



# **SAFEGUARDING AND CHILD PROTECTION POLICY**

## **Part 1: ‘Think Family, Think Community’**

The DfE has updated its statutory guidance on ‘Keeping children safe in education’. The 2024 version of the guidance will come into force on 1 September 2024. This policy and its appendices has been created in line with the updated guidance and will be implemented from September 2024.

THIS POLICY APPLIES TO THE HEARTWOOD LEARNING TRUST BOARD, THE CENTRAL TEAM,  
AND ALL TRUST SCHOOLS/ACADEMIES

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## Policy Updates

Date	Page	Policy Updates
July 2024	Whole policy	NEW Document

## Statement of Intent

Heartwood Learning Trust is committed to safeguarding and promoting the physical, mental and emotional welfare of every pupil, both inside and outside of the school/academy premises. We will work to ensure that children and families get the right help at the right time. We will implement a whole-school child centred and well coordinated approach to managing safeguarding concerns, ensuring that the wellbeing of pupils is at the forefront of all action taken. Where there is any doubt or confusion about the policy commitments within this document, the Keeping Children Safe in Education (KCSiE) 2024 statutory guidance will be relied upon.

### **The Trust will ensure all its schools and academies are (from Working Together to Safeguard Children 2023):**

- Providing help and support to meet the needs of children as soon as problems emerge
- Protecting children from maltreatment, whether that is within or outside the home, including online
- Preventing the impairment of children's mental and physical health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes

## 1. Legal Framework

1.1. This policy has due regard to all relevant **legislation** and **statutory and non-statutory guidance** including, but not limited to, the following:

- DfE (2024) 'Keeping Children Safe in Education (KCSiE)'
- DfE (2023) 'Working together to safeguard children'

1.2. This policy operates in conjunction with the following **Trust** policies:

- Complaints Policy and Procedure
- Behaviour Policy
- Special Educational Needs and Disability (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy

## 2. Overall Aims

The Trust will contribute to the prevention of abuse and the protection of students by:

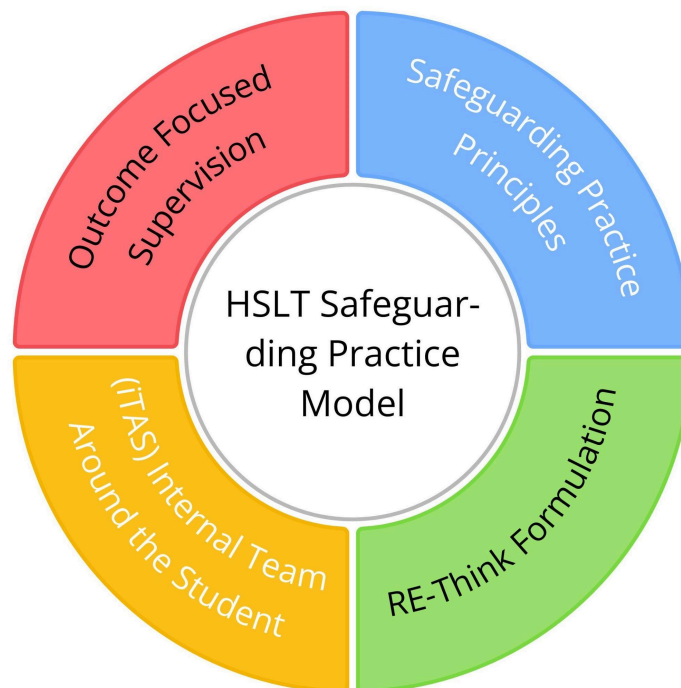
- **Think Family, Think Community** - Working together with students, families and agencies to secure better outcomes for adults, children and families by co-ordinating the support and delivery of services from all organisations.
- **Policy and Practice Principles** - Implementing child protection policies and procedures and ensure that they are followed by staff.
- **Safeguarding Practice Principles** - We will implement the 'HLT Safeguarding Practice Model' for supporting children, young people, and families (inc. Restorative practice)
- **RE-Think Formulation** - Implementing the 'Rethink Formulation' approach to Recognising (safeguarding issues and concerns), Assessing (risks, needs and vulnerabilities) Planning (to address concerns at the earliest possible stage)
- **Safe standards of behaviour** - Clarifying safe standards of behaviour for staff and students
- **Culture of respect** - Ensuring all students feel safe, are treated as individuals and their rights, values and beliefs are respected
- **The Preventative curriculum** - Promote through the curriculum, information about safeguarding and how to stay safe (both online, in the family and in the community).
- **Learning together** - We will raise staff awareness of the causes of abuse, promote trauma informed practice and help staff to identify those who have experienced adverse childhood experiences.
- **Outcome Focused (Safeguarding) Supervision** - Providing outcome focused supervision to Designated Safeguarding staff and other relevant staff.

## 3. HLT Safeguarding Practice Model

The 'HLT Safeguarding Practice Model' recognises that no single practitioner, parent or carer can have a full picture of the child's needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action. The approach is based on the '*team around the child*' model of whether everyone can contribute to actions to support children, families and the community.

The following elements outline the key components of the model.

- Safeguarding Practice Principles
- (iTAS) Internal Team Around the Student
- RE-Think Formulation
- Outcome Focused Supervision



### 3.1. HLT Safeguarding Practice Principles

- **Always working WITH** – creating a context of high support and high challenge with children, young people, and families and each other.
- **Relationship based** – assuming that engagement and best outcomes are achieved through trusting and respectful relationships with each other, taking responsibility for creating and maintaining effective relationships at all levels.
- **Enabling the utility of the family** – putting the family at the heart of everything we do; recognising and enabling the networks and skills within the family; and wherever possible, families determine the direction of care and intervention. We want to ensure that children, young people and families are as fully informed as possible and are always involved in and understand decisions that concern themselves and their families.
- **Early in the life of a problem** - engaging families in appropriate and effective support immediately when an issue is identified and maintaining a persistent offer to engage in support. We also recognise that engagement with education is a protective factor and we will seek to maximise attendance, attainment, and achievement.
- **Strength focussed** - all interactions, interventions and plans are seeking, affirming and utilising existing knowledge, skills and abilities; and adopt an evidence-based approach to assessing needs and managing risk.
- **Accountability, evaluation, and sustainability** - always working to continually understand a situation, improve plans and find ways to enable independence and reduce reliance on services.

### 3.2. (iTAS) Internal Team Around the Student

If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action. A

variety of approaches and interventions are needed and everyone in the school will need to play their part.



### 3.3. RE-Think Formulation

The 'Rethink Formulation' approach to Recognising (safeguarding issues and concerns), Assessing (risks, needs and vulnerabilities) Planning (to address concerns at the earliest possible stage).

The main elements to consider to help aid the 'Recognising, Assessing and Planning' approach are:

- **Presenting Issues** - What's happening right now that's causing concern?
- **Precipitating Factors** - What triggers things?
- **Predisposing Factors** - Family history, challenges and vulnerabilities?
- **Protective Factors** - What positives and strengths are there?
- **Predicting Factors** - What could happen if things don't change?
- **Perpetuating Factors** - What's keeping the issues going?



### **3.4. Outcome Focused Supervision**

The Trust recognises that effective practitioner supervision can play a critical role in ensuring a clear focus on child welfare. Supervision should support practitioners to reflect critically on the impact of their decisions on the child and their family. The Trust will implement a Safeguarding Supervision Framework for Designated Staff to ensure they are supported in their role; to ensure children are kept safe.

## **4. Recognise, Respond, Record, Refer and Review**

The Trust will ensure all staff read Part 1 of KCSiE and that they receive appropriate training, guidance, supervision and instruction to help them to Recognise the signs of abuse, Respond appropriately to the initial disclosure, make an accurate Recording of the disclosure and follow up actions, Refer to the appropriate safeguarding agencies and Review safeguarding cases to ensure students continue to be safeguarded.

Staff will receive training and guidance to ensure they recognise their responsibilities in relation to safeguarding children from the following safeguarding issues:

- Children Absent from Education
- Child Criminal Exploitation
- Child Sexual Exploitation
- Child-on-Child Abuse
- Domestic Abuse
- Operation Encompass
- Homelessness
- Honour-Based' abuse (including FGM and Forced Marriage)
- FGM
- Forced Marriage
- Preventing Radicalisation
- Sexual Violence and Sexual Harassment Between Children in Education
- Serious Violence
- Missing Pupils
- Searching, Screening and Confiscation
- Risks online

## **5. Responding to children or 3rd parties who report abuse or a safeguarding concern**

**5.1. Always tell the Designated Safeguarding Lead (DSL) as soon as possible.**

**5.2. If a child discloses a safeguarding issue to you, you should:**

- Listen to and believe them. Allow them time to talk freely and do not ask leading questions.
- Stay calm and do not show that you are shocked or upset.
- Tell the child they have done the right thing in telling you. Do not tell them they should have told you sooner.
- Explain what will happen next and that you will have to pass this information on. Do not promise to keep it a secret.

- Write up your conversation as soon as possible in the child's own words. Stick to the facts, and do not put your own judgement on it.
- Sign and date the write-up and pass it on to the DSL. Alternatively, if appropriate, make a referral to children's social care and/or the police directly, and tell the DSL as soon as possible that you have done so. This must also be recorded on the Child Protection Online Management System (CPOMS). Do not assume that the DSL will read this on CPOMS, you must inform the DSL directly. Aside from these people, do not disclose the information to anyone else unless told to do so by a relevant authority involved in the safeguarding process.

### **5.3. Bear in mind that some children may:**

- Not feel ready, or know how to tell someone that they are being abused, exploited or neglected.
- Not recognise their experiences as harmful.
- Feel embarrassed, humiliated or threatened. This could be due to their vulnerability, disability, sexual orientation and/or language barriers.
- None of this should stop you from having a 'professional curiosity' and speaking to the DSL if you have concerns about a child.

## **6. If you discover that Female Genital Mutilation (FGM) has taken place or a pupil is at risk of FGM**

KCSiE 2024 explains that FGM comprises "all procedures involving partial or total removal of the external female genitalia, or other injury to the female genital organs".

Any staff member who either:

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

Must immediately report this to the police, personally. This is a mandatory statutory duty, and staff will face disciplinary sanctions for failing to meet it.

## **7. Early Help Assessment**

Early help means providing support as soon as possible once a problem emerges, at any stage in a child's life. Any pupil may benefit from early help, but in particular, staff will be alert to the potential need for early help for pupils will report this to the DSL.

## **8. Consensual and non-consensual sharing of indecent images/videos (e.g 'sexting')\***

*\*This is based on guidance from the UK Council for Internet Safety for all staff and for DSLs and senior leaders.*

The school/academy will ensure that staff are aware of their requirement to treat the consensual and non-consensual sharing of nude and semi-nude images and/or videos of children (also known as "sexting" or youth-produced sexual images) as a serious safeguarding concern.

## **9. 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, our school/academy aims to:

- 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
- Establish clear guidelines for remote learning which are shared and communicated to parents

## **10. Children Absent from Education**

A child missing education, particularly repeatedly, can be a warning sign of a range of safeguarding issues. This might include abuse or neglect, such as sexual abuse or exploitation, child criminal exploitation, issues such as mental health problems, substance abuse, radicalisation, FGM or forced marriage.

Staff will follow the attendance procedures for all non-attendance. Unauthorised absence, will be followed up to establish any patterns and to identify any risks associated with the absence, this will help prevent further absence or going missing. This includes informing the local authority if a child leaves the school/academy without a new school/academy being named and adhering to requirements with respect to sharing information with the local authority, when applicable, when removing a child's name from the admission register at non-standard transition points.

## **11. Pupils with Special Educational Needs, Disabilities or Health Issues**

We recognise that pupils with special educational needs (SEN) or disabilities or certain health conditions can face additional safeguarding challenges, additional barriers can exist when recognising abuse and neglect in this group, including:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's condition without further exploration
- Pupils being more prone to peer group isolation or bullying (including prejudice-based bullying) than other pupils
- The potential for pupils with SEN, disabilities or certain health conditions being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs
- Communication barriers and difficulties in managing or reporting these challenges

Any abuse involving pupils with SEND will require close liaison with the DSL (or deputy) and the SENCO.

## **12. Pupils with a Social Worker**

Pupils may need a social worker due to safeguarding or welfare needs. We recognise that a child's experiences of adversity and trauma can leave them vulnerable to further harm as well as potentially creating barriers to attendance, learning, behaviour and mental health.

The DSL and all members of staff will work with and support social workers and the virtual school head to help protect vulnerable children.

Where we are aware that a pupil has a social worker, the DSL will always consider this fact to ensure any decisions are made in the best interests of the pupil's safety, welfare and educational outcomes. For example, it will inform decisions about:

- Responding to unauthorised absence or missing education where there are known safeguarding risks
- The provision of pastoral and/or academic support
- Responding to incidents of behaviour or misconduct

## **13. Children in Care and Children Previously In Care**

We will ensure that staff have the skills, knowledge and understanding to keep children-in-care (CIC) and children who were previously children-in-care (PCIC) safe. In particular, we will ensure that:

- Appropriate staff have relevant information about children's looked after legal status, contact arrangements with birth parents or those with parental responsibility, and care arrangements
- The DSL has details of children's social workers and relevant virtual school heads

We have appointed a designated teacher who is responsible for promoting the educational achievement of Children in Care (CIC) and children previously classed as Children in Care (PCIC) in line with statutory guidance. The designated teacher is appropriately trained and has the relevant qualifications and experience to perform the role.

As part of their role, the designated teacher will:

- Work closely with the DSL to ensure that any safeguarding concerns regarding children in care and children previously in care are quickly and effectively responded to
- Work with virtual school heads to promote the educational achievement of children in care and children previously in care, including discussing how pupil premium plus funding can be best used to support children in care and meet the needs identified in their personal education plans

## **14. Pupils who identify as LGBTQ+**

The fact that a child or a young person may be LGBTQ+ is not in itself an inherent risk factor for harm. However, children who identify as LGBTQ+ can be targeted by other children. In some cases, a child who is perceived by other children to be LGBTQ+ (whether they are or not) can be just as vulnerable as children who identify as LGBTQ+.

To reduce the additional barriers faced to children who may be LGBTQ+ the school/academy will provide a safe space for a child to speak out or share their concerns with members of staff.

LGBTQ+ inclusion is part of the statutory Relationship and Sex Education and Health Education curriculum.

Safeguarding and Child Protection Policy	
Localised School Based Procedures	
<b>School/Academy Name:</b>	Poppleton Ousebank Primary School
<b>Headteacher/Principal:</b>	Linda Collier
<b>Designated Safeguarding Lead:</b>	Vicky Mitchinson
<b>Implementation Date:</b> <i>Inline with policy approval</i>	September 2024

### Introduction

In conjunction with the Trust wide Safeguarding and Child Protection Policy, localised procedures have been established to ensure that systems and procedures reflect the school/academy setting.

The localised procedures for the school/academy setting focuses on the following key areas:-

- Important Contacts
- Designated Safeguarding Lead and Absence Procedures
- Children's Social Care
- Children's Mental Health Crisis Team
- Identifying Possible Mental Health Concerns
- Local Authority Designated Officer (LADO)
- Reporting Procedures for Pupils
- Pastoral Support for Pupils with SEN, Disabilities or Health Issues
- Looked-After and Previously Looked-After Children
- Support for Pupils who Identify as LGBTQ+
- Supervision of the Designated Safeguarding Lead
- Non-Collection of Children/Pupils
- Missing Children/Pupils
- Visiting Safeguarding Procedures

Should you have any concerns or questions relating to the localised procedures, in the first instance, please contact [hello@pop.hlt.academy](mailto:hello@pop.hlt.academy)

Please refer to the below for a list of important contacts for the school/academy regarding Safeguarding and Child Protection:

Important Contacts		
ROLE/ORGANISATION	NAME	CONTACT DETAILS
Chief Executive Officer (CEO)	Helen Winn	h.winn@hlt.academy
Chief Operating Officer (COO)	Wendy Munro	w.munro@hlt.academy
Trust Director of Safeguarding	Kyle Immanuel	k.immanuel@hlt.academy
Headteacher/Principal	Linda Collier	l.collier@pop.hlt.academy
Designated Safeguarding Lead (DSL)	Vicky Mitchinson	v.mitchinson@pop.hlt.academy
Deputy DSL(s)	Linda Collier	l.collier@pop.hlt.academy
Local Authority Designated Officer (LADO)	Various	lado@york.gov.uk
Chair of Governors	Alex Johnson	a.johnson1@pop.hlt.academy
Safeguarding Link Governor	Dave Card	d.card@pop.hlt.academy
Channel Helpline	N/A	02073 407264

Please refer to the below for details of the school/academy's safeguarding team and their contact information:

<b>Designated Safeguarding Lead and Absence Procedures</b>	
<b>Relates to item 5 within Part 1: 'Think Family, Think Community'</b>	
<b>Designated Safeguarding Lead</b>	
<ul style="list-style-type: none"> <li>During term time, the DSL will be available during school hours for staff to discuss any safeguarding concerns. The DSL is based at Poppleton Ousebank Primary School 5 days a week.</li> </ul>	
<b>Deputy Designated Safeguarding Lead</b>	
<ul style="list-style-type: none"> <li>In the event that the DSL is absent or otherwise occupied with another substantial safeguarding concern, the deputy DSL(s) will act as cover.</li> <li>The deputy DSL (Linda Collier) can be contacted via email <a href="mailto:headteacher@pop.hlt.academy">headteacher@pop.hlt.academy</a> or phone 01904 795930.</li> </ul>	
<b>Designated Safeguarding Officers</b>	
<ul style="list-style-type: none"> <li>In the event that the DSL and deputy DSL(s) are not available, Kyle Immanuel (Director of Safeguarding) will act as cover (for example, during out-of-hours/out-of-term activities).</li> </ul>	

Please refer to the below for details of the school/academy's local Children's Social Care arrangements:

<b>Children's Social Care</b>	
<b>Relates to item 5 within Part 1: 'Think Family, Think Community'</b>	
Please find details of how to report child abuse here: <a href="https://www.gov.uk/report-child-abuse-to-local-council">https://www.gov.uk/report-child-abuse-to-local-council</a>	
<b>Telephone Number:</b>	01904 551900
<b>Email Address:</b>	<a href="mailto:mash@york.gov.uk">mash@york.gov.uk</a>
<b>Telephone Number for Early Help Assessment Team:</b>	01904 551900
<b>Email Address for Early Help Assessment Team:</b>	<a href="mailto:earlyhelp@york.gov.uk">earlyhelp@york.gov.uk</a>
<b>Telephone Number for Urgent Referrals (outside of office-hours):</b>	03001 312131
<b>Email Address for Emergency Referrals:</b>	N/A

Please refer to the below for details of the LADO and how they can be contacted:

<b>Local Authority Designated Officer (LADO)</b>	
<b>Relates to item 5 within Part 1: 'Think Family, Think Community'</b>	
<b>Name of LADO:</b>	City of York Safeguarding Children Partnership - Duty LADO
<b>Telephone Number:</b>	01904 551783.
<b>Email Address:</b>	<a href="mailto:lado@york.gov.uk">lado@york.gov.uk</a>

Please refer to the below for further details on the school/academy's approach to CIC and PCIC and how these pupils are supported to achieve their potential:

<b>Children in Care (CIC) and Children who were Previously Children in Care (PCIC)</b>	
<b>Relates to item 13 within Part 1: 'Think Family, Think Community'</b>	
Please see below details of the designated teacher responsible for promoting educational achievement in CIC and PCIC as well as examples of local support mechanisms they offer.	
<b>Designated Teacher:</b>	Vicky Mitchinson
<b>Support Mechanisms:</b>	The support mechanisms will be tailored to the needs identified in the Care Plan and The Personal Education Plan for the child.

Please refer to the below for details of person(s) responsible for the supervision (line management) of the DSL and how the DSL is supported to fulfil their role within the school/academy:

<b>Supervision of the Designated Safeguarding Lead</b>	
<b>Relates to Part 2: The Management of Safeguarding</b>	
<b>Line Manager of the DSL (and their role):</b>	Linda Collier - Headteacher
<b>Support/Supervision Provided:</b>	Safeguarding Supervision and Support is provided by Kyle Immanuel - Trust Director of Safeguarding.





## Part 2:

# The Management of Safeguarding

The DfE has updated its statutory guidance on 'Keeping children safe in education'. The 2024 version of the guidance will come into force on 1 September 2024. This policy and its appendices has been created in line with the updated guidance and will be implemented from September 2024.

THIS POLICY APPLIES TO THE HEARTWOOD LEARNING TRUST BOARD, THE CENTRAL TEAM, AND ALL TRUST SCHOOLS/ACADEMIES

Document Management	
Updated Policy Approved	July 2024
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## Policy Updates

Date	Page	Policy Updates
July 2024	Whole policy	NEW Document

## **Statement of Intent**

Heartwood Learning Trust is committed to ensuring that the management and effective practice of safeguarding in the Trust and the schools, comply with the legal duties and statutory framework for safeguarding. Where there is any doubt or confusion about the policy commitments within this document, the KCSiE 2024 [Part 2] statutory guidance will be relied upon.

## 1. Roles and Responsibilities

Safeguarding and child protection is everyone's responsibility. This policy applies to all staff, volunteers and governors in the school/academy and is consistent with the procedures of the 3 safeguarding partners. Our policy and procedures also apply to contractors, extended school/academy and off-site activities.

The school/academy plays a crucial role in preventative education. This is in the context of a whole-school approach to preparing pupils for life in modern Britain, and a culture of zero tolerance of sexism, misogyny/misandry, homophobia, biphobia and sexual violence/harassment.

### 1.1. All Staff

1.1.1. All staff who work directly or indirectly with children should read and fully understand the following Trust policies:

- Safeguarding and Child Protection Policy
- Behaviour Policy
- Staff Code of Conduct Policy (this includes content regarding staff behaviour)
- Guidance on Safer Working Practice
- Whistleblowing Policy
- Managing Allegations of Abuse Against Staff Policy
- Suspension and Exclusion Policy
- Anti-Bullying Policy

1.1.2. Staff who work directly or indirectly with children are expected to:

- Read and understand Part 1 of the Department for Education's statutory safeguarding guidance, KCSiE 2024 , and review this guidance at least annually.
- Understand the role of the Designated Safeguarding Lead (DSL) and how they can be contacted
- Read and understand the Teachers' Standards (where relevant)
- Undertake safeguarding training, including online safety training during their induction. This training will be regularly updated on an annual basis
- Provide a safe space for pupils who are LGBTQ+ to speak out and share their concerns
- Consider at all times, what is in the best interests of the child
- Maintain an attitude of 'it could happen here' where safeguarding is concerned
- Undertake regular training as directed by the **Designated Safeguarding Lead (DSL)**
- Read and understand the staff behaviour policy (sometimes called a code of conduct) and the related policies including whistleblowing

1.1.3. All staff who work directly or indirectly with children will be aware of:

- Our systems which support safeguarding, including this child protection and safeguarding policy, the behaviour policy, the role and identity of the designated safeguarding lead (DSL) and deputy DSL(s) and the safeguarding response to children who go missing from education.
- The early help assessment process (sometimes known as the common assessment framework) and their role in it, including identifying emerging problems, liaising with the DSL, and sharing information with other professionals to support early identification and assessment.

- The process for making referrals to local authority children's social care and for statutory assessments that may follow a referral, including the role they might be expected to play.
- 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 domestic abuse, 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 importance of reassuring victims that they are being taken seriously and that they will be supported and kept safe.
- The fact that children can be at risk of harm inside and outside of their home, at school/academy and online.
- The fact that children who are (or who are perceived to be) lesbian, gay, bi or trans (LGBTQ+) can be targeted by other children.
- What to look for to identify children who need help or protection.
- The fact that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful.
- The fact that children with SEND, or certain medical or physical health conditions, can face additional barriers to reporting or recognising abuse or neglect
- The fact that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation

## **1.2. The Principal/Headteacher**

- Manage the whole-school approach to safeguarding, ensuring that safeguarding and child protection are at the forefront of all school/academy life.
- Ensure that the school/academy site supports the safeguarding of pupils at all times.
- Ensure that the leadership team and relevant staff are aware of and understand the Trust wide IT filters and monitoring systems in place, manage them effectively and know how to escalate concerns.
- Ensure Trust policies and procedures inc. localised sections are implemented effectively in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare. This and other related policies operate effectively to support children with SEND, or certain medical or physical health conditions, and avoid additional barriers to any abuse or neglect being recognised.
- Ensure that the school/academy operates within the Trust 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) and that these are effectively reported to the central services team in line with the associated policies.
- Ensure that records are effectively maintained inc. CPOMS, staff training logs and any safeguarding related activities inline with the Trust standards.

## **1.3. The Trust Board**

- Ensure that a Trust wide policy is in place inline with KCSiE and updated to reflect annual changes/updates.

- The Trust Board will ensure that there are easily accessible systems in place for children to confidently report abuse, knowing that their concerns will be treated seriously, they will be understood and can safely express their views.

#### **1.4. The Local Governing Committee (LGC)**

The LGC will:

- Take operational oversight responsibility for the school/academy's safeguarding arrangements ensuring that safeguarding and child protection are at the forefront of, and underpin, all relevant aspects of the safeguarding policy and procedures are implemented inline with this policy.
- Appoint a **safeguarding link governor** to monitor the effectiveness of this policy in conjunction with the full governing board during network meetings with other safeguarding link governors within the Trust.
- Ensure that the school/academy complies with its duties under the child protection and safeguarding legislation listed within the Legal Framework section of this policy.
- Ensure that the safeguarding training, policies and procedures provided by the Trust are being effectively implemented and monitored and within the school/academy.
- Ensure that safeguarding and child protection are at the forefront and underpin all relevant aspects of the school/academy daily operations.

#### **1.5. The Chief Executive Officer (CEO)**

- Hold the Principal/Headteacher to account for the effective implementation and management of this policy and subsequent versions following Trust Board review.

#### **1.6. The Chief Operating Officer (COO)**

- Monitor the whole-Trust approach to safeguarding, ensuring that safeguarding and child protection are at the forefront of, and underpin, all relevant aspects of process and policy development.
- Be aware of its obligations under the Human Rights Act 1998, the Equality Act 2010 (including the Public Sector Equality Duty), and our school/academy's local multi-agency safeguarding arrangements.
- Lead for managing allegations and low level concerns against staff

#### **1.7. The Director of Safeguarding (DoS)**

- Oversee the whole-Trust approach to safeguarding, ensuring that safeguarding and child protection are at the forefront of, and underpin, all relevant aspects of process and policy development.
- Be aware of its obligations under the Human Rights Act 1998, the Equality Act 2010 (including the Public Sector Equality Duty), and our school/academy's local multi-agency safeguarding arrangements.
- Review and recommend development of safeguarding procedures across the Trust
- Provide supervision, where appropriate, to senior colleagues within schools/academies
- Management and co-ordination or delivery of safeguarding training Trust wide.

#### **1.8. The Designated Safeguarding Lead (DSL)**

The DSL is a member of the senior leadership team. The DSL takes lead responsibility for child protection and wider safeguarding in the school/academy.

##### **1.8.1. 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, including completing Early Help assessments
- 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
- Have a good understanding of sexual violence, sexual harassment and harmful sexual behaviour and the associated risks

1.8.2. The DSL will also:

- Keep the Principal/Headteacher informed of any issues
- Liaise with local authority case managers and designated officers for child protection concerns as appropriate
- Be confident that they know what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment, and be confident as to how to access this support
- Be aware that children must have an 'appropriate adult' to support and help them in the case of a police investigation or search
- Promote the educational outcomes of children with a social worker and other children deemed vulnerable
- Take lead responsibility for safeguarding and child protection, including the monitoring and local management of online safety and understanding the Trust wide filtering and monitoring systems and processes in place
- Ensure staff are supported during the referrals processes and provide support to staff to consider how safeguarding, welfare and educational outcomes are linked
- Keep detailed, accurate, secure written records of concerns and referrals, and understand the purpose of this record-keeping

1.8.3. The full responsibilities of the DSL and deputy DSL role(s) can be found in the statutory guidance: Keeping Children Safe In Education, and are set out in their job description.

## 1.9. Designated Teacher

The School/academy will appoint a designated teacher who will work with the virtual school head to support the progress of children in care and promote the educational achievement of children previously in care.

The Virtual school head is the lead responsible officer for ensuring that arrangements are in place to improve the educational experiences and outcomes of the authority's children in care, including those placed out-of-authority, including responsibilities towards children who have left care through adoption, special guardianship, or child arrangement orders or who were adopted from state care outside England or Wales. They also have a non-statutory responsibility for the strategic oversight of the educational attendance, attainment and progress of pupils with a social worker. The virtual school head should also identify and engage with key professionals, e.g. DSLs, SENCOs, social workers, mental health leads and others.



## 2. Equality Statement

2.1. Some children have an increased risk of abuse, and additional barriers can exist for some children with respect to recognising or disclosing abuse. 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.

2.2. We give special consideration to children who:

- Have special educational needs (SEN) or disabilities or health conditions (see section 10)
- 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 children in care or previously children in care
- Are missing from education
- Whose parent/carer has expressed an intention to remove them from the school/academy to be home educated

### 2.3. Equality and Human Rights Commission ([equalityhumanrights.com](http://equalityhumanrights.com)) - Equality Act 2010.

In accordance with the Equality Act, the school/academy will not unlawfully discriminate against children because of their sex, race, disability, religion or belief, gender, reassignment, pregnancy and maternity, or sexual orientation (protected characteristics).

The school/academy will take positive action, where proportionate, to deal with the disadvantages these pupils face.

### 2.4. The Public Sector Equality Duty (PSED) is found in the Equality Act.

All schools/academies will have due regard to:

- The need to eliminate unlawful discrimination, harassment and victimisation (and any other conduct prohibited under the Equality Act);
- Advance equality of opportunity;
- Foster good relations between those who share a relevant protected characteristic and those who do not.

2.5. The Human Rights Act 1998 (HRA) sets out expectations to respect and protect an individual's human rights when they make individual decisions about them. Schools/academies will act in a way that is compatible with the Convention. The specific convention rights applying to schools/academies and colleges are:

- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right)
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity

- Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination,
- Protocol 1, Article 2: protects the right to education.

Being subjected to harassment, violence and or abuse, including that of a sexual nature, may breach any or all of these rights, depending on the nature of the conduct and the circumstances.

### **3. Confidentiality, Communication and Record Keeping**

- 3.1. All child protection and safeguarding concerns will be treated in the strictest of confidence in accordance with the Trust's Data Protection (UK GDPR) Policy.
- 3.2. Timely information sharing is essential to effective safeguarding.
- 3.3. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety of children.
- 3.4. The Data Protection Act (DPA) 2018 and UK GDPR do not prevent, or limit, the sharing of information for the purposes of keeping children safe.
- 3.5. If staff need to share 'special category personal data', the DPA 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information without consent if: it is not possible to gain consent; it cannot be reasonably expected that a practitioner gains consent; or if to gain consent would place a child at risk.
- 3.6. Staff should never promise a child that they will not tell anyone about a report of abuse, as this may not be in the child's best interests.
- 3.7. **If a victim asks the school/academy not to tell anyone about the sexual violence or sexual harassment:**
  - There's no definitive answer, because even if a victim doesn't consent to sharing information, staff may still lawfully share it if there's another legal basis under the UK GDPR that applies
  - The DSL will have to balance the victim's wishes against their duty to protect the victim and other children
  - The DSL should consider that:
    - Parents or carers should normally be informed (unless this would put the victim at greater risk)
    - The basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to the police and/or local authority children's social care as soon as possible
    - Rape, assault by penetration and sexual assault are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. While the age of criminal responsibility is 10, if the alleged perpetrator is under 10, the starting principle of referring to the police remains
  - Regarding anonymity, all staff will:
    - Be aware of anonymity, witness support and the criminal process in general where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system

- Do all they reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment, for example, carefully considering which staff should know about the report, and any support for children involved
- Consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities
- The government's information sharing advice for safeguarding practitioners includes 7 'golden rules' for sharing information, and will support staff who have to make decisions about sharing information
- If staff are in any doubt about sharing information, they should speak to the DSL (or deputy)

### **3.8. Notifying Parents or Carers**

Where appropriate, we will discuss any concerns about a child with the child's parents or carers. The DSL will normally do this in the event of a suspicion or disclosure.

Other staff will only talk to parents or carers about any such concerns following consultation with the DSL. If we believe that notifying the parents or carers would increase the risk to the child, we will discuss this with the local authority children's social care team before doing so.

In the case of allegations of abuse made against other children, we will normally notify the parents or carers of all the children involved. We will think carefully about what information we provide about the other child involved, and when. We will work with the police and/or local authority children's social care to make sure our approach to information sharing is consistent.

The DSL will, along with any relevant agencies (this will be decided on a case-by-case basis):

- Meet with the victim's parents or carers, with the victim, to discuss what's being put in place to safeguard them, and understand their wishes in terms of what support they may need and how the report will be progressed
- Meet with the alleged perpetrator's parents or carers to discuss support for them, and what's being put in place that will impact them, e.g. moving them out of classes with the victim, and the reason(s) behind any decision(s)

The school/academy recognises that some groups of pupils may face additional safeguarding challenges and additional barriers may exist when determining abuse and neglect in these groups of pupils. The school/academy will take into account additional considerations for managing safeguarding concerns and incidents amongst these groups, and may liaise with parents/carers more regularly to help manage this.

### **3.9. Record Keeping**

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.

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/academy.

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.

Most records are kept securely on the CPOMS system, with historic paper-based records from primary schools/academies kept in the locked safeguarding filing cabinet in the DSL office. All new records are kept electronically on the secure CPOMS system. All records are confidential, staff access to safeguarding records on CPOMS are limited to the DSL and DDSL teams. Safeguarding records are retained in accordance with the retaining schedule.

When asked for information by other agencies, this is shared when appropriate, to safeguard students and ensure their safety.

If a child is to be removed from the administration register the school/academy will inform the local Authority of all delegations.

## **4. Work Experience**

- 4.1. When a pupil is due to attend a work experience placement, the school/academy will ensure that the work experience provider has appropriate safeguarding policies and procedures in place.
- 4.2. In such instances where a pupil conducts work experience at the school/academy, an enhanced DBS check will be obtained if the pupil is over the age of 16.
- 4.3. The school/academy will provide a structured and clear reporting procedure for all work experience assignments. Pupils attending work experience off-site are provided with a document that clearly shows the local reporting procedures for any safeguarding concerns. The school/academy will ensure that pupils attending work experience off-site are provided with the contact details for the DSL and any other person(s) responsible for their welfare whilst they are away from the school/academy premises during normal school hours; this will include the interview process

## **5. Training**

- 5.1. The Trust will establish a Safeguarding Training Matrix which will identify training needs and requirements for everyone at the Trust.
- 5.2. All staff members will undertake safeguarding and child protection training (appropriate for their role) at induction, including on whistle-blowing procedures and online safety, to ensure they understand the school/academy's safeguarding systems and their responsibilities, and can identify signs of possible abuse or neglect.

- 5.3. 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.
- 5.4. 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).
- 5.5. All volunteers will receive appropriate training, the DSL will determine the level and frequency of the training required.



## **PART 3: SAFER RECRUITMENT & SELECTION**

PART 3 OF THIS POLICY APPLIES TO THE HEARTWOOD LEARNING TRUST BOARD, THE CENTRAL TEAM,  
AND ALL TRUST SCHOOLS/ACADEMIES

Document Management	
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## Definitions

### **“Regulated activity” includes:**

- Being responsible, on a regular basis in a Trust educational role or school/academy, for teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Working for a limited range of establishments (known as ‘specified places’, which include schools/academies, or in connection with the purposes of the establishment, with the opportunity for contact with children, but not including work undertaken by supervised volunteers.
- Engaging in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

### **Regulated activities do not include:**

- Paid work in specified places which is occasional and temporary and does not involve teaching or training.
- Supervised activities which are paid in non-specified settings.
- A supervised volunteer who regularly teaches or looks after children.

**“Teaching role”** refers to a role involving planning and preparing lessons and courses for pupils; delivering lessons to pupils; and assessing and reporting on the development, progress and attainment of pupils. These activities are not teaching work for the purposes of KCSIE if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the Principal to provide such direction and supervision.

**A “standard DBS”** provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.

**An “enhanced DBS”** provides the same information as the standard DBS, plus any additional information, e.g. interviews and allegations, held by the police which the Police reasonably believes to be relevant and considers ought to be disclosed.

**An “enhanced DBS with barred list check”** check is required for when people are working or seeking to work in regulated activity with children. This check allows for additional checks to be made as to whether the person appears on the children’s barred list.

**The “children’s barred list”** is a list maintained by the DBS which covers individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced DBS including a barred list check is obtained, the certificate will also detail whether the candidate is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002.

**A “section 128 check”** provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools). A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

**“Safer recruitment”** is the safeguarding and protection of pupils during the recruitment and selection process. Its overall purpose is to help identify and deter or reject individuals who are deemed to be at risk of abusing children.



## 1. Introduction

This Safer Recruitment Policy has been developed in line with the DfE statutory guidance 'Keeping Children Safe in Education - September 2024 (KCSiE). Where there is any doubt or confusion about the policy commitments within this document, the KCSiE 2024 [Part 3] statutory guidance on safer recruitment will be relied upon.

This policy aims to ensure a safe and fair recruitment and selection is conducted at all times. Safeguarding and promoting the welfare of children, young people and vulnerable adults is an integral factor in recruitment and selection and is an essential part of creating safe environments for everyone in the school community.

It is the responsibility of the Trust Board to prevent those who are unsuitable from working with children and they will do this by giving due regard to statutory responsibilities.

## 2. Legal Framework

2.1. This policy has due regard to all relevant legislation including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Children Act 1989
- Education Act 2002
- Sexual Offences Act 2003
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Education and Skills Act 2008
- The School Staffing (England) Regulations 2009
- Equality Act 2010
- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Amendments to the Exceptions Order 1975, 2013 and 2020

2.2. This policy has due regard to guidance including, but not limited to, the following:

- DfE (2020) 'Governance handbook'
- DfE (2021) 'Staffing and employment advice for schools'
- DfE (2022) 'ID checking guidelines for standard/enhanced DBS check applications from 1 July 2021'
- DfE (2021) 'Right to work checks: employing EU, EEA and Swiss citizens'
- DfE (2024) 'Keeping children safe in education'
- DfE (2023) 'Recruit teachers from overseas'
- Disclosure & Barring Service (2018) 'Regulated activity with children in England'
- Home Office (2022) 'Employer's guide to right to work checks'
- Safer Recruitment Consortium (2022) 'Guidance for safer working practice for those working with children and young people in education settings'

### **3. General Aims of the Policy**

- 3.1. The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share in this commitment.
- 3.2. The Trust is committed to attracting, selecting and retaining employees who will successfully and positively contribute to providing a valuable service. A motivated and committed workforce with appropriate knowledge, skills, experience and ability to do the job is critical to the Trust and school/academy performance and fundamental to the delivery of a high quality service.
- 3.3. The Trust will ensure the recruitment of all staff is conducted in a fair, effective and economic manner with full considerations to safeguarding and promoting the welfare of children at each stage of the process.
- 3.4. To achieve this purpose, those that are responsible for each stage of the recruitment process will demonstrate a professional approach by dealing honestly, efficiently and fairly with all internal and external applicants.
- 3.5. The objective of the recruitment process is to attract, select and retain staff who will successfully and positively contribute to the future development of the Trust and school/academy. The first experience an individual is important; therefore the experience should be positive and all those responsible for recruiting will:
  - Leave a positive image with unsuccessful applicants
  - Give successful applicants a clear understanding of the post and what is expected of them
  - Take reasonable actions to reduce the risk of a bad selection decision recognising the potential cost and the Trust/school/academy commitment to safeguarding children, young people and vulnerable adults.

### **4. Scope**

- 4.1. This policy applies to all schools/academies and Trust employees, Trustees and Governors, and those who are responsible for and involved in recruitment and selection of all staff.
- 4.2. The ultimate responsibility for recruitment and selection remains with the Trust Board.

### **5. Equity, Diversity & Inclusion**

- 5.1. The Trust and the school/academy values the diversity staff bring to the workplace. They will be committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Recruitment and selection procedures will be reviewed on a regular basis to ensure that applicants are not discriminated against on the grounds of a protected characteristics named in the Equality Act [2010], unless there is a genuine occupational reason for doing so (only in very limited and exceptional circumstances and in relation to achieving a clear legitimate aim).
  - Age
  - Disability
  - Gender Reassignment
  - Pregnancy and maternity
  - Race (including ethnic or national origins, colour and nationality)

- Religion and belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

## **6. Schools/Academies with a Religious Character**

- 6.1. There are some specific exceptions to the religion or belief provisions of the Equality Act for employment by schools/academies designated as having a religious character. Schools/academies within the Trust with a religious character may apply religious criteria when recruiting a member of their teaching staff or Principal. In line with DFE guidelines such academies, may give preference to persons:
- Whose religious opinions are in accordance with the tenets of the religions of the School/Academy;
  - Who attend religious worship in accordance with those tenets; or
  - Who give, or are willing to give, religious education in accordance with those tenets
- 6.2. Religious criteria can only be applied with Chief Executive Officer and Chair of Trustee approval and may not be applied to any other posts, such as non-teaching staff, unless it can be justified that there is a genuine occupational requirement.
- 6.3. Adverts and personal specifications must clearly state that there is a genuine occupational requirement when religious criteria is being applied.
- 6.4. York Diocesan Board of Education and/or Methodist Schools and Academies Trust should be informed regarding the recruitment of the Principal role with a school/academy with the associated religious character.

## **7. Reasonable Adjustments**

- 7.1. The Trust will ask whether an applicant needs any reasonable adjustments for any part of the recruitment and selection process. Further, if a candidate has indicated a disability on their application form, or the Trust becomes aware of it, or the candidate asks for reasonable adjustments to be made, the Trust will endeavour to make them.
- 7.2. In many cases, reasonable adjustments are relatively simple and inexpensive to make:
- a candidate with a hearing impairment may need to clearly see the interviewer so they can lip read
  - a candidate with limited mobility may need to know the 'accessibility routes' to the interview rooms in the building
  - a candidate with recognised learning difficulty may need access arrangements to accommodate assessments and to help them familiarise themselves with materials used for a presentation
  - a candidate may have dietary requirements or preferences that can easily be accommodated
  - a candidates may have limited access to IT and may need help completing an application form.
- 7.3. In addition, all applicants who declares themselves disabled and who meet all the desirable/minimum criteria of the person specification will be granted an interview.

## **8. Safer Recruitment – Recruitment and Selection Training**

- 8.1. It is a requirement that at least one member of the interview panel has completed the Trust approved Safer Recruitment Training prior to the start of the recruitment process. The approved training will be the Safer Recruitment developed by the Safer Recruitment Consortium and Training provided by the NSPCC. The Trust will ensure that line managers and appropriate Trustees/Governors receive this training and subsequent refresher training.
- 8.2. Administration staff involved in the recruitment process should also complete Safer Recruitment Training.
- 8.3. The Trust will also ensure that one or more of its staff becomes an 'Accredited Trainer' with the Safer Recruitment Consortium to ensure the Trust will have capacity to deliver an internal programme of Safer Recruitment Training to the relevant staff.
- 8.4. All new staff at the Trust will receive information and instruction on the Trust Guidance on Safer Working Practice. This will form a part of their induction.

## **9. Recruitment & Selection Documentation**

### **9.1. Application Forms**

A standard online application form will be used to obtain a common set of data from all applicants. The application form will always include key information on safeguarding. As such, candidates must provide information on employment history and if appropriate adequately explain the reasons for any gaps. The candidates must complete, sign and date the declaration and follow instructions regarding the appropriate disclosure of relevant criminal convictions.

### **9.2. Job Description and Person Specification**

A job description and, where applicable, a person specification will be issued for all posts. In the case of volunteers this will include a volunteer role profile. The job description/volunteer role profile will have a clear reference to an individual's responsibility to safeguard children, adults and promote their welfare.

### **9.3. Disclosure of Criminal Convictions [inc. cautions, warnings, arrests and 'current' Police investigation(s)]**

All short-listed candidates who have indicated on the standard application form that they may have spent/unspent criminal convictions, cautions, warnings or they are currently subject to a police investigation(s), will be asked to complete a self-disclosure form with their invitation to interview. The information will be processed by the HR team prior to interview and the relevant disclosures will be passed to the Chair of the interview panel.

### **9.4. Risk assessment for a relevant disclosure of a criminal conviction [inc. cautions, warnings, arrests and 'current' Police investigation(s)]**

Where the conviction falls under a relevant category, a risk assessment will be carried out. The relevant category will, in the vast majority of disclosures, relate to offences against a child or other offences where transferable risks to children have been identified which indicate unsuitability for working with children, or where the conduct may determine unsuitability.

The relevant disclosures will normally (but not exclusively) include:

- Sexual Harm - Offence related to sexually harmful behaviour

- Physical Harm - Offences in relation assaults, Grievous Bodily Harm, Actual Bodily Harm
- Controlled substances - Production or possession of, or to supply of controlled substances (eg. cannabis, cocaine, etc)
- Firearms, firework or weapons (possession of and or used in relation to criminal activity)
- Child Grooming and Exploitation (CSEE/CCE)

#### 9.5. The Risk Assessment Process and Deciding Panel

The risk assessment process will be overseen and finalised by a panel consisting of key staff to ensure thorough and fair evaluation. The following staff will oversee and decide the risk assessment and decision:

- The **Director of Safeguarding** will ensure the risks are clearly identified and the control and risk reduction measures receive robust scrutiny prior to being considered by the panel.
- The **Director of Human Resources** will ensure that the process adheres to legal standards and respects individuals' rights under the Human Rights Act [1998] and other relevant legislation and statutory codes of practice).
- The **Chief Executive Officer** or **Chief Operating Officer**, in consultation with the **Director of Safeguarding**, or the **Director of Human Resources**, will form a final decision (referred to as 'Deciding Panel'). This panel will consider the risk assessment, making the final decision on the suitability of the individual to work with children.

## 10. Interviews

- 10.1. The interview will assess the merits of each candidate for the post, including at least one value based question exploring their suitability to work with children and young people. The selection process for people who will work with children and young people will always include a face-to-face interview even if there is only one candidate.
- 10.2. In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel will also explore:
  - Implication that adults and children are equal
  - Lack of recognition or understanding of the vulnerability of children
  - Inappropriate idealisation of children
  - Inadequate understanding of appropriate boundaries between adults and children
  - Indicators of negative safeguarding behaviours
  - Attempts to push or overstep boundaries
  - Consistent rule-breaking behaviour
  - Any gaps in the candidate's employment history;
  - any concerns or discrepancies arising from the information provided by the candidate and/or a referee.
- 10.3. Pupil involvement, or observing short listed candidates' interaction with pupils, is common and recognised good practice. i.e. asking candidates to teach a lesson, arranging for pupils to show candidates around the school/academy (accompanied) or allowing pupils to meet short listed candidates.
- 10.4. **Interview Panel**  
A minimum of two interviewers will form the interviewing panel and at least one member of the interview panel will have undertaken the Trust Safer Recruitment Training.

Where a candidate is directly or indirectly known in a personal capacity to a member of the selection panel, this will be declared before shortlisting takes place. It may then be necessary to consider changing the selection panel to ensure that there is no conflict of interest or positive or negative bias.

## **11. Employment History and References**

- 11.1. The purpose of references is to obtain objective and factual information to support appointment decisions, including an applicant's suitability to work with children and young people. It is important to obtain independent professional references that seek objective and justifiable information and not subjective opinion.
- 11.2. The Trust will seek two written references, one of which will be from the current or most recent employer and wherever possible at least one should be from a previous role where the applicant worked with children and/or young people.
- 11.3. References should be sought on all short-listed candidates, including internal ones, and obtained prior to interview. This allows issues to be explored with the referee in advance and with the candidate at interview. Any job offer will be subject to receipt of satisfactory references. In accordance with the Equality Act information asking about sickness absence and health should not be included on reference requests, this information will be picked up for the successful candidate at the pre-employment health screening stage.
- 11.4. A copy of the job description and person specification should be included with reference requests.
- 11.5. On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague. They should also be compared for consistency with the information provided by the candidate on their application form.
- 11.6. Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post.
- 11.7. **All reference requests will ask:**
  - About the referee's relationship with the candidate i.e. if it is a working relationship, how long has the referee been working with the applicant and in what capacity
  - Whether the referee is satisfied that the applicant has the ability and is suitable to undertake the job in question, specific comments about the applicant's suitability for the post and how s/he has demonstrated that s/he meets the job description/person specification
  - Confirmation of details relating to the applicant's post and salary
  - Specific verifiable comments about the applicant's performance history and conduct
  - Details of any live disciplinary procedures/suspension to which the applicant is subject
  - Details of any substantiated allegations or concerns that have been raised with the candidate that relate to the safety and welfare of children and young people and/or their behaviour towards children and young people. Allegations which were proven to be false, unsubstantiated or malicious should not be included in an employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

- In addition to all of the above, reference requests for all teaching posts will also ask for details of any non-health capability procedures to which the applicant has been subject to within the last two years and the outcome
- A Trust standard reference pro forma will be used for all posts in order to ensure consistency.

#### **11.8. Referees should be mindful that:**

- They have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission;
- Any relevant factual content of the reference may be discussed with the applicant;
- A candidate can ask to see information held about them – for example interview notes and references, or the full personal file if the candidate already works for the organisation. The Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk) has more information

## **12. Conditional Offer of Appointment: Pre Appointment Checks**

### **12.1. An offer of appointment to the successful candidate will be conditional upon:**

- Verification of the candidate's identity
- Verification of eligibility to work in the UK
- Verification of Birth Certificate (where available)
- Appropriate overseas check, and references from any overseas education employer after this date.
- Online checks
- Verification of the candidate's mental and physical fitness to carry out their role
- The receipt of at least two satisfactory and verified references
- Verification of qualifications
- Verification of professional status where required e.g. QTS status (unless properly exempted)
- A check of the DfE Children's Barred List
- A satisfactory DBS Enhanced Disclosure, with the certificate seen and verified by the Trust/school/academy (for Volunteers a written risk assessment in relation to the undertaking of an Enhanced DBS Disclosure)
- Where relevant, a check using the Employer Access Online Service to see if a prohibition order issued by the Secretary of State for Education or GTCE sanction exists against the individual (for posts carrying out 'teaching work')
- Any additional checks, as deemed appropriate

### **12.2. Online searches on shortlisted candidates**

In line with KCSIE, the school will consider carrying out online searches on shortlisted candidates as part of its due diligence. Online searches solely aim to help identify any incidents or issues that have happened, and are publicly available online, that the school/academy may want to explore with the applicant at interview.

- Online searches will be conducted on shortlisted candidates only. The school/academy will consider any potential risks of online searches, e.g. unlawful discrimination or invasion of privacy, and will ensure staff conducting online searches are clear on the purpose of the search. Shortlisted candidates will be made aware that online searches may be conducted as part of due diligence checks.

- Online searches will only examine data that is publicly available. Staff will not 'follow' or submit a friend request to shortlisted candidates on social media platforms to access further details or information.
- Online searches will be carried out by an individual who is independent of the recruitment process to minimise the risk of bias or discrimination and to ensure that only relevant information is considered. The person responsible for carrying out online searches will have due regard to Part three of KCSiE.
- The online search process may include searching for the candidate by name via search engines and social media platforms.

12.3. When carrying out searches of shortlisted candidates' online presence, the school will look out for indicators of concern, such as:

- Inappropriate behaviour, jokes or language
- Discriminatory comments
- Inappropriate images
- Drug or alcohol misuse
- Anything that suggests the candidate may not be suitable to work with children
- Anything that could harm the reputation of the Trust/school/academy.

12.4. Any concerns will be addressed during the interview process. The school/academy will ensure that candidates are given an opportunity to discuss any concerns raised by the online search.

12.5. All checks will be appropriately documented and retained on the individual's personnel file with information recorded on the Trust/school/academy's Single Central Record (SCR) in line with the statutory requirements set out in KCSiE. Where information is unsatisfactory or there are discrepancies in the information provided this will be followed up.

12.6. A referral will be made to the Local Authority Designated Officer (LADO) where:

- the candidate is found to be on the relevant Barred List, or the DBS Disclosure shows s/he has been disqualified from working with children by a Court; or,
- an applicant has provided false information in, or in support of, his/her application; or,
- there are serious concerns about an applicant's suitability to work with children

12.7. **If an individual's DBS certificate is not completed a member of staff would only be able to commence work if the Trust is satisfied that:**

- DBS risk assessment is in place and approved by the Chief Operating Officer (COO) or CEO
- appropriate supervision is in place
- all other checks (references, etc) have been completed satisfactorily
- the DBS children barred list check has been completed

#### 12.8. **Agency Staff**

When the Trust/school/academy needs to use the services of a supply agency we will ensure the agency operates a safer recruitment process and provides confirmation that the following have been checked and judged as satisfactory:

- Identity
- Enhanced DBS Disclosure



- Right to work in the UK
- The DBS Barred List
- Any Prohibition Order, Interim Prohibition Order or GTCE sanction for those undertaking 'teaching work'
- Qualifications (where applicable)
- Overseas Checks, including and EEA check where applicable

12.9. When the supply member of staff arrives at the Trust/school/academy, their identity will be checked and it will be confirmed that they are the same person on the documentation from the agency. The supply staff's details will be entered on the SCR.

#### 12.10. **Individuals who have Lived or Worked Outside the UK**

Individuals who have lived or worked outside the UK will undergo the same checks as all other staff. In addition, the Trust will make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Overseas checks should be undertaken for individuals who have lived/worked overseas for 3 months or more in the last 10 years. It is the individual's responsibility to obtain a Certificate of Good Conduct.

Further information can be obtained from:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

These further checks will include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the TRA Teacher Services' system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, the Trust will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Online checks may also be carried.

## 13. **DBS Certificates/Disclosure**

(Read in conjunction with the 'Risk assessment and Decision Panel' process - in section 9.5 of this Policy)

- 13.1. Enhanced level DBS certificates are required for all posts and renewed on a rolling 5-year programme. The requirement of checks for any prohibition, direction, sanction, or restriction will depend on the role that is being offered and duties involved.
- 13.2. The DBS will only issue a certificate to the individual and it is therefore the responsibility of the Trust to verify that the certificate is valid once it has been received. An Update Service is available which allows individuals to subscribe to the service and re-use their DBS certificate for the same level and type of roles. Trust/schools/academies can also access the service for free, with the individual's permission, and check the status of the certificate online:
- For all posts where a DBS certificate is required, the Trust/school/academy must ensure that they see the certificate once the individual has received it and check that the certificate is valid.
  - A DBS certificate must be obtained from the individual before, or as soon as practicable after, the person's appointment (see 12.1).
  - A job offer can be withdrawn if the results of DBS checks/and or other pre-employment checks show anything that would make the individual unsuitable for the post that they have been offered.

- Enhanced DBS checks on all members of the Trust Board and Governors appointed to an Local Governing Committee (LGC). The school/academy will also check that members are not barred from taking part in the management of the school as a result of a section 128 direction (see 12.1).
- Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The Trust should obtain written confirmation from the provider that it has carried out all pre-appointment checks.

13.3. All checks must be:

- Satisfied prior to commencement of employment
- Followed up where they are unsatisfactory, or where there are discrepancies in the information provided
- Recorded, retained and used in accordance with the General Data Protection Regulations (GDPR) and other legislative provisions

## **14. Single Central Record (SCR)**

14.1. Trust/schools/academies will maintain a SCR on the Trust designated system, which will cover the following people:

- All staff, including teacher trainees on salaried routes, and supply staff (who work at the Trust).
- The members and trustees of the academy trust.
- Contractors and volunteers.

14.2. The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The record must indicate whether the following checks have been carried out or certificates obtained, the date on which each check was completed/certificate obtained and the name of the person who has carried out the check on behalf of the Trust/school/academy:

- an identity check. Identification checking guidelines can be found on the GOV.UK website
- a barred list check
- an enhanced DBS check/certificate
- a prohibition from teaching check
- a section 128 check
- further checks on people who have lived or worked outside the UK (this would include recording checks for European Economic Area (EEA) teacher sanctions and restrictions)
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom

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

14.4. Trust/school/academy SCRs will be securely stored and easily accessible to those who need to see it, including Ofsted inspectors.

## **15. Contractors**

- 15.1. The Trust/school/academy will ensure that contractors who provide services to them that give rise to contact with children/young people carry out appropriate checks. The contractor is responsible for ensuring that sub-contractors also follow the same procedures. All contractors must provide a list of direct employees and those of any subcontractors before they start work on site.
- 15.2. Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. The Trust is responsible for determining the appropriate level of supervision depending on the circumstances.
- 15.3. If a contractor is self-employed, the Trust will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account. The Trust will always check the identity of contractors and their staff on arrival.



## Part 4: Safeguarding Allegation Management Policy

(Safeguarding concerns [*inc. Low Level Concerns*] or allegations made about staff, including supply teachers, volunteers and contractors)

THIS POLICY APPLIES TO THE TRUST BOARD, THE CENTRAL TEAM AND ALL TRUST SCHOOLS/ACADEMIES

Document Management	
Updated Policy Approved	August 2024
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Approving Committee	Trust Board

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## Policy Updates

Date	Page	Policy Updates
July 2024	Whole policy	NEW Document

## 1. Introduction

- 1.1. This safeguarding allegation management policy has been developed in line with the Department for Education (DfE) statutory guidance 'Keeping Children Safe in Education' (KCSIE). Where there is any doubt or confusion about the policy commitments within this document, the KCSIE 2024 [Part 4] Statutory guidance on safer recruitment will be relied upon.
- 1.2. Those working with children and young people should understand that they are in a position of power and trust in relation to these groups. There is potential for exploitation and harm to children and young people, and employees have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Employees should always maintain professional boundaries and avoid behaviour which might be misinterpreted by others.
- 1.3. The Trust is committed to ensuring that all children and young people are safe in all its schools/academies and they are protected from any harm or abuse perpetrated by professionals. In that endeavour, the Trust is committed to ensuring that all those working in or on behalf the Trust and its schools/academies, in a paid or unpaid capacity are safe and suitable to do so.
- 1.4. Where concerns are reported about the behaviour or professional conduct of a member of staff or concerns about their capacity, knowledge or competency to safeguard children and young people, the Trust will enact a process to establish if a child has been harmed, if the individual poses a risk or harm to a child or if the person is unstable for working with children. The process will respond to safeguarding allegations and concerns that may meet the harm threshold and also those that do not.

## 2. Concerns that meet the 'harm threshold'

- 2.1. An allegation may meet the harm threshold where it is alleged that anyone working in the Trust or school/academy who provides education for persons under 18 years of age, including supply teachers, volunteers and contractors 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 he or she 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.
- 2.2. Where the harm threshold could be met if an allegation is proven, this will be serious enough to consider a referral to the Local Authority Designated Officer (LADO).

## 3. Low Level Concern or Concerns that do not meet the harm threshold

- 3.1. For the purposes of this policy, a **low-level concern** is defined as any concern about an adult's behaviour towards, or concerning a child that does not meet the harms threshold (see above), or is otherwise not serious enough to consider a LADO referral at the time of its reporting.
- 3.2. The term 'low-level' concern does not mean that it is insignificant – a low-level concern is any concern that suggests an adult working in or on behalf of the Trust or school/academy may have acted in a way that is considered inappropriate in line with statutory safeguarding advice, the Staff Code of Conduct

and the **appropriate and inappropriate behaviour** subsection of this policy. A low-level concern does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO.

- 3.3. While low-level concerns are, by their nature, less serious than concerns which meet the harms threshold, the Trust/school/academy understands that many serious safeguarding concerns, e.g. child sexual abuse, often begin with low-level concerns, e.g. being overly friendly with children.
- 3.4. The Trust/school/academy will ensure that all staff are aware of the importance of recognising concerns before they escalate from low-level to serious, wherever possible.

## **4. The Initial Response to an Allegation**

- 4.1. Where the school/academy identifies that a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they will contact the local authority children's social care and as appropriate the police immediately.
- 4.2. **The Trust and school/academy will also consider the following when an allegation is made:**
  - Looking after the welfare of the child
  - Investigating and supporting the person subject to the allegation
- 4.3. **When dealing with allegations, schools/academies should:**
  - Apply common sense and judgement
  - Deal with allegations quickly, fairly and consistently, and
  - Provide effective protection for the child and support the person subject to the allegation.

## **5. Guidance on Safer working practice**

- 5.1. The Trust will use this guidance to raise awareness of illegal, unsafe, unprofessional and unwise behaviour. It should assist staff to monitor their own standards and practice and reduce the risk of allegations being made against them. It is also recognised that not all people who work with children work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by any person whose work brings them into contact with children. The guidance will also support the Trust in giving a clear message that unacceptable behaviour will not be tolerated and that, where appropriate, legal or disciplinary action is likely to follow. The Trust/ school/academy may refer to the document in any disciplinary proceedings.
- 5.2. The guidance document provides a guide to ensure we maximise the safer working practices across the Trust. It includes:
  - Duty of care
  - Making professional judgements
  - Power and positions of trust and authority
  - Breach of confidentiality
  - Standards of behaviour, dress and appearance
  - Gifts, rewards, favouritism and exclusion
  - Infatuations and 'crushes'
  - Social contact outside of the workplace



- Communication with children (including the use of technology)
- Physical contact
- Other activities that require physical contact
- Intimate/Personal Care
- Behaviour management
- The use of control and physical intervention
- Sexual conduct
- One to one situations
- Home visits
- Transporting pupils
- Educational visits
- First Aid and medication
- Photography, videos and other images / media
- Use of technology for online / virtual teaching
- Exposure to inappropriate images
- Where applicable, overnight supervision
- Curriculum (inappropriate, offensive or discriminatory content)
- Duty to report concerns about an individual's suitability to work with children
- Sharing concerns and recording incidents

## **6. Disclosures and allegation reporting structure**

- 6.1. The Trust recognises that empowering and encouraging members of staff and volunteers to report concerns or allegations about the behaviour of others is essential if we are going to tackle inappropriate or abusive behaviour.
- 6.2. KCSIE 2024 says that school leaders should: "Create the right culture and environment so that staff feel comfortable to discuss matters within and, where appropriate, outside the workplace which may have implications for the safeguarding of children."
- 6.3. The allegation reporting structure below provides a clearly defined reporting route. In all instances, the Trust/ school/academy's Principal, must report the allegation or concern to the Director of Safeguarding or, in their absence or non-availability, the Chief Operating Officer. A formal allegation management meeting chaired by the Director of Safeguarding or, in their absence or non-availability, the Chief Operating Officer will take place with relevant staff (i.e. Principal / Director of Human Resources and others, if deemed relevant).

Allegation Made Against (School/Academy)	Reported to <b>Recipient A</b> (If unavailable refer immediately to Recipient B)		Report to <b>Recipient B</b>
Member of staff inc. volunteer, supply staff, contracted staff, visitor and contractor	Headteacher/Principal	<b>DO NOT INVESTIGATE UNTIL RECIPIENT B HAS BEEN NOTIFIED AND ACTIONS HAVE BEEN AGREED</b>	Director of Safeguarding (07716 088437) Chief Operating Officer (07713 385382)
Designated Safeguarding Lead (School)			Director of Safeguarding (07716 088437) Chief Operating Officer (07713 385382)
Headteacher/Principal/ Executive Principal	Director of Safeguarding (07716 088437) Chief Operating Officer (07713 385382)		Chief Executive Officer (07827 919330)
Member of Local Governing Committee (LGC)	Director of Safeguarding (07716 088437) Chief Operating Officer (07713 385382)		Chief Executive Officer (07827 919330) Chair of the Trust Board (chair@hlt.academy)
Member of the central team (excl. Chief Operating Officer and Chief Executive Officer)	Chief Operating Officer (07713 385382)		Chief Executive Officer (07827 919330)
Director of Safeguarding	Chief Operating Officer (07713 385382)		Chief Executive Officer (07827 919330)
Chief Operating Officer	Chief Executive Officer (07827 919330)		Chair of the Trust Board (chair@hlt.academy)
Chief Executive Officer	Chair of the Trust Board (chair@hlt.academy)		Trustee - Safeguarding Lead (chair@hlt.academy)
Trustee (excl. Chair of the Trust Board)	Chair of the Trust Board (chair@hlt.academy)		Members
Chair of the Trust Board	Members		Local Area Designated Officer (LADO)

**Note:** In cases of emergency where recipient A and B are unavailable, please call the LADO and/or the police on 999.

## **7. The management of Safeguarding Allegations and Low Level Concerns**

### **Roles and Responsibilities**

The following staff will lead the management of cases in the Trust. They will work with the schools/academies and Safeguarding partners to ensure a robust investigation which is fair and proportionate, whilst providing safeguarding supervision and support to all the parties involved.

#### **7.1. The Chief Operating Officer will:**

- Oversee the effective implementation and management of the Safeguarding Allegation Management Policy and all activities in relation to Allegation Management.
- They will oversee the coordination and management of allegations in the absence of the Director of Safeguarding.
- Will provide authorisation in the event that suspension is deemed appropriate pending investigation; if their absence, this will be undertaken by the Chief Executive Officer.

#### **7.2. The Director of Safeguarding will:**

- Oversee the coordination and management of allegations and provide expert safeguarding advice (inc. advice and guidance on working with the LADO, Police and law enforcement agencies) to the CEO, COO, Principal, Investigating Officers and the HR team at all stages of the case management process:
  - early fact finding investigation
  - formal disciplinary investigation
  - formal hearing and the formal conclusion of the case
- They will discuss all the initial safeguarding allegations with the Principal.
- They will oversee and manage the safeguarding element in the ongoing internal allegation management meetings with staff; HR will oversee the employment law and associated HR Trust policy elements.
- They will ensure a robust investigation is carried out and they will provide scrutiny and challenge to the investigation to ensure a full and proper investigation is completed and an appropriate conclusion is reached.
- They will normally be the main contact for the LADO, the Police and the Local Authority Children's Social Care Services (MASH or LA equivalent service).
- They will provide training, guidance and instruction to all staff involved in the allegation case management.
- They will be responsible for maintaining a central register including associated correspondence within a Trust defined system.
- Liaise with the Chief Operating Officer and/or the Executive Support Manager with any related elements that are submitted under the Trust Complaints policy

#### **7.3. The Principal will:**

- Ensure that all allegations are effectively reported inline with this policy.
- Oversee the coordination and management of allegations locally within the school/academy setting. This will include the submission of the LADO referral once recipient B has been notified.
- Ensure that the school/academy fully cooperates with the central team, the LADO, Police and law enforcement agencies) and the Local Authority Children's Social Care Services (MASH or LA equivalent service) at all stages of the case management process.

- Support to ensure a robust investigation is carried out in a timely manner.
- They will ensure that all school/academy staff receive training, guidance and instruction in respect of allegation case management and will ensure that a minimum of 2 members of their team undertake the Trust nominated investigation training.
- They will be responsible for maintaining a training record as defined by the Trust.
- Liaise with the Chief Operating Officer and/or the Executive Support Manager with any related elements that are submitted under the Trust Complaints policy.

**7.4. The Director of Human Resources will:**

- Ensure that the process adheres to legal standards and respects individuals' rights under the Human Rights Act [1998] and other relevant legislation and statutory codes of practice at all stages of the case management process.
- They will hold the overall HR case management responsibility for all cases which fall into a formal Disciplinary Procedure.
- They will also attend relevant LADO strategy meetings with the Director of Safeguarding and will liaise with relevant safeguarding agencies.

**7.5. The Human Resources Officers will provide support to those involved in the management of the investigation.**

● **HR Officers will:**

- Agree the scope of the investigation with others involved in the management of the case.
- Ensure that Investigating Officers are aware of and use the relevant policies/procedures for the case
- Assisting with planning the Investigation
- Providing templates (Invitation/Outcome letters & Report)
- Advise on best practice (ensuring consistency in applying policies and procedures)

● **HR Officers will not:**

- Make decisions for the Investigating Officer or try to influence their decision
- Write the Investigation Reports or decide the outcomes
- Close an investigation

**7.6. The Investigating Officer will:**

- Establish the facts concerning the alleged misconduct
- Analyse and report on the factual accuracy of the concerns raised
- Conduct an investigation that includes:
  - Interviewing and obtaining statements from the employee(s) against whom the allegation(s) has/have been levelled and other relevant people/witnesses
  - Obtaining any other relevant documentary evidence
  - Preparing a comprehensive report that contains all the factual information, relevant documents, and interview records/statements. The report will contain an evaluation of the facts and make recommendations as appropriate, which will include whether or not the matter should proceed to a Disciplinary Hearing
- Present the case if the matter proceeds to a Disciplinary Hearing
- **The investigating officer will not:**
  - Prove the guilt of any party but investigate if there is a case to answer

- Suggest a possible sanction or prejudge what the outcome of the disciplinary hearing will be

## 8. Record Keeping and Employment References

The Trust and the academy/school will retain all records of concerns, including those that were found to be unfounded.

### 8.1. 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.
- The name of the individual sharing concerns, requests for witnesses to remain anonymous will be carefully balanced against the rights of the employee accused to know and understand the case against them.

8.2. If an allegation is found to be malicious, it will be removed from the staff member's personnel file. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential employee file and a copy provided to the person concerned. The purpose of this record is to enable accurate information to be given in response to any future reference request if the individual leaves the school, where appropriate.

8.3. The Trust/school/academy is required to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse, for the term of the inquiry. All documents should be retained inline with the Trust's Data Protection (UK GDPR) Policy and associated Data Retention Schedule.

### References

8.4. Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

8.5. The Trust/academy/school will only refer to concerns about a staff member in employment references where they have amounted to a substantiated safeguarding allegation, i.e. it has met the harms threshold and has been found to have basis through investigation, or where it is not exclusively a safeguarding issue and forms part of an issue that would normally be included in a reference, e.g. misconduct or poor performance. Low-level safeguarding concerns which relate exclusively to safeguarding (and not to misconduct or poor performance) will not be included in a reference, unless they form part of a pattern of behaviour that has met the harm threshold. The Trust will follow part 3 and 4 of KCSiE 2024 if there is any doubt as to what should be disclosed on a reference.

## 9. Confidentiality

Every effort is made to maintain confidentiality and guard against unwanted publicity whenever an allegation is made. The case manager will have due regard to advice given by the designated officer, Police or children's social care services to agree to the following:

- Share information with the consent of the subject where appropriate

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip
- What, if any, information can be reasonably be given to the wider community to reduce speculation
- How to manage the press interest if and when should arise including the Trust PR and Marketing policy

## **10. Non recent cases of child abuse**

When allegations of historical and/or complex abuse cases are made and where the case involves an allegation against a person or persons who work with children, who you do not directly employ or where your usual disciplinary procedures do not fully apply, the Trust will:

- Find out the facts regarding the allegation and liaise with the LADO to determine a suitable outcome.
- If the member of staff is a supply teacher or works for another agency, ask them to cooperate in any enquiries, although the school should take the lead on collecting the necessary information.
- Ask the agency to share all necessary information to make sure you take account of any previous allegations or concerns during the investigation.
- When using an agency, you should inform them about your process for managing allegations, including inviting the agency's HR manager or equivalent to meetings.
- If it appears that a crime has been committed, or if a person is deemed to pose an immediate risk to children, you may decide to call the Police immediately.
- Any allegations against a teacher who is no longer teaching should be referred to the Police or LADO as Appropriate.

## **11. Supporting staff, students and families**

### **Supporting staff**

- 11.1. Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent during the allegations process.
- 11.2. Employees should be informed of concerns or allegations as soon as possible after consulting the LADO and given an explanation of the likely course of action where possible, unless there is an objection by the CSC or the Police.
- 11.3. Support for the employee is key to fulfilling this duty and they should be given the details of the Trust Employee Assistance programme for them to contact should they wish to do so. During an investigation process a member of Trust staff will be nominated as a welfare contact. For supply staff, their agency will be responsible for maintaining their welfare responsibility as their primary employer.
- 11.4. The person who is the subject of the allegation should be kept informed of the progress of the case and consideration should be given as to what other support is appropriate for the individual. In the event that suspension is deemed an appropriate course of action, this must be approved by the Chief Operating Officer or, in their absence, the Chief Executive Officer upon the recommendation of the Director of Safeguarding and/or HR Director. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work related issues. Social contact with colleagues and friends should not be prevented unless there is

evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

11.5. The school/academy Principal will contact the parents/carers of the incident involving their child. This might be straight away, for example, if the child has been injured whilst in the school/academy's care and requires medical treatment, or this may need to wait until initial consideration has taken place with the agencies involved, to determine what can be disclosed and by whom.

11.6. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, CSC or the Police as appropriate, should consider what support the child or children involved may need.

#### **Supporting Parents**

11.7. Parents involved with an allegation will be kept informed about the case; however, where a strategy discussion is required, or the Police or children's social care services need to be involved, the case manager will not inform them until those agencies have been consulted and have agreed what information can be disclosed.

11.8. They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. In the event of an employee disciplinary process details of actions taken will not be disclosed.

11.9. Parents will be kept informed about the progress of the case, only in relation to their child – no information can be shared regarding the staff member.

11.10. In deciding what information to disclose, careful consideration will be given to the provisions of the GDPR and the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.

11.11. Parents will be reminded of the requirement to maintain confidentiality about any allegations made against employees whilst investigations are ongoing.

#### **Supporting the child**

11.12. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, CSC or the Police will consider what support the child or children involved may need.

## **12. Agency or Supply Staff**

12.1. In some cases, the school will need to consider an allegation against an individual not directly employed by the school, where the school's disciplinary procedures do not fully apply, for example, supply staff provided by an employment agency or business. The school will follow the procedures for a staff member and work with the agency to ensure allegations are dealt with properly.

12.2. The Director of Safeguarding and/or HR Director, will confirm to the Principal the Chief Operating Officer or, in their absence, the Chief Executive Officer, whether it is appropriate to suspend the member of supply staff.

12.3. The school/academy will take the lead on investigations, as supply staff, while not directly employed by the school, are under the supervision, direction and control of the Principal when working in the

school/academy. Agencies will be fully involved in any investigation and will be expected to fully cooperate with enquiries from the LADO, Police and/or children's services.

- 12.4. An agency used by the school will be informed of the Trusts process for managing allegations. This will include inviting the agency's HR manager or equivalent to meetings and keeping them up-to-date with information relating to Trust policies.

### **13. Action on Conclusion of a Case**

- 13.1. Where investigations are concluded, the LADO will consider convening a review discussion/meeting to share relevant information, categorise the allegation and agree any further action to be taken.
- 13.2. If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO and/or HR may advise whether there is a statutory duty to make a referral to the Disclosure and Barring Service (DBS). The employer should consider if a referral to any professional regulatory body is also necessary. For example a referral to the Teaching Regulation Agency (TRA), where appropriate.

#### **13.3. The outcomes that will be recorded will normally be:**

<b>Term</b>	<b>Definition</b>
<b>Substantiated</b>	There is sufficient identifiable evidence to prove the allegation
<b>False</b>	There is sufficient evidence to disprove the allegation
<b>Malicious</b>	There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false
<b>Unfounded</b>	There is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances
<b>Unsubstantiated</b>	This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

### **14. Action in Respect of Unfounded or Malicious Allegations**

- 14.1. For those cases where it becomes clear that the allegation is unfounded or malicious then it is expected that they should be resolved as soon as is reasonably possible.
- 14.2. If an allegation is determined to be unfounded or malicious, the LADO should discuss the matter with CSC to determine whether the child concerned is in need of services, or may have been abused by someone else.



- 14.3. In the case of a pupil deliberately inventing or making a malicious allegation, the case manager will consider action in accordance with the Behavioural Policy and whether the Police should be asked if action may be appropriate against the person responsible.
- 14.4. If it is clear to the case manager and the designated officer that the allegation is demonstrably false or unfounded, the member of staff will be informed orally and in writing of the allegation that it is without foundation and that no further action will be taken. Where appropriate, and if requested, support will be offered, which could include occupational health and counselling services.
- 14.5. If an allegation made by a member of staff is proved to be false and/or malicious, an investigation will take place in accordance with the Trust's Disciplinary Policy and Procedures. The Police may also consider taking action against the individual making the allegation.
- 14.6. Details of allegations that are found to have been malicious will be removed from the staff member's personnel file. Allegations that are proven to be false, unsubstantiated or malicious will not be included in references.

## **15. Resignations**

- 15.1. If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this policy.
- 15.2. It is important that every effort is made to reach a conclusion in all cases of allegations concerning the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given the full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if it cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.
- 15.3. A resignation will not prevent a thorough Police investigation where that is appropriate; nor can it override the statutory duty to make a referral to the Disclosure and Barring Service or professional body where circumstances require that.

## **16. Learning Lessons**

- 16.1. At the conclusion of a case, the Trust/school/academy should consider whether there are any improvements to be made or any lessons to be learned. This should include, where appropriate, consideration of the relevant procedures or practice to help prevent similar events in the future. This may include issues arising from the decision to suspend, the duration of suspension and whether the suspension was justified, as well as whether the allegations were adequate and whether there are any lessons to be learnt from the process and procedure followed.