



# **Trust Safeguarding And Child Protection Policy**

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<b>Approved by:</b>	<b>Trust Board</b>
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## Policy Information:

<b>Date of last review</b>	<b>New Policy</b>	<b>Review period</b>	Annually
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<b>Policy Owner</b>	Deputy Chief Executive Officer/Trust DSL	<b>Date of next review</b>	September 2023

## Updates made since the last review:

Review Date	Changes made	By whom
New Policy		

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## Statement of Intent

Local authorities have overarching statutory responsibility for safeguarding and promoting the welfare of all children and young people in their area. Whilst local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility.

Under Section 11 of the Children Act 2004 duties are placed on a range of organisations and individuals to ensure their functions are discharged with regards to the safeguarding of children and young people. The statutory guidance (Working Together) does not identify a Multi Academy Trust (MAT) as a separate organisation. Schools within a MAT are not named under Section 11 of the Children Act 2004 but they are captured under other legislation, for example Sections 157 and 175 of the Education Act 2002, Sections 94 (1) and (2) of the Education and Skills Act 2008, the Education Regulations 2011 and 2014.

'Keeping Children Safe in Education' is statutory guidance for schools and colleges. This guidance contains information on what schools, including academies, should do and sets out the legal duties which they must comply with. KCSIE is updated each year, and the updated version must be read by all staff, Local Academy Council members and Directors.

In law, individual schools are deemed to be 'relevant partners' of their local authority and as such are under a duty to co-operate in that local authority's Local Safeguarding Children's Board arrangements. The Education (Independent School Standards) Regulations 2014 apply a duty on proprietors of independent schools including academies to make arrangements for ensuring that their functions are exercised with a view to safeguarding and promoting the welfare of children.

This legal requirement along with the values and principles that underpin Forward Education Trust, mean that it is essential for us to demonstrate compliance at the local level and take on the strategic responsibility for ensuring that safeguarding practice in all our provision is of the highest quality.

Everyone working in the Trust is wholly committed to ensuring that all children and adults are cared for in a safe and secure environment. To fulfil this commitment, comprehensive safeguarding and child protection systems are in place in line with the DfE statutory guidance, Keeping Children Safe in Education 2022.

To maintain our approach effectively and consistently, we recognise that the Trust and its schools also play an important part in the wider local and national safeguarding system for children. For note: This system is described in full in the DfE statutory guidance Working Together to Safeguard Children 2018.

In addition, we will ensure that GDPR requirements are met in all academies and in the Trust under the umbrella of the safeguarding imperative.

## Culture of Safeguarding

The Trust believes that safeguarding and promoting the welfare of children is the responsibility of **everyone**. This is demonstrated through our shared culture of safeguarding. Everyone who comes into contact with children and their families has a role to play and all staff make sure their approach is wholly child-centred. This means that at all times, they consider what is in the best interests of the child.

Our culture of safeguarding demonstrates the Trust's:

- moral and statutory responsibilities for safeguarding and promoting the welfare of children and expectation that all staff and volunteers share this commitment.
- expectation that everyone working within Trust schools will contribute to the creation of an environment in which all children and adults have an equal right to protection regardless of gender, religion, ethnicity, sexual identity or culture.
- expectation that Directors and staff maintain an open mind and attitude of **“it could happen here”**, where safeguarding is concerned. When concerned about the welfare of a child, staff members always act in the best interests of the child.
- expectation that all adults within the wider Trust community are aware that they have an equal responsibility to act on any suspicion or disclosure that may suggest a child is at risk of harm at home, in the community or in school. Everyone is aware that they can make a referral and reporting procedures are established in every Trust school to ensure information is shared with key safeguarding and child protection staff as soon as possible after any concern arises.
- expectation that every school will follow the guidance provided by the Trust's three local safeguarding partners (local authority, police and clinical commissioning group) For note: Trust schools are located in Sandwell and Birmingham and will follow local guidance
- Commitment to nominate an executive leader as the Trust's Designated Safeguarding Lead and nomination of a trustee as having particular responsibility for safeguarding matters.
- Each School within the Trust has a School-specific Safeguarding Policy which is published on their individual websites
- Our pupils' welfare is our paramount concern. Our Local Academy Councils (LAC) will ensure that our schools will safeguard and promote the welfare of pupils and work together with agencies to ensure that our school has adequate arrangements to identify, assess and support those children who are suffering or where significant harm is suggested in line with the procedures within Birmingham and Sandwell Children's Services.

## **Trust Board Responsibilities**

The Trust Board is committed to ensuring full compliance with its safeguarding and child protection duties under statutory legislation. As delegated by the Trust Board, the Chair of the Education Committee is currently the Trustee Safeguarding Lead. They maintain oversight of the safeguarding activity and actions of the Education Committee which report to the Board on all child protection and safeguarding issues.

## **Strategic planning and reporting**

The Trust Board retain a monitoring focus on all aspects of safeguarding and it is a fixed agenda item at all Education Committee meetings.

Safeguarding is integral to the Trust's Strategic Plan. An annual external review of safeguarding is conducted in the Autumn term by an external qualified expert to cover both SCR and wider safeguarding in schools. A Trust Safeguarding Report presented to Directors alongside updates at Board meetings.

## **Equality statement**

Some children have an increased risk of abuse, and additional barriers can exist for some children with respect to recognising or disclosing it. We are committed to anti-discriminatory practice and recognise children's diverse circumstances. We ensure that all children have the same protection, regardless of any barriers they may face.

We give special consideration to children who:

- Have special educational needs (SEN) or disabilities or health conditions
- Are young carers
- May experience discrimination due to their race, ethnicity, religion, gender identification or sexuality
- Have English as an additional language
- Are known to be living in difficult situations – for example, temporary accommodation or where there are issues such as substance abuse or domestic violence
- Are at risk of FGM, sexual exploitation, forced marriage, or radicalisation
- Are asylum seekers
- Are at risk due to either their own or a family member's mental health needs
- Are looked after or previously looked after (see section 12)
- Are missing from education
- Whose parent/carer has expressed an intention to remove them from school to be home educated

## **Roles and Responsibilities**

Safeguarding and child protection is **everyone's** responsibility. Everyone has a role to play in ensuring the well-being and safety of children, young people, their families, and each other. Below is a brief description of those core responsibilities.

## All staff

All staff will:

- › Read and understand part 1 and annex B of the Department for Education's statutory safeguarding guidance, [Keeping Children Safe in Education](#), and review this guidance at least annually
- › Sign a declaration at the beginning of each academic year to say that they have reviewed the guidance
- › Reinforce the importance of online safety when communicating with parents. This includes making parents aware of what we ask children to do online (e.g. sites they need to visit or who they'll be interacting with online)
- › Take responsibility to report any concerns, no matter what their role;
- › Be aware of our systems which support safeguarding, including this child protection and safeguarding policy, the staff code of conduct, the role and identity of the designated safeguarding lead (DSL) and deputies, the behaviour policy, the online safety policy and the safeguarding response to children who go missing from education
- › What to do if they identify a safeguarding issue or a child tells them they are being abused or neglected, including specific issues such as FGM, and how to maintain an appropriate level of confidentiality while liaising with relevant professionals
- › The signs of different types of abuse and neglect, as well as specific safeguarding issues, such as child-on-child abuse, child sexual exploitation (CSE), child criminal exploitation (CCE), indicators of being at risk from or involved with serious violent crime, FGM, radicalisation and serious violence (including that linked to county lines)

## The Multi Academy Trust

The Trust Safeguarding Lead will provide strategic leadership within the Trust for all aspects of safeguarding children and young people.

The Trust Safeguarding lead will:

- ensure that all policies and procedures are reviewed and updated in line with national and local requirements and appropriate changes disseminated to all schools;
- ensure that there are systems in place to support the effective management of safeguarding, especially the role of DSLs, training for all staff and supervision as appropriate;

- ensure that there is available to school Headteachers someone who can offer appropriate advice and support with safeguarding concerns, especially when they are complex and/or relate to allegations against staff;
- ensure quality assurance processes are in place and oversee the information they produce to measure the progress and effectiveness of existing safeguarding frameworks; and
- produce information to the Trust Board in relation to Safeguarding in order to ensure that the Board can demonstrate that it is discharging its safeguarding obligations appropriately;
- Support school headteachers with the management of allegations made against adults, staff or volunteers within the School community.

### **The Designated Safeguarding lead (DSL)**

Our Trust DSL is Sarah Kelly, Acting Deputy CEO/Director of Education. The DSL takes lead responsibility for child protection and wider safeguarding across Forward Education Trust. The Trust DSL will be available during school hours for staff to discuss any safeguarding concerns and can be contacted via email at [s.kelly@fet.ac](mailto:s.kelly@fet.ac) or by telephone on 07759 370537. In December 2022 a handover will take place to ensuring that the incoming Deputy CEO/Director of Education, Debbie Bailey will be fully briefed to take up the position of Trust DSL on January 1<sup>st</sup> 2023. Debbie's email address will be [d.bailey@fet.ac](mailto:d.bailey@fet.ac) – telephone 07759 370537.

Each School has their own DSL and deputy DSLs based within their individual Schools, details of this can be found within the individual Schools Safeguarding Policies which are displayed on their individual School websites. The DSL is the person to whom staff should pass their concerns and who will ensure a practical and efficient way of dealing with those concerns.

DSLs will:

- ensure an open and efficient route for staff to bring concerns to them of any sort and to have their concerns taken seriously.
- ensure they are appropriately trained to carry out the role;
- support staff in ensuring they receive appropriate training;
- promote the procedural pathway within the school, so staff are aware of the way to report concerns;
- ensure the School procedures are followed and adhered to with regard to referring a child if there are concerns about possible abuse;
- offer clear advice and support to staff bringing concerns or needing help;
- consider whether concerns referred to them need to be referred to Children's Services/Social Care;
- offer appropriate feedback as necessary as to the progress of the concern;
- maintain written records of concerns about a child even if there is no need to make an immediate referral and keep a record system to ensure consistency;
- discuss with the Trust DSL any complex safeguarding concerns;
- ensure that all such records are kept confidentially and securely and are separate from pupil records;
- ensure that an indication of further record-keeping is marked on the pupil record;
- ensure those particular complex cases are referred without delay, and especially where it involves a child or young person subject to a child protection plan

- Refer suspected cases, as appropriate, to the relevant body (local authority children’s social care, Channel programme, Disclosure and Barring Service, and/or police), and support staff who make such referrals directly
- Ensure that all staff who have contact with children and families will have supervisions which will provide them with support, coaching and training, promote the interests of children and allow for confidential discussions of sensitive issues.

The DSL will be given the time, funding, training, resources and support to:

- Provide advice and support to other staff on child welfare and child protection matters
- Take part in strategy discussions and inter-agency meetings and/or support other staff to do so
- Contribute to the assessment of children
- Refer suspected cases, as appropriate, to the relevant body (local authority children’s social care, Channel programme, Disclosure and Barring Service, and/or police and support staff who make such referrals directly.

### **The Local Academy Council (LAC)**

The Local Academy Council will:

- Support the whole-school approach to safeguarding, ensuring that safeguarding and child protection are at the forefront of, and underpin, all relevant aspects of process and policy development
- Evaluate and approve the school’s Safeguarding and Child Protection policy at each review, ensuring it complies with the law, and hold the school to account for its implementation
- Be aware of its obligations under the Human Rights Act 1998, the Equality Act 2010 (including the
- Public Sector Equality Duty), and our school’s local multi-agency safeguarding arrangements
- Appoint a LAC member to lead and monitor the effectiveness of this policy in conjunction with the
- full LAC. This role is fulfilled by the Chair of the LAC.
- Ensure the DSL has the appropriate status and authority to carry out their job, including additional time, funding, training, resources and support
- Online safety is a running and interrelated theme within the whole-school approach to safeguarding and related policies
- The leadership team and relevant staff are aware of and understand the IT filters and monitoring systems in place, manage them effectively and know how to escalate concerns
- The school has procedures to manage any safeguarding concerns (no matter how small) or allegations that do not meet the harm threshold (low-level concerns) about staff members (including supply staff, volunteers and contractors)

- That the School Safeguarding and Child Protection policy reflects that children with SEND, or certain medical or physical health conditions, can face additional barriers to any abuse or neglect
- The chair of LAC will act as the 'case manager' in the event that an allegation of abuse is made against the headteacher, where appropriate (Appendix 2 of this policy has information on how Local Academy Council members are supported to fulfil their role.)
- All LAC members will read Keeping Children Safe in Education in its entirety.

## **The headteacher**

The headteacher is responsible for the implementation of this and their School Safeguarding and Child Protection policy, including:

- Ensuring that staff (including temporary staff) and volunteers:
  - Are informed of our systems which support safeguarding as part of their induction
  - Understand and follow the procedures particularly those concerning referrals of cases of suspected abuse and neglect
- Communicating their Safeguarding and Child Protection policy to parents/carers when their child joins the school and via the school website
- Ensuring that the DSL has appropriate time, funding, training and resources, and that there is always adequate cover if the DSL is absent
- Ensuring that all staff undertake appropriate safeguarding and child protection training, and updating the content of the training regularly
- Acting as the 'case manager' in the event of an allegation of abuse made against another member of staff or volunteer, where appropriate (see appendix 2)
- Making decisions regarding all low-level concerns, though they may wish to collaborate with the DSL on this
- Ensuring the relevant staffing ratios are met, where applicable
- Making sure each child in the Early Years Foundation Stage is assigned a key person

## **Online safety and the use of mobile technology**

We recognise the importance of safeguarding children from potentially harmful and inappropriate online material, and we understand that technology is a significant component in many safeguarding and wellbeing issues.

To address this we :

- Have robust processes in place to ensure the online safety of pupils, staff, volunteers and governors
- Protect and educate the whole school community in its safe and responsible use of technology, including mobile and smart technology (which we refer to as 'mobile phones')
- Set clear guidelines for the use of mobile phones for the whole school community
- Establish clear mechanisms to identify, intervene in and escalate any incidents or concerns, where appropriate

## The 4 key categories of risk

Our approach to online safety is based on addressing the following categories of risk:

**Content** – being exposed to illegal, inappropriate, or harmful content, such as pornography, fake news, racism, misogyny, self-harm, suicide, antisemitism, radicalisation and extremism

**Contact** – being subjected to harmful online interaction with other users, such as peer-to-peer pressure, commercial advertising and adults posing as children or young adults with the intention to groom or exploit them for sexual, criminal, financial or other purpose

**Conduct** – personal online behaviour that increases the likelihood of, or causes, harm, such as making, sending and receiving explicit images (e.g. consensual and non-consensual sharing of nudes and semi-nudes and/or pornography), sharing other explicit images and online bullying; and

**Commerce** – risks such as online gambling, inappropriate advertising, phishing and/or financial scams

We have robust filtering and monitoring systems in place, to limit children's exposure to the 4 key categories of risk (described above) from the school's IT systems.

## Record-keeping

We will hold records in line with our records retention schedule.

All safeguarding concerns, discussions, decisions made and the reasons for those decisions, must be recorded in writing. If you are in any doubt about whether to record something, discuss it with the DSL.

Records will include:

- A clear and comprehensive summary of the concern
- Details of how the concern was followed up and resolved
- A note of any action taken, decisions reached and the outcome

Concerns and referrals will be kept in a separate child protection file for each child using Child Protection Online Monitoring System (CPOMS)

Any non-confidential records will be readily accessible and available. Confidential information and records will be held securely and only available to those who have a right or professional need to see them.

Safeguarding records relating to individual children will be retained for a reasonable period of time after they have left the school.

Safeguarding records which contain information about allegations of sexual abuse will be retained for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry.

If a child for whom the school has, or has had, safeguarding concerns moves to another school, the DSL will ensure that their child protection file is forwarded as soon as possible, securely, and separately from the main pupil file.

To allow the new school/college to have support in place when the child arrives, this should be within:

- **5 days** for an in-year transfer, or within
- **The first 5 days** of the start of a new term

In addition, if the concerns are significant or complex, and/or social services are involved, the DSL will speak to the DSL of the receiving school and provide information to enable them to have time to make any necessary preparations to ensure the safety of the child.

## **Professional Development and Training**

A programme of regular professional development and training is provided to Directors and staff at every level. This ensures everyone has the knowledge and skills required to carry out their role and responsibilities safely and with confidence.

Across the Trust and its schools all staff are aware of the systems, policies and procedures used to support child protection and safeguarding. These are explained as part of staff induction and reviewed with all staff at the start of each academic year.

## **All staff Training**

All staff members will undertake safeguarding and child protection training at induction, including on whistle-blowing procedures and online safety, to ensure they understand the school's safeguarding systems and their responsibilities, and can identify signs of possible abuse or neglect.

This training will be regularly updated and will:

- Be integrated, aligned and considered as part of the whole-school safeguarding approach and wider staff training, and curriculum planning
- Be in line with advice from the 3 safeguarding partners
- Have regard to the Teachers' Standards to support the expectation that all teachers:
  - Manage behaviour effectively to ensure a good and safe environment
  - Have a clear understanding of the needs of all pupils

All staff will have training on the government's anti-radicalisation strategy, Prevent, to enable them to identify children at risk of being drawn into terrorism and to challenge extremist ideas.

Staff will also receive regular safeguarding and child protection updates, including on online safety, as required but at least annually (for example, through emails, e-bulletins and staff meetings).

Contractors who are provided through a private finance initiative (PFI) or similar contract will also receive safeguarding training.

Volunteers will receive appropriate training, if applicable.

## **The DSL and Deputy DSL Training**

The DSL and deputies will undertake child protection and safeguarding training at least every 2 years.

In addition, they will update their knowledge and skills at regular intervals and at least annually (for example, through e-bulletins, meeting other DSLs, or taking time to read and digest safeguarding developments).

They will also undertake Prevent awareness training.

### **Trust Directors and Local Academy Council Members (LAC members)**

Trust Directors and Local Academy Council members receive training about safeguarding and child protection (including online safety) at induction, which is regularly updated. This is to make sure that they:

- Have the knowledge and information needed to perform their functions and understand their responsibilities, such as providing strategic challenge
- Can be assured that safeguarding policies and procedures are effective and support the Trust and schools to deliver a robust 'whole-school' approach to safeguarding

As the LAC chair may be required to act as the 'case manager' in the event that an allegation of abuse is made against the headteacher, they receive training in managing allegations for this purpose.

### **Recruitment – interview panels**

The Trust will follow Part 3 of Keeping Children Safe in Education 2022 (KCSIE) and pay full regard to Safer Recruitment requirements including but not limited to:

- Ensuring that at least one person on the interview panel has undertaken safer recruitment training
- Verifying candidates' identity and academic or vocational qualifications
- Obtaining professional and character references
- Checking previous employment history and ensuring that a candidate has the health and physical capacity for the job
- Checking that candidates have the right to work in the UK
- Obtaining a clear enhanced DBS check
- Recording all evidence of these checks on the Single Central Record
- All recruitment materials will include reference to the Trust's commitment to safeguarding and promoting the wellbeing of pupils.

See appendix 1 of this policy for more information about our safer recruitment procedures.

## **Monitoring arrangements**

This policy will be reviewed **annually** by The Trust Lead DSL/ Trust Safeguarding Lead. At every review, it will be approved by the Local Academy Council.

## **Links with other policies**

This policy links to the following policies and procedures:

- Staff Code of Conduct
- Complaints
- Health and safety
- Equality
- Privacy notices
- Whistleblowing
- Acceptable use of IT

**These appendices are based on the Department for Education's statutory guidance, Keeping Children Safe in Education.**

## **Appendix 1: safer recruitment and DBS checks – policy and procedures**

### **Recruitment and selection process**

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

### **Advertising**

When advertising roles, we will make clear:

- › Our Trust's commitment to safeguarding and promoting the welfare of children
- › That safeguarding checks will be undertaken
- › The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children
- › Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account

### **Application forms**

Our application forms will:

- › Include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)
- › Include a copy of, or link to, our child protection and safeguarding policy and our policy on the employment of ex-offenders

### **Shortlisting**

Our shortlisting process will involve at least 2 people and will:

- › Consider any inconsistencies and look for gaps in employment and reasons given for them
- › Explore all potential concerns
- › Online social media check by Trust HR Team

Once we have shortlisted candidates, we will ask shortlisted candidates to:

- › Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:
  - If they have a criminal history
  - Whether they are included on the barred list

- Whether they are prohibited from teaching
  - Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
  - Any relevant overseas information
- › Sign a declaration confirming the information they have provided is true

We will also consider carrying out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online.

### **Seeking references and checking employment history**

We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview.

When seeking references we will:

- › Not accept open references
- › Liaise directly with referees and verify any information contained within references with the referees
- › Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- › Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
- › Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
- › Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- › Resolve any concerns before any appointment is confirmed

### **Interview and selection**

When interviewing candidates, we will:

- › Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- › Explore any potential areas of concern to determine the candidate's suitability to work with children
- › Record all information considered and decisions made

## Pre-appointment vetting checks

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

### New staff

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

- › Verify their identity
- › Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
- › Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- › Verify their mental and physical fitness to carry out their work responsibilities
- › Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- › Verify their professional qualifications, as appropriate
- › Ensure they are not subject to a prohibition order if they are employed to be a teacher
- › Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
  - For all staff, including teaching positions: [criminal records checks for overseas applicants](#)
  - For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach
- › Check that candidates taking up a management position\* are not subject to a prohibition from management (section 128) direction made by the secretary of state

\* Management positions are most likely to include, but are not limited to, headteachers and deputy/assistant headteachers.

We will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file.

This will include our evaluation of any risks and control measures put in place, and any advice sought.

**Regulated activity** means a person who will be:

- › Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- › Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- › Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

### **Existing staff**

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- › There are concerns about an existing member of staff's suitability to work with children; or
- › An individual moves from a post that is not regulated activity to one that is; or
- › There has been a break in service of 12 weeks or more
- › On substantive change to post

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- › We believe the individual has engaged in [relevant conduct](#); or
- › We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
- › We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- › The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

### **Agency and third-party staff**

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **Contractors**

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- › An enhanced DBS check with barred list information for contractors engaging in regulated activity
- › An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

We will obtain the DBS check for self-employed contractors.

We will not keep copies of such checks for longer than 6 months.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the school.

For self-employed contractors such as music teachers or sports coaches, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

### **Trainee/student teachers**

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

### **Volunteers**

We will:

- › Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- › Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- › Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment
- › Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

## **Director and Local Academy Council Members**

All Directors and Local Academy Council members will have an enhanced DBS check without barred list information.

They will have an enhanced DBS check with barred list information if working in regulated activity.

The chair of the board will have their DBS check countersigned by the secretary of state.

All Directors and LAC members will also have the following checks:

- › Identity
- › Right to work in the UK
- › Other checks deemed necessary if they have lived or worked outside the UK

## **Appendix 2: allegations of abuse made against staff**

### **Section 1: allegations that may meet the harms threshold**

This section applies to all cases in which it is alleged that a current member of staff, including a member of the central team Trust staff, staff in schools, supply teacher, volunteer or contractor, has:

- › Behaved in a way that has harmed a child, or may have harmed a child, and/or
- › Possibly committed a criminal offence against or related to a child, and/or
- › Behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/or
- › Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school

If we're in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).

We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

A 'case manager' will lead any investigation. This will be the Trust DSL or Local Academy Council Chair where the headteacher is the subject of the allegation. The case manager will be identified at the earliest opportunity.

Our procedures for dealing with allegations will be applied with common sense and judgement.

### **Suspension of the accused until the case is resolved**

Suspension of the accused will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- › Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- › Providing an assistant to be present when the individual has contact with children
- › Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
- › Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
- › Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work within the Trust.

If in doubt, the case manager will seek views from the Trust HR Manager and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

### **Definitions for outcomes of allegation investigations**

- › **Substantiated:** there is sufficient evidence to prove the allegation
- › **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive, or to cause harm to the subject of the allegation
- › **False:** there is sufficient evidence to disprove the allegation
- › **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- › **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

### **Procedure for dealing with allegations**

In the event of an allegation that meets the criteria above, the case manager will take the following steps:

- › Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- › Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- › Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved,

the case manager will only share such information with the individual as has been agreed with those agencies

- › Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate
- › Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care
- › **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details
- › **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- › **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate
- › Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. The Trust Employee Assistance Programme provides Support such as welfare counselling or medical advice. Support may also be provided by trade union representatives, or a colleague.
- › Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- › Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- › Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child

We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the school will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

### **Additional considerations for supply teachers and all contracted staff**

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- › We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome
- › Our Local Academy Councils will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation
- › We will involve the agency fully, but the Trust will take the lead in collecting the necessary information and providing it to the LADO as required
- › We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

### **Timescales**

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- › Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week
- › If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days
- › If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

### **Specific actions**

#### **Action following a criminal investigation or prosecution**

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

### **Conclusion of a case where the allegation is substantiated**

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the school will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the school will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

### **Individuals returning to work after suspension**

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation if they are still attending the school.

### **Unsubstantiated, unfounded, false or malicious reports**

If a report is:

- › Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- › Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

### **Unsubstantiated, unfounded, false or malicious allegations**

If an allegation is:

- › Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- › Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

### **Confidentiality and information sharing**

The Trust will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

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

- Who needs to know about the allegation and what information can be shared

- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

## **Record-keeping**

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

## **References**

When providing employer references, we will:

- › Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- › Include substantiated allegations, provided that the information is factual and does not include opinions

## Learning lessons

After any cases where the allegations are *substantiated*, the case manager will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the Trust's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

## Non-recent allegations

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

## Section 2: concerns that do not meet the harm threshold

This section applies to all concerns (including allegations) about members of Trust staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- › Suspicion
- › Complaint
- › Safeguarding concern or allegation from another member of staff
- › Disclosure made by a child, parent or other adult within or outside the school
- › Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

## Definition of low-level concerns

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- › Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, **and**
- › Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- › Being overly friendly with children
- › Having favourites
- › Taking photographs of children on their mobile phone
- › Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- › Humiliating pupils

### **Sharing low-level concerns**

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- › Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- › Empowering staff to share any low-level concerns
- › Empowering staff to self-refer
- › Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- › Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- › Helping to identify any weakness in the school's safeguarding system

### **Responding to low-level concerns**

If the concern is raised via a third party, the Trust representative/ headteacher will collect evidence where necessary by speaking:

- › Directly to the person who raised the concern, unless it has been raised anonymously
- › To the individual involved and any witnesses

They will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct policy. The headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the Trust DSL.

The following link contains further information from Keeping Children Safe in Education regarding reporting low level concerns. [Developing and implementing a low-level concerns policy: A guide for organisations which work with children.](#)

## **Record keeping**

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- › Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- › Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- › Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

## **References**

We will not include low-level concerns in references unless:

- › The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- › The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance