

Public authorities have a duty under the Act (S.16) to provide advice and assistance to applicants, and potential applicants, for information. Comprehensive advice to applicants is available on the Buckinghamshire County Council website, and any enquiries should be directed to that site. Any school policy should be consistent with that advice. Details of any individual(s) or cases must not be disclosed and are exempt from FOI Act and requests can only be made under Data Protection Act 1998.

## **SEXUAL OFFENCES ACT 2003**

The Sexual Offences Act 2003 has established a new legal framework for defining acceptable and unacceptable relationships. It clarifies that it is totally inappropriate for any education professional to form a personal relationship with a young person under 18. This should be clearly stated in the schools' Code of Conduct. It makes new provision about sexual offences including those against children.

Sections 16-19 re-enact and amend the offence of abuse of position of trust under sections 3 and 4 of the Sexual Offences (Amendment) Act 2000.

It is an offence for a person aged 18 or over who works in an educational institution or service, and is in a position of trust in respect of a child (17 or under) at the same institution, to intentionally:

- Engage in sexual activity with that child
- Cause or incite that child to engage in sexual activity. This includes the activity commonly known as 'grooming'
- Engage in sexual activity in the presence of that child
- Cause that child to watch a sexual act

## SECTION TWO

### ROLES AND RESPONSIBILITIES

'Safeguarding Children and Safer Recruitment in Education' (DfES 04217-2006BKT-EN) defines the roles and responsibilities for the LA and all educational institutions.

In order to comply with the LA's own responsibilities to safeguard children, all services need to ensure that they have procedures in place to inform their staff how to respond to their concerns, or any disclosure of child abuse either within the child's family, wider community or involving LA staff. Many teams already have such procedures in place but for those that do not, the Safeguarding Team will advise on how to take this forward.

All services also need to ensure that their procedures comply with LA guidance on Safer Recruitment.

#### **LOCAL AUTHORITY DESIGNATED OFFICER**

The Local Authority Designated Officer (LADO) for education has specific responsibility for:

- Providing advice and guidance to schools and other educational services with regard to allegations against staff and volunteers
- Liaising with the police and other agencies
- Being involved in the management and oversight of individual cases
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process

In Buckinghamshire the functions of the LADO for education are covered by Manager of the Safeguarding in Education Team

Where the role of the LADO could be compromised by his/her operational involvement in a case, the Named Senior Officer within the Local Authority will oversee arrangements.

## **SAFEGUARDING IN EDUCATION TEAM**

The Safeguarding in Education Team is responsible for ensuring that all education services and educational establishments in Buckinghamshire are aware of their statutory responsibilities in relation to safeguarding children.

The principle tasks undertaken by the team include:

- Providing updated and regular advice and guidance to schools on child protection issues, to support them in carrying out their responsibilities
- Developing and delivering a range of training to meet the needs of schools and education services

A member of the Safeguarding in Education team is available between 9.00 and 5.30 (Monday – Thursday) and 9.00 – 5.00 (Fridays) to provide advice on Child Protection matters to schools and other educational professionals. **However a referral must be made immediately to Social Care if you believe that a child may be at risk of significant harm.**

## **ROLE OF EDUCATION WELFARE SERVICE**

Poor school attendance is a common indicator of child abuse. It is therefore of the utmost importance that EWS procedures are followed for children with a poor attendance record. Education Welfare Officers will work closely with Social Workers where appropriate.

Procedures are in place to prevent children or young people disappearing from the roll of a school (see Appendix 12). The Education Welfare Service should be notified immediately if you become aware that a child has left your school and you do not have details of where they are going.

Similarly, should any professional become aware of a child of school age who is not on the roll of a school, the EWS must be notified. Failure to do so was identified by Lord Laming as a missed opportunity to intervene prior to the death of Victoria Climbié, resulting in criticisms of the professionals who had been in contact with her.

## **ROLE OF GOVERNING BODIES** (including Governors of FE Colleges and Proprietors of Independent Schools)

Governing Bodies are responsible for ensuring that their establishment has:

- Policies and procedures for safeguarding and promoting the welfare of their students in place. The Governing Body is expected to review these annually. They must ensure that parents are aware that a Child Protection policy is in place and available to see on request. (See Appendix 1)
- A member of the senior management team who is designated with lead responsibility for child protection (the Designated Person), that they are properly trained and have time to carry out their duties.
- Procedures for safer recruitment.
- Procedures for dealing with allegations of abuse against members of staff or volunteers working in the establishment. The Chair of Governors must take the lead if an allegation is made against the Head, seeking immediate advice from the LADO (Education).

Governors should receive information on child protection activity within their establishment without breaching confidentiality. An annual safeguarding report must be made to the Governing Body. They must ensure that any data required for monitoring purposes is made available to the LA. (See Appendix 7)  
We continue to recommend that each Governing Body has a Lead Governor to ensure that child protection is receiving proper consideration.

## **ROLE OF DESIGNATED PERSON**

Each educational institution must have a Designated Person for Child Protection, who is a member of the Senior Leadership team. In most schools this would be a senior teacher, but in a residential school it may be the Head of Care. The post holder must be appropriately trained and able to provide advice and support to other staff.

Broad areas of responsibility for the Designated Person include:

- Acting as a source of support and advice to staff within the establishment on all child protection concerns
- Keeping records of child protection concerns separate from a child's main school file in a secure place
- Referring cases of suspected abuse to Social Care
- Ensuring that all staff have received appropriate training in child protection, including induction

- Working with the Governing Body to ensure that the establishment's child protection policy is reviewed and updated annually
- Ensuring that, when a child leaves the establishment, their child protection file is copied and forwarded to the Designated Person in the new establishment: the originals should be retained until the 'child' reaches the age of 50.

The LA is required to maintain a list of these post holders and to ensure that they undertake regular training every two years as a minimum. Once the Designated Person has completed the relevant training provided by the Safeguarding in Education team, they should undertake multi-agency training provided by the Buckinghamshire Safeguarding Children Board. In larger institutions one or more deputies should be considered (who should also receive the relevant training) – it is not acceptable for appropriate responses to child protection issues to be delayed due to the absence of the Designated Person. If no suitably trained member of staff is available, the Head Teacher assumes this responsibility.

## SECTION THREE

### CHILD PROTECTION

Everyone who works with children has a duty to safeguard and promote the welfare of children. They should be aware of the signs and indicators of abuse and know what to do and who to speak to if they become concerned about a child or if a child discloses to them.

The following is intended as a reference for education staff if they become concerned that a child is suffering or likely to suffer significant harm.

The Children Act 1989 defines abuse as when a child is suffering or is likely to suffer 'significant harm'. Harm means ill treatment or the impairment of health or development. Four categories of abuse are identified -

- Neglect
- Physical Abuse
- Sexual Abuse
- Emotional Abuse

### **DEFINITIONS OF ABUSE**

The sections below are the definitions of abuse taken from Working Together 2006.

#### **Neglect**

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

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

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

### **Physical Abuse**

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

### **Sexual Abuse**

“Involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (eg rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, sexual on-line images, watching sexual activities, or encouraging children to behave in sexually inappropriate ways.”

### **Emotional Abuse**

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 feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill treatment of another. It may involve serious bullying, causing children to feel frightened and in danger or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

*NB Domestic violence is very damaging to a child’s emotional development; where a child is living with domestic violence, schools should consider making a referral to Social Care if the child shows any indicators of significant harm.*

## RESPONDING TO CONCERNS

Concerns are often raised about a child from a number of different sources. The information that one member of staff passes on to the appropriate Designated Person may not be in itself enough to require a referral to Social Care. However, other concerns may have been reported and together will indicate that there is reason for serious concern. Any information that is held in isolation by an individual will not help to protect the child. The gathering of information within an establishment and then from other agencies can be likened to a jigsaw –the latest concern/information may be the final piece of the puzzle. Always report any concern or disclosure immediately to the Designated Person.

If the concern or disclosure regards a member of staff this should be reported immediately to the Headteacher or if it involves the Headteacher this should be reported to the Chair of Governors.

### Reacting to a Disclosure

***The following guidance is provided to assist anyone who in the course of working directly with a child or young person receives a disclosure of child abuse.***

Children will choose an adult to talk to, whom they feel they can trust. This could equally be a teacher, volunteer helper, learning support assistant, driver, etc. It is therefore important that all staff know what to do and who to go to for advice. All staff working with children should be trained every three years.

For anyone who is a survivor of abuse, receiving a disclosure can be particularly distressing. It is important to seek support as soon as possible in order to reduce the impact on themselves and on their response to the child.

#### **i) Receive**

- Listen to what is being said, without displaying shock and disbelief
- Take what the child says seriously
- Keep an open mind

#### **ii) Reassure**

- **Reassure** the pupil, but only so far as is honest and reliable, for example, don't make promises you may not be able to keep, like "I'll stay with you" or "Everything will be all right now".

- **Don't** promise confidentiality; you have a duty to refer to the Designated Person.
- **Do** reassure and alleviate guilt, if the pupil refers to it. For example, you could say;  
"You're not to blame."  
"You've done the right thing by telling someone"

### iii) **React**

- **React** to the pupil only as far as it is necessary for you to establish whether or not you need to refer this matter, but don't 'interrogate' for full details.
- **Do not ask** 'leading' questions, for example, "What did s/he do next?" (this assumes he did!), or, "did s/he touch your private parts" The child may well have to tell the story again, and to do so repeatedly will cause undue stress. In the cases where criminal proceedings occur, such questioning can cause evidence to become invalid.
- **Do** ask open questions, like "Anything else to tell me?", "Yes?", "And?".
- Allow the pupil to tell his/her own story. Research has shown this initial disclosure can be the best therapy if they are able to 'talk it out'.
- Do not criticise the alleged abuser, the pupil may love him/her, and reconciliation may be possible. Do not ask the pupil to repeat it all for another member of staff.
- Follow school procedures - refer to the Designated Person.
- Explain what you have to do next and to whom you have to talk.
- Try to see the matter through yourself and keep in touch with the pupil.
- Ensure that someone in the school is identified as a support to the child following the disclosure and beyond.

### iv) **Record**

It is always essential that any concerns regarding matters of child protection are recorded carefully and passed to the Designated Person. Under certain circumstances, where a criminal offence may have taken place, records could be

used as evidence in a court; therefore, the following guidelines should always be followed:

1. In the event of a disclosure make a report of anything said at the time, recording the exact words used by the child to indicate parts of the body, rather than substituting adult words. Make a note of any accompanying non-verbal behaviour and how the information was imparted.
2. When concerns are raised about a child, record the time, date and place where signs are noticed or reported and pass them to the Designated Person. Records may have to be kept over a period of weeks or months before a referral may be appropriate. Record statements and observe things rather than give interpretations. Record discussions with parents and reactions of the parents to the child.

A record of all communications, oral or written, with education staff and outside agencies concerning possible abuse and any subsequent actions should be kept. The Designated Person is responsible for this.

3. Child protection records should not be kept in a child's general school file. They should be kept separately in a locked cabinet. When the child leaves the school, photocopies of these records should be passed directly to the Designated Person in the child's new school. The originals should be kept, in case of subsequent investigation or legal action, until the child reaches the age of 50.

**N.B. Any allegation / disclosure regarding a member of staff MUST be referred immediately to the Headteacher.**

**Any allegation / disclosure regarding the Headteacher MUST be referred immediately to the Chair of Governors.**

## **REFERRAL PROCESS**

### **Initial Action by the Designated Person**

When a clear disclosure is reported to the Designated Person, a referral must be made immediately. Where there are concerns raised, the Designated Person may choose to seek advice and they will decide whether it is appropriate to refer. This decision may be made following discussion with the Safeguarding in Education Team or other professionals working with the family. Referrals will be taken over the telephone in an emergency but should be made or followed up in writing using the Common Referral Form (Appendix 3) within 24 hours.

Referrals should be made to the Social Care Team for the area in which the child is resident. If the child lives outside Buckinghamshire, consult the Social Care team in their area about their preferred format for referrals.

### **Speaking to Parents**

Regular dialogue between staff and parents regarding the welfare of their child should be a normal part of pastoral care. In many cases where concerns are ongoing it would be expected that seeking help from Social Care had been raised as a possible outcome when speaking to parents. All parents should be aware from the establishment's prospectus of the child protection policy. In addition, the consent of the child, if of sufficient understanding, should be sought.

However, in both cases the Designated Person must then explain that they have a duty to refer if they believe that the child or other children may be at risk of significant harm. There are some situations when seeking consent should be avoided:

- a) In cases of sexual abuse, where evidence could be destroyed.
- b) Where the risk of violence to the child or others may result (or other significant risks e.g. abduction, forced marriage)
- c) Where a child may be coerced into withdrawing a statement
- d) Where the sharing of information with parents is best managed jointly e.g. mental health, learning difficulty.

The Designated Person should seek advice from Social Care and keep a record of the advice given.

When concerns regard sexual or serious physical abuse that may be a criminal matter, **always** take advice from Social Care before speaking to parents.

It is your duty to refer any disclosure and it is important to be honest with the child. If possible let them know that you must pass on any information that is about them being harmed in some way before they disclose. If this is not possible be clear about whom you will tell and what you will tell after the disclosure has taken place.

### **The Role of Social Care for Children and Families**

It is the statutory duty of Social Care to decide whether to investigate allegations of child abuse.

Following a referral, a strategy meeting will be held, where the most appropriate way forward will be agreed, for example, whether the investigation will be single or joint agency (Social Care and/or Police). Child protection investigations by the

Police are the responsibility of the Child Abuse Investigation Unit. Social Care liaise with the local CAIU regarding alleged incidents of abuse according to a joint protocol.

A written response should be made by Social Care to all referrals.

Schools, colleges and Education Welfare Officers may expect to be contacted by Social Care as part of any initial investigations into allegations of abuse. When a Child Protection Conference is called, Social Care will invite the school or college, the Education Welfare Officer and other relevant agencies to attend. A representative of the Safeguarding in Education Team is invited to all conferences involving school-age children.

Where criminal proceedings are planned, the Police will take the lead role on all strategies to be used in the investigation.

**NB** *Allegations involving school staff (see Appendix 6 Managing Allegations against Education Staff and Volunteers)*  
*Allegations Involving Contracted Transport Workers (see Appendix 4)*

## **CHILD PROTECTION CASE CONFERENCES**

The function of a Child Protection Case Conference is:

- i) To share and evaluate the information gathered during the investigation (and any other relevant background information).
- ii) To decide whether the criteria are met for the child(ren) to require a Child Protection Plan.
- iii) To draw up the Child Protection Plan for the child(ren). (Where the above criteria are not met, to draw up a Child in Need Plan.)
- iv) To identify a Core Group for children subject to a Child Protection Plan.

It is the responsibility of the Designated Person to attend the conference or ensure that an appropriate person (someone who knows the child and is sufficiently senior to speak on behalf of the school) represents the school and is fully prepared for this. A written report should be available to the Conference and ideally the family will already be aware of its contents (see Appendix 2); an up-to-date record of attendance should be attached. It is good practice to email/fax the report to the conference administrator ahead of the conference, just in case the school representative is unavoidably prevented from attending at the last minute. Copies should be provided for all those at the Conference. There could be up to twenty people at a conference depending on the size of family and number of professionals involved with them.

Everyone at the conference, except family members, will be invited to give their opinion on whether not a child's need for safeguarding and protection is such that a Child Protection Plan is required. Buckinghamshire Safeguarding Children's Board (BSCB) guidance extracted from 'Working Together' is available at the conference for participants to refer to before making a decision. The final decision rests with the Independent Reviewing Officer (Chair), who will also determine which category of abuse (physical, emotional or sexual) or neglect the child has suffered or is at risk of suffering.

If a Child Protection Plan is required, everyone at the conference (including parents) is expected to contribute to drawing it up. This sets out what needs to be achieved to safeguard and protect the children. Further conferences will be held (in the first instance after three months) to review the continuing need for a Child Protection Plan. If it is agreed that a Child Protection Plan is not needed, the conference members will be expected to contribute to a Child in Need Plan.

If a Child Protection Plan is required, membership of the Core Group, which will be responsible for ensuring the implementation of the Plan, will be agreed at the end of the Child Protection Case Conference. Where a child attends a school or college, a representative from that establishment will be appointed to the Core Group, and they will have a significant role. This group should meet monthly, as arranged by the Social Worker who will be the Keyworker. The Keyworker should be informed of any incidents affecting the child's physical or emotional well-being, any changes in the child's circumstances or their failure to attend school.

## **CHILD PROTECTION TRAINING FOR EDUCATION STAFF**

### **Single Agency**

All staff who work directly with children, regular volunteers\*, and those who supervise staff working with children, should receive induction training in child protection. Staff must receive basic training in the recognition and referral of child abuse to be updated every three years. It is the responsibility of the Designated Person to ensure that this is carried out.

\*A volunteer is considered 'regular' if they are working with children three or more times in a thirty day period, or once a month, or overnight.

The Designated Person will require specialist training for this role and further inter-agency training. **Their training should be updated every two years.**

The Safeguarding in Education team offers training as requested by individual services and schools, adapted to particular needs. This includes:

**Basic Awareness :**

- ◆ Legislation that informs practice
- ◆ The signs and indicators children may display if they are being abused
- ◆ Case studies
- ◆ The process of referral to Social Care, through investigation to Child Protection Conference and beyond

This is offered as Twilight (2 hours) or Inset Training (3 hours).

We recommend Inset as this offers the opportunity to work in groups and look at case studies. Although the same topics are covered in twilight, time constraints require a less inter-active presentation.

**Training for Designated Persons**

A one-day course covering the role and responsibilities of the Designated Person in schools is offered at dates throughout the year. This course is appropriate for those new to the role.

A 'Training the Trainers' course is also available, which equips experienced Designated Persons to deliver training in their own schools. All relevant material, tailored for the needs of the individual establishment, is provided.

Any enquiries about training for schools, teachers and other education staff should be addressed to the Safeguarding in Education Team

**Inter-Agency Training**

When Designated Persons have completed the training outlined above, their future training needs may be met by Inter-Agency training courses. This training provides a context and understanding of how child abuse is an issue for all professionals who work with children.

Training is facilitated by an Inter-Agency Pool of experienced practitioners (including members of the Safeguarding in Education Team) who act as facilitators for the courses.

Details of the course programme are distributed throughout the Education Service and to all schools. Any queries or requests for places may be sent to the Course Administrator, Safeguarding Training Unit (01296-387915).

## SECTION FOUR

### STAFFING ISSUES

#### **ALLEGATION OF CHILD ABUSE MADE AGAINST A MEMBER OF STAFF**

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, including individuals working in a voluntary capacity on or off school premises.

Full guidance on procedures to manage allegations against members of staff, is available as part of this document (see Appendix 6).

#### **SAFE WORKING PRACTICE**

Staff working in educational settings have expressed concern about their vulnerability and have requested clearer advice about what constitutes legal behaviour and what might be considered misconduct. They have asked for practical guidance about which behaviours constitute safer practice and which behaviours should be avoided.

The LA strongly advises all educational settings to develop codes of conduct that are relevant to both the individual job description and the individual educational setting. The LA has not produced a draft code of conduct but suggest that the attached guidance (Appendix 10) is used as a starting point for each establishment to develop its own.

The Safeguarding in Education Team offers training for senior staff to assist them in developing a code of conduct with the staff in their establishment.

#### **SAFER RECRUITMENT**

All educational establishments are required to comply with statutory guidance under Sections 175 and 157 of the Education Act 2002, and Section 11 of the Children Act 2004.

New statutory arrangements for vetting of staff and volunteers came into effect in 2007, which include:

- Checks on a person's identity and right to work in the UK
- Mandatory CRB checks for school staff and regular volunteers\*: teachers and support staff must also be subject to an enhanced CRB check

- Foreign nationals are no longer exempt from CRB checks
- People who have lived outside the UK must be subject to further overseas checks if the CRB check is insufficient
- All educational establishments are required to keep a single central record of recruitment and vetting checks for their own staff, supply staff, regular volunteers, and people brought in regularly to provide additional teaching or instruction.

\*A volunteer is considered 'regular' if they are working with children three or more times in a thirty day period, or once a month, or overnight.

**It is BCC policy that no member of the schools' workforce commences employment until the Authority has received satisfactory enhanced CRB clearance.** In exceptional circumstances, any new member of staff without full CRB clearance must have a list 99 check completed before they commence employment. List 99 checks can be completed by the CRB team of Bucks County Council (BCC).

Current BCC policy is to repeat CRB checks every 3 years where people have been continuously employed in the same role. It is not BCC policy to accept portability of CRB disclosures from other registered bodies. Advice about CRB checks is available from the BCC HR Safeguarding in Employment Team (01296-382138).

### **Training in Safer Recruitment**

Training for safer recruitment and selection is available on-line through [www.ncsl.org.uk](http://www.ncsl.org.uk), and also from BCC. Details of BCC training are available from Governors' support in County Hall (01296-382840.)

Full details of statutory requirements and guidelines are available in the DCSF document, Safeguarding Children and Safer Recruitment in Education (04217-2006BKT-EN). It is also available online on [www.teachernet.gov.uk](http://www.teachernet.gov.uk).

The BCC Toolkit for Safer Recruitment in Schools is available on the BCC website: [www.buckscc.gov.uk/schools](http://www.buckscc.gov.uk/schools).

## SECTION FIVE

### SAFEGUARDING ISSUES

The statutory DCSF document, Safeguarding Children and Safer Recruitment in Education (04217-2006BKT-EN), makes it clear that there is a broad range of matters that contribute to safeguarding and promoting the welfare of children, which all educational services must have considered. In the Climbié enquiry Lord Laming said that policies and procedures to prevent or address child protection cannot be separated from these more general welfare issues.

The Guidance covers a large number of safeguarding issues. In addition, the advice below relates to managing local issues and should be read in conjunction with the Guidance.

#### **CHILDREN WITH DISABILITIES**

Professionals should be aware that available evidence indicates that disabled children are at increased risk of abuse, and that the presence of multiple disabilities appears to increase the risk of both abuse and neglect. Supervision and opportunities to monitor this most vulnerable group of children should always be robust and reviewed regularly.

It is often more difficult to identify signs and indicators of abuse in children with disabilities as there may be an alternative, reasonable explanation for injuries and/or behaviours. For this reason, staff will need to be particularly well trained and vigilant. Children may have inadequate vocabulary/signing to tell what is worrying them. Disabled children with communication and/or learning difficulties will require special attention to ascertain their perceptions, wishes and feelings.

Safeguards for children with disabilities are essentially the same as for non-disabled children. However, there should be particular attention paid to promoting a high level of awareness of the risks and high standards of practice to ensure that children are aware of how to raise concerns if they are worried or angry about something.

## **PRIVATE FOSTERING**

Private fostering is very different from the care of children provided by Local Authorities through approved foster carers. It occurs when a child under 16 (if disabled, under 18) is cared for by an adult who is not a relative, for more than 28 days, by private arrangement between parent and carer. The child would not be deemed a child looked after by the Local Authority under the Children Act. Those with parental responsibility retain it.

It is estimated that about 10,000 children in England are privately fostered. They may be children coming from abroad to access the education and health systems, children living with a friend's family after separation, divorce or arguments at home, teenagers living with the family of a boyfriend or girlfriend, or people who come to this country to study or work, but antisocial hours make it difficult for them to care for their own children.

Privately fostered children are protected by the Children Act 2004 (section 44) and associated regulations.

All professionals working within education need to be aware of private fostering and be proactive in identifying and notifying local councils of private fostering arrangements.

Private foster carers are legally required to notify their council but many do not (or do not know that they have to). This means that Social Care departments are unable to check whether a child is being properly cared for.

It is vital that Social Care departments are aware of such arrangements so they can safeguard the welfare of potentially vulnerable children. Ideally, notification should come from the carer or parent, but education professionals can play an important role in identifying these arrangements and in getting key messages across to carers and parents who may be unaware of their responsibilities.

If you become aware of a child who is privately fostered and you think that the local council is unaware, you must either notify the local Referral and Assessment Team in your area by completing a Common Referral Form (Appendix 3) clearly marking it Private Fostering on the front page, or encourage the parent/carer (if child is already in their care) to do this themselves. If the parent/carer/ foster carer is not able to do this or refuses to do so, it is your duty to notify the Referral and Assessment Team. You will not be breaching confidentiality and may help secure the welfare of the child(ren) concerned.

It is expected of the birth parent to notify the local council of the intention for their child to be placed in a private foster placement before the placement takes place. The private foster carer must also undertake this task if not already done. If the local Referral and Assessment Team become aware of a child through notification by parents or carer, the school the child attends will be sent a letter

confirming that they have a child on their roll who is privately fostered. Once the child has been allocated a Social Worker, that worker will make direct links with the appropriate person within school regarding the child's education.

## **SEXUAL EXPLOITATION OF CHILDREN**

Section 15 of the Sexual Offences Act makes it an offence for a person aged 18 or over to meet a child following sexual grooming, including via the phone or internet if they intend to commit a relevant offence against the child.

Children involved in prostitution and other forms of commercial sexual exploitation are victims of abuse and should be treated as such. Their needs will require careful assessment as this problem is often hidden from view. Guidance about Children Involved In Prostitution issued jointly by the Home Office and the Department of Health in 1998 stresses that all agencies should treat the child primarily as a victim of abuse, and should work together to provide them with strategies to exit prostitution. Any concerns regarding young people who may be victims of sexual exploitation should be referred to Social Care.

## **PHYSICAL CONTACT AND USE OF RESTRAINT**

It is unreasonable to suggest that teachers should never touch pupils. Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do any of the following:

- a) committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b) causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- c) prejudicing the maintenance of good order or discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

Guidance from the DCSF on the use of Force to Control or Restrain pupils was issued in 2007: this replaces and supersedes DfES Circular 10/98. It applies to all schools. (See Teachernet: Use of Force Guidance, Nov 2007). It is non-statutory (ie there is no legal requirement for schools to follow it) but the guidance should help schools understand what the law means for them in practical terms.

In addition, guidance on the Use of Physical Interventions for Pupils with Severe Behavioural Difficulties, which provides model policy guidelines for special schools, is now available; this includes advice on risk assessments and gives a suggested risk assessment pro-forma. Ref: LA/0264/2003 and LA 0242/2002

The LA promotes positive handling strategies and has adopted Team Teach, which is accredited by the British Institute of Learning Disabilities and is affiliated to The General Services Association. It promotes the least intrusive positive handling strategies and continuum of gradual and graded techniques.

There are a number of accredited Team Teach trainers, who can be contacted through the County SEN Consultant (01296-334994).

## **BULLYING**

All educational establishments should have an anti-bullying policy, which clearly states what action they will take to prevent bullying from occurring. Serious and persistent bullying may place the safety and welfare of a pupil or pupils at risk. Attention of parents and children should be drawn to this policy, and they should be encouraged to raise any concerns with staff at an early stage. (See Anti-Bullying Practice Guidance Appendix 11)

## **WORK EXPERIENCE**

The Education Business Partnership (EBP) has developed procedures to meet the requirements concerning extended work experience placements, residential placements and placements for young people considered to be vulnerable. For further information contact the EBP Manager.

## **CHILD EMPLOYMENT AND PERFORMANCE/CHAPERONES**

Any young person aged 13 or over working part time must hold a work permit. Details of permitted working hours, types of work that can be undertaken and applications forms are available.

Any child licensed to perform must be accompanied by a chaperone, who is acting in loco parentis and should exercise the care which a good parent might be reasonably expected to give that child.

All chaperones licensed by Bucks County Council are required to undergo enhanced CRB checks and to undertake basic Child Protection Awareness training.

Any enquires regarding the above should be addressed to the Child Employment Officer (Education Welfare Service).

## **PRIVATE TUITION**

Private tuition is not regulated and there is no requirement on private tutors to be registered, be qualified teachers or to be checked by the Criminal Records Bureau (CRB). It would therefore, be inadvisable for any LA staff to recommend privately employed tutors. A leaflet with advice for parents considering employing a private tutor is available from the Safeguarding in Education Team.

## **VISITORS TO SCHOOL SITE**

All establishments should have a written security policy, which considers the safety of staff, children and visitors. The policy should be agreed by the Governors and displayed in a prominent position (often the main reception area) for all to see.

Individual establishments will have particular security and safety arrangements depending on the nature of their site and their client group. However, there are some general points that everyone should consider:

- Door entry systems to ensure against unauthorised entry
- Visitors should be booked in/out and issued with a pass/sticker
- Visitors should be escorted where necessary and always when there may be children present (NB this must include contractors)
- Procedures must be in place to enable staff safely to challenge apparent strangers on the site

Further information is available in the Bucks Health and Safety Guidance or from Steve Nicholls (01296 382895) or the County Health and Safety Advisers.

## **HOME TO SCHOOL TRANSPORT**

All drivers and passenger assistants contracted by Bucks County Council have been subject to CRB checks. They should all carry ID cards which must be produced on request. Any concerns regarding individual drivers and passenger assistants should be referred to the Passenger Transport Team for mainstream pupils or Special Needs Team for special needs pupils.

Bucks Safeguarding Children Board has an agreed protocol, for dealing with allegations against drivers and escorts. (See Appendix 4)