



Magdalen Court School

Safeguarding Children and Vulnerable Young Adults Policy including Child Protection and Safer Recruitment

Date Adopted by Trustees November 2021

Review Date November 2022



Part One Safeguarding

Guidance for Reader

Covid-19 School Response

Previous Government COVID 19 non statutory guidance on safeguarding in schools, colleges and other providers 2020 has been withdrawn and the DfE signposts schools to the "Schools COVID 19 Operational Guidance" last updated 27th August 2021.

Should Government or Local Authority advice alter and/or new guidance be issued, Magdalen Court School will review its Child Protection and Safeguarding Policy and where necessary add a supporting appendix. This new addition to the Child Protection and Safeguarding Policy, once ratified, will be shared with all staff.

Policy Review

This policy is reviewed on a yearly basis by the SLT (School) and is signed off accordingly by the Headteacher and the Trustees responsible for safeguarding.

Policy Conjunction

It is important to note that this 'Safeguarding Children & Young Adults' policy embodies the philosophy and ethos of Working Together to safeguard children (DfE 2018) and the Care Act 2014

Policy Legislation

The policy is based on the most recent DfE statutory guidance Keeping Children Safe in Education (September 2021) and most recent Working Together to Safeguard Children (2018).

This policy is also based on the following legislation:

- Part 3 of the schedule to the Education (Independent School Standards) Regulations 2014
- The Children Acts 1989 and 2004, which provides a framework for the care and protection of children
- The Care Act 2014 which provides the framework for safeguarding adults at risk
- Education and Skills Act 2008 (section 94 (1) and (2))
- 'Mandatory Reporting of Female Genital Mutilation - procedural information', Home Office (October 2015)
- The Prevent duty: Departmental advice for schools and childcare providers', (June 2015)



- Guidance for Safer Working Practices for Adults who work with Children and Young People in Education Settings' (Safer Recruitment Consortium May 2019)
- What to do if you're worried a child is being abused', DfE (March 2015)
- Local Safeguarding Children Partnership procedures – The Devon and Torbay Local Safeguarding Children Partnership.
- All suspicious and actual allegations of abuse will be taken seriously and responded to swiftly and appropriately in accordance with government legislation and with locally agreed multi-agency guidance and procedures

Policy Availability

The Safeguarding Policy is available in hard copy on request and on the school web site.

Safer Recruitment Procedures

Magdalen Court School operates safer recruitment procedures. This includes ensuring that enhanced DBS checks are carried out on all persons in regular contact with children including volunteers and staff employed by other organisations and checks of the relevant barred list(s) for any individual who will be working in regulated activity with children and / or adults. The Single Central Record of staff appointments is kept fully updated. For full details, please refer to part three of this policy.

Definitions

'Children' includes everyone under the age of 18. Anyone over the age of 18 is classed in this policy as a 'young adult'

Safeguarding and promoting the welfare of children means

- Protecting children from maltreatment
- Preventing impairment of children's mental or physical health or development
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care **and**
- Taking action to enable all children to have a better outcome.

Introduction

The Protection of Children from significant harm and the promotion of their wellbeing.

When children were asked about safeguarding they had firm views on the subject:

'Treat us individually rather than as children as a whole.' *'Talk to us, not through our parents.'*

Policy Statement

"Safeguarding children and vulnerable young adults and promoting their wellbeing needs to run through the school like the lettering through a stick of rock. It is an attitude of mind, a belief system and a way of thinking that holds the wellbeing of our pupils at the forefront of every action, with their safety and protection at all times of paramount importance. Keeping resolutely in mind the twin goals of safeguarding and the promotion of wellbeing informs and shapes our ways of working and will often help to resolve the many conflicts and dilemmas that can occur.



Policies and systems such as safer recruitment, relational practice, child protection and whistleblowing procedures arise out of that belief system and are used to promote and sustain it. They are not an end in themselves but are essential tools and need to be kept 'live' to support the culture and to help maintain a commitment to best practice and legal requirement. They help clarify the actions we must take in some defined circumstances and may be useful reminders in areas where we have become hazy or are uncertain of what is expected of us. Ultimately, it is our belief that a commitment to safeguarding children and vulnerable adults and promoting their wellbeing will work to the equal safety and wellbeing of all staff and other adults whose aim is to promote good education outcomes and future life experiences for young people.

We hope too that all of you who join with us in our commitment to safeguarding children and adults at risk and promoting their wellbeing will find your own lives enriched by the experience.”

Sylvia Kerambrum
Headteacher
Magdalen Court School
November 2021



The Policy

It is the policy of Magdalen Court School to create and maintain a culture of vigilance in safeguarding children and young people and an active commitment to the promotion of their general wellbeing. This is promoted through the maintenance of robust and rigorous recruitment and working practices, education and learning modules, child protection systems and multi-agency working.

It is therefore the responsibility of all staff to play an active role in safeguarding children and promoting their wellbeing and to promote the same in others. All staff must actively work to ensure children are protected from possible harm. They must provide a caring, positive, safe and stimulating environment that helps to promote young people's social, physical, emotional and moral development as an integral part of their educational progress.

The aims of this safeguarding policy are:

- To support children's development in ways that will foster security, confidence and independence;
- To raise staff awareness of all their own personal and professional responsibilities in safeguarding children and in identifying and reporting possible cases of abuse;
- To contribute to a systematic means of monitoring children known or thought to be at risk of harm and to develop and implement a structured procedure which will be followed in all cases of suspected abuse;
- To promote good levels of communication between all members of staff;
- To develop and promote effective working relationships with others, especially parents/carers, the placing authority, the Police, Children's and Adults' Social Services and other partnership agencies;
- To ensure that all adults who have access to children have been checked as to their suitability and to maintain effective supervision where it is required;
- To uphold the ethos of safeguarding children and promoting their wellbeing and to work within the framework of the overall company policy.

Procedures

Our procedures for safeguarding children are be in line with current DfE guidance and Devon and Torbay Local Safeguarding Children Partnership procedures, or local safeguarding arrangements. We will ensure that:

- We have a designated safeguarding lead who undertakes regular training in child protection; this training takes place regularly and no less than every two years.
- There are at least two Officers (deputies) who are trained to the same standard as the DSL; unless otherwise stated this includes the Head Teacher
- In accordance with the guidance KCSIE 2021 all staff including the DSL and deputies will be updated annually on any additional guidance issued on safeguarding to provide them with relevant skills and knowledge to safeguard children effectively.



- All members of staff will be appropriately briefed, trained and supported in implementing both the Safeguarding procedures and Local Authority Child Protection procedures or local safeguarding arrangements.
- All members of staff develop their understanding of the signs and indicators of abuse;
- All members of staff know how to respond to a child who discloses abuse;
- All parents/carers are made aware of the responsibilities of staff members with regard to child protection procedures;
- Our procedures will be regularly reviewed and updated;
- All staff are fully vetted according to safer recruitment procedures before commencing work with children
- All new members of staff will be given a copy of this Safeguarding Children document, with our Child Protection procedures, as part of their induction. They will all be required to read and sign to confirm they understand and will implement Part 1 of the most recent KCSIE (September 2021). Staff in direct contact with pupils will also be expected to read KCSIE annexes A and C

Responsibilities

The DSL is responsible for:

- Referring cases of suspected abuse or allegations to the relevant investigating agencies in line with the schools Child Protection and the Devon and Torbay Safeguarding Children Partnership procedures or local safeguarding arrangements;
- Referring concerns relating to the safety of an adult at risk to the adult social care service in line with locally agreed procedures;
- Keeping written records of concerns about a pupil even if there is no need to make an immediate referral;
- Ensuring that all such records are kept confidentially and securely and are separate from other pupil records;
- Ensuring that an indication of further record-keeping is marked on pupil records;
- Ensuring that any child currently on a child protection plan or other multi-agency plan who is absent without explanation for two days is referred to Children's Social Care;
- Ensuring that there is a named deputy or alternative senior and suitably qualified person to be contacted in their place when the DSL is absent or unavailable, including when designated staff are required to self-isolate or work from home

Staff are responsible for liaising with and reporting to the DSL or their Deputy or alternative where they have concerns regarding an individual child.

Confidentiality

- MCS recognises that all matters relating to Child Protection or adults at risk are confidential.
- The DSL or their deputies will only disclose information about a child or young adult to other members of staff on a need to know basis.



- We have a professional responsibility to share information with other agencies in order to safeguard children or young people.
- We cannot and must not promise to keep secrets.

Health and Safety

- The health, safety and welfare of our pupils are central to all educational provision and include action taken to promote good attendance, to manage behaviour and tackle bullying including cyber-bullying and prejudice based bullying ie, racism, sexism, homophobia and other forms of harassment, and to provide effective personal, social, cultural and health education (PSCHE), linked closely to the principles of our relationships and sex education (RSE) programme and the 'Healthy Schools' initiative.
- Our Health & Safety policy, set out separately, reflects the consideration we give to the safeguarding of our children and young adults both within the education setting and outside, work experience placements and educational visits.
- Risk Assessments including any risks specific to individual children are completed and in place prior to any off site activities or programmes and run in conjunction with our Off-Site / Outdoor Education Policy
- Magdalen Court School has a clear administration of medication policy and procedure which should be read, understood and adhered to. Any staff member administering medication must be suitably competent to do so.

Prevention of harm

We recognise that we can play a significant part in the prevention of harm to our children and young people by providing them with good lines of communication with trusted adults and an ethos of safeguarding and protection as outlined in the Munro review, 2011.

We will therefore:

- Establish and maintain an ethos where pupils feel secure and are encouraged to talk and are always listened to;
- Ensure that all pupils know there are adults whom they can approach if they are worried or in difficulty;
- Include curriculum opportunities in PSHE which equip children and young people with the skills they need to stay safe from harm and to know to whom they should turn for help should they feel threatened or under unwelcome pressure.

Supporting Children

- We recognise that a child who is abused or witnesses violence may find it difficult to develop and maintain a sense of self-worth.
- We recognise that a child in these circumstances may feel helpless and humiliated and may feel self-blame.
- We recognise that our education environment may provide the only stability in the lives of children who have been abused or who are at risk of harm.
- We accept that research shows that the behaviour of a child in these circumstances may range from that which is perceived to be normal to aggressive or withdrawn.



- We will support all children by:
 - o Encouraging self-esteem and self-assertiveness whilst not condoning aggression or bullying of any nature
 - o Promoting a caring, safe and positive environment.
 - o Liaising and working together with all other support services and those agencies involved in the safeguarding of children. Notifying Children's Social Care as soon as there is a significant concern.
 - o Providing continuing support to a child about whom there have been concerns and who leaves the school by ensuring that any child protection information is forwarded under confidential cover to their new school or other education setting.

We recognise that the same principles apply to our pupils over the age of 18.

Supporting Staff

- Magdalen Court School recognise that staff who become involved with a child who has suffered harm, or appears likely to suffer harm, may find the situation stressful and upsetting.
- We will support such staff by providing an opportunity to talk through their anxieties with the DSL and to seek further support where needed, in consultation with Human Resources (HR).

Anti-Bullying

- Our policy on anti-bullying is set out separately and acknowledges that to allow or condone bullying including, prejudice-based bullying and homophobic or transphobic bullying may lead to consideration under child protection procedures.

Racist Incidents

- Our policy on racist incidents is set out separately and acknowledges that repeated racist incidents or a single serious incident may lead to consideration under child protection procedures.

Physical Intervention

- Our policy on physical intervention by staff has previously been set out in our Behaviour Management policy but will transfer over the course of 2021 to our Relational Practice and Policy. It acknowledges that staff must only ever use physical intervention as a last resort, and that at all times it must be the minimal force necessary to prevent injury to another person. Any physical intervention which causes injury or distress to a child may be considered under child protection or disciplinary procedures, including referral to the local authority Designated Officer where relevant.

Meeting the Objectives

Meeting the objectives of safeguarding children requires personal commitment and the support of systems designed to:

- prevent unsuitable people from working with children and young people;
- promote safe working practice and challenge poor or unsafe practice;



- identify instances where there are grounds for concern about a child or young person's welfare and initiate or take appropriate action to keep them safe;
- create a culture of openness, tolerance and respect for self and others;
- promote personal growth and active learning, with staff and child ownership of the process, through their direct involvement in and contribution to curriculum matters and school development, including related policies and procedures and the school development plan;
- contribute to safe and effective partnership working between all those involved with providing services for children and young people.

Children and young people within Magdalen Court School are actively encouraged and helped to understand what acceptable behaviour is, to show mutual respect for self and others, learn how to stay safe from harm and to speak out if they have any worries or concerns. They are also given encouragement and reassurance that any concerns they have will be listened to and taken seriously.

Creating a safe and enabling environment requires openness of practice, a culture of vigilance and a clear focus on the culture and shared responsibility and commitment to wellbeing by the following:

- Safe working practice and recruitment, vetting and barring service checks at the appropriate level, maintaining a Single Central Record and robust employment procedures;
- Health and Safety, Risk Assessment and Risk Management;
- Relational Practice
- Child protection / safeguarding adults at risk policies and procedures.
- Complaints and feedback mechanisms and procedures.
- Philosophy and ethos;
- Staff code of conduct / safe working practice guidance, whistleblowing, Equal Opportunities, Anti-bullying and Diversity and Equal Opportunities policies and ethos;
- Feedback mechanisms and Complaints Procedure
- Curriculum planning and curriculum development;
- Work experience, education visits and extra-curricular planning;
- Commitment to the principles of the 'Healthy Schools' agenda.
- Taking all reasonable measures to ensure that risks of harm to children's and young people's welfare are minimised; and
- Taking all appropriate actions to address concerns about the welfare of a child, or children or adult at risk, working to agreed local policies and procedures in full partnership with other local agencies.

Standards

"Respect has to be given in order to be received. Parents and carers, children and teachers all need to operate in a culture of mutual regard". ***Learning Behaviour - The Report of the Practitioners' Group on School Behaviour and Discipline*** October 2005 (*The Steer Report*).

Magdalen Court School recognises the unique status of children and young people and seeks to ensure that they are treated respectfully as individuals. Relationships between staff also need to be based on mutual respect and dignity, with a focus on



active support, openness of practice, good teamwork, the sharing of practical skills and knowledge and good role-modelling for children and each other.

- It is important that we maintain vigilance in safeguarding children and a focus on the strategies and good practice requirements for ensuring the promotion of their wellbeing.
- We therefore need to ensure that all our recruitment, management and working practices are in line with safeguarding principles and good practice, that all staff are familiar with the policies and procedures and that they receive the necessary guidance, supervision and training to enable them to contribute creatively and effectively to the provision of a safe and enabling, high quality education experience for every child or young adult.
- We need to develop those aspects of the curriculum that support healthy growth and development in emotional and social as well as educational skills and that we encourage pupils to 'speak out' if they have issues that are troubling them.
- We also need to ensure that we react promptly, fairly and effectively in any instance of concern regarding safeguarding or child protection, recognising that staff and pupils alike may find the process anxiety-provoking or threatening and are likely to need support.
- Clear information must also be given to pupils, parents/carers and partner organisations on our complaints procedures and our child protection, and information sharing responsibilities and obligations.

There are designated staff with specific responsibility for child and adult protection. Nevertheless, everyone working within Magdalen Court School is expected to fulfil the wider requirements for safeguarding children and promoting their welfare. All members of staff must accept that in all instances the welfare of the child is paramount.

Roles and Responsibilities within Magdalen Court School

"In the areas where we were most confident of the safeguarding arrangements, we found senior managers who were committed to protecting children and who communicated their commitment through their organisations. They ensured that their staff were child-focused and kept the safeguarding of children high on the agenda at all times." *'Safeguarding Children - a joint Chief Inspectors' Report on arrangements to safeguard children' October 2002.*

The following pages set out clearly the responsibilities of the Head teacher who is also the DSL and all staff within Magdalen Court School for creating a culture of safeguarding children and for responding promptly and effectively to any issues or concerns that may arise:

- Head Teacher
- Child Protection Responsibilities
- Allegations against Staff
- List of associated policies and guidance
- Roles and responsibilities of external agencies in safeguarding children

Head Teacher and DSL Responsibilities

The Head Teacher will lead on developing a culture within Magdalen Court School that actively promotes safeguarding children and the promotion of their wellbeing, by:



- ensuring that this safeguarding policy fits within the overall scope of the school policy and sets out how the school will seek to fulfil its safeguarding children obligations and the active promotion of children and young adults' wellbeing;
- ensuring the provision of a an orderly, warm, supportive and above all safe environment for pupils to engage constructively with the learning process;
- ensuring that parents/carers are aware that the full texts of the child protection and associated policies are available on request. The safeguarding policy is available on the school website;
- ensuring the Designated Safeguarding Lead takes appropriate action is concerning allegations of abuse or suspicion of harm, including the support needed for both children and staff;
- overseeing the encouragement and support of children in contributing to the development of good safeguarding structures, including diversity and equal opportunities, behaviour policy and relational practice, anti bullying and diversity and equal opportunities policies and feedback and complaints mechanisms;
- developing and maintaining good liaison, home/school contact and support for inter-agency working;
- ensuring that high professional standards are maintained in all essential and required record keeping, reporting and information sharing;
- liaising with the Trustees regarding the annual review of all policies and procedures relating to school/project provision and the information to be given to the stakeholders or local safeguarding arrangements on how the school's safeguarding duties have been fulfilled;

Administration and Policy - the Proprietor must ensure that:

- there are school policies in place that prioritise the safeguarding of children / young adults and promote their wellbeing and involve children and others in their development;
- staff files are kept in accordance with the recruitment, vetting and HR/Employment policies and a single central record is kept of all staff appointments, including agency supply workers, that provides secure evidence that their identity, qualifications and criminal records, eligibility to work with children and young people and eligibility to work in the UK and references (two references, one from the last employer), for teaching staff that they have not been prohibited from teaching, overseas checks for those staff who have worked outside the UK and a check for medical fitness have all been checked and their employment history has been verified (with tight chronology);
- any gaps must be investigated during the interview process and responses kept on file); this record to be held available always for inspection by audit or HMI/OFSTED/ DCC and is available within 1 hour for inspections;
- clear policies are in place and are consistently adhered to regarding internet and ICT use (including copyright laws), the use of photographs of children, visitors to the school, school trips, transporting children and work experience placements;



- staff driving license and insurance details are verified beforehand, with copies held on file, where they may have responsibility for transporting children in private or company vehicles.
- contact details of parents/carers are kept up to date and protocols established for when contact must be made or is recommended as good practice, as part of a written policy on 'Information for Children and Parents/Carers';
- clear information is given to children and parents/carers on the education provision, including timetabling, procedures, contact details, requirements for information sharing, complaints and feedback.
- children have clear access to and understand their right to use a formal complaint system and to be supported in making any complaint;
- parents/carers understand their right and the children' right to use a formal complaint system and to be supported in making any complaint.
- There is a clear policy on curriculum planning and curriculum development that promotes good learning skills and all-round development and encourages active child involvement in decision-making processes;
- the provision is monitored to ensure that no child is discriminated against due to age, gender, race, culture, religion, language, disability or sexual orientation;
- there are clear procedures for unauthorised absences and/or absconding from the education setting, or where a child goes missing from the care of a member of staff;
- written parental consent is obtained for the administration of emergency first aid or other medical treatment if the need arises;
- written records are kept of any injury or illness that occurs, with details of any treatment given. All treatment must comply with the school policy on First Aid;
- written parental consent is obtained for all educational visits, with emergency contact details and essential health information to be carried by staff supervising the visits;
- accurate, detailed records are maintained of all 'critical incidents', including actions taken, any follow-up action or consequences must be similarly recorded and notified to other agencies where appropriate

Staff responsibilities and requirements – The Head Teacher must ensure:

- with support from senior staff, they lead on all matters of risk assessment and safe working practice and keeps up to date with and disseminates all changes and developments in legislative requirements and good practice guidance;
- all staff members are familiar with the school's policies and procedures and are fully committed to the principles and good practice guidelines, as defined in the 'Safeguarding Children and young people' policy objectives
- there is a firm commitment within the school to promote equalities issues and to ensure that no child is discriminated against due to age, gender, race, culture, religion, language, disability or sexual orientation;



- there is a programme of Continuous Professional Development (CPD) in place for all staff to include the formal processes of Child Protection training and professional supervision and appraisal;
- child and adult protection responsibilities are clear to all staff members within the school and they know whom to go to with any concerns, including any issues around colleagues' behaviour or practice;
- all staff are made aware that inappropriate behaviour towards children is unacceptable. This includes:
 - any form of sexual conduct, including sexually suggestive comments;
 - engaging in rough, physical or sexually provocative games;
 - giving children inappropriate drugs or other inappropriate substances;
 - lending or borrowing of money or property;
 - giving or receiving gifts;
 - exclusive or secretive relationships;
 - giving of home /personal mobile numbers or home address details to children.
 - taking children to a staff member's home
 - 'Friending' or 'following' a child on any form of social media
- it is an offence for a person over 18 (eg teacher/TA) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of the child, even if the relationship is consensual and even if they do not work directly with them [*Sexual Offences Act 2003*];
- If they are found to have acted inappropriately towards a child, they may be referred to the DBS for consideration of barring and / or to the relevant regulatory body (e.g. Teaching Regulation Agency).
- staff understand their responsibility in checking the identity of new and temporary staff and remaining vigilant to the requirements of safe practice, including the need to supervise visitors when they have access to children and formal checks have not been undertaken;
- there is a commitment to support the needs of 'looked after' children in attending care reviews and case conferences where requested. These needs are usually met by the Designated Teacher for Looked After Children;
- there is an understanding and commitment to good multi-agency working and information sharing, including the need for open debate and challenge;
- staff understand and are committed to the school's model of relational practice
- staff understand and comply with the school's policy on physical intervention and restraint;
- staff have a clear understanding of what constitutes safe practice and feel supported both in raising concerns about poor or unsafe practice and in having their own practice challenged by others;



- concerns about poor or unsafe practice are addressed sensitively and effectively in a timely manner and in accordance with the school's whistleblowing policy and commitment to openness of practice;
- staff are prepared in advance for pupils to bring up personal problems within the classroom or wider school setting. Issues such as domestic abuse can be difficult to broach directly, however discussions about personal safety and keeping safe can reinforce the message that any kind of violence is unacceptable. Raising these issues may lead pupils to bring up problems and concerns of their own. This is an opportunity to acknowledge that it is okay for young people to talk about their own problems and to signpost sources of help;
- staff are trained to recognise and understand the boundaries and limitations of confidentiality in the context of their own safety and of child and adult protection;
- staff understand their responsibilities when taking children on Outdoor Ed or on education visits, including the need to have with them emergency contact details, a fully charged school mobile phone, first aid provisions and essential health information on each child in their care;
- staff are supported effectively and protected from danger and/or the risk of violence.

Academic and pastoral – the Head Teacher must ensure:

- children and young people are informed, with the support of the curriculum and good role-modelling from staff, about diversity issues and discrimination;
- there is a culture that helps to promote good attendance, to manage behaviour positively and tackle bullying and other forms of harassment;
- attention is paid to the anti-bullying policies and procedures, risk assessment and risk management, feedback and complaints mechanisms and child protection and whistleblowing policies and procedures;
- pupils are helped to understand what acceptable behaviour towards them is and how they can stay safe from harm or ask for help if they feel their safety is threatened;
- education plans, curriculum topics and lesson plans are used wherever appropriate to support and reinforce the principles of personal safety, responsibility and welfare;
- there is a commitment to the Healthy Schools initiative that “provides children/young people with the knowledge, understanding, skills and attitudes to make informed decisions about their lives”; **[see ‘Healthy Schools Standards and Guidance’ 2019]**
- children and young people are encouraged and supported in contributing to the development of good safeguarding structures, policy and behaviour equal opportunities, anti-bullying and anti-racism policies and feedback and complaints mechanisms;



Safer recruitment procedures The Human Resources function is responsible for:

- Ensuring that all staff have had all appropriate checks carried out on them prior to commencing a placement with the school and that written confirmation of these checks have been received by the HR officer from the agency prior to arriving at the school.
- Ensuring that the school has confirmed the identity of the worker upon arrival at the school by viewing and keeping on file original photographic ID such as a passport
- That all permanent employees have had all appropriate pre-employment checks carried out prior to commencing work with the school as outlined in the Education (Independent Schools) Standards (2014) and Keeping Children Safe in Education (2021) These include but are not limited to;
- A minimum of two satisfactory written references
- A satisfactory DBS check and a check of the DBS Barred Children List for all staff in regulated activity
- If appropriate, Police checks from any country where a candidate has lived overseas
- Qualifications, specifically those relating to Qualified Teachers and Social Workers.
- Identity checks – proof of Identity, proof of Date of Birth, Proof of current address,
- Proof of eligibility to work in the UK
- For those in teaching work, a check of the TRA prohibited list
- For those in management positions, including the Trustees, a check that they are not included in the s128 list of people prohibited from managing an independent school

Disabled children

- Working Together to Safeguard Children 2018 suggests disabled children are at increased risk of abuse and the presence of multiple disabilities increases the risk of both abuse and neglect.
- The disabled child may be especially vulnerable because of:
 - Abuse by peers;
 - A fear of complaining in case services are withdrawn;
 - Targeting by some sex offenders in the belief that they are less likely to be detected
 - An increased risk that they will experience bullying and recognition that the bullying may have a more significant impact than on their non-disabled peers.
- Safeguards for disabled children are essentially the same as for non-disabled children and should include ensuring and enabling them to:
 - Make their wishes and feelings known;
 - Receive appropriate personal, health and social education, including sex education;
 - Raise concerns;



- Have a means of communication and a range of adults with whom they can communicate.
- Disabled children must receive the same level of protection from harm as other children and the same procedures be followed.

Migrant children

The number of migrant children in the UK has increased in recent years. Some move here with family/relatives or other adults and some arrive unaccompanied.

- These children may be vulnerable for a variety of reasons, which may include:
- Insecurity about their legal status, place of residence and carers;
- Separation from significant family members, sometimes against their will;
- Cultural and language difficulties;
- Trauma connected with previous experiences in countries of origin and the circumstances of their departure, including child abuse, being forced to become child soldiers or subjected to female genital mutilation;
- The child may have been moved illegally and be under severe pressure to give a false account of themselves, or to keep secrets;
- Evidence shows that unaccompanied children or those accompanied by someone who is not their parent are particularly vulnerable.
- The possibility that some of these children may be privately fostered should also be borne in mind and if suspected referred to the Devon and Torbay local safeguarding board
- Safeguarding and promoting the welfare of these children must always remain paramount.

Contextual Safeguarding

Contextual Safeguarding is an approach to understanding, and responding to, children and young people's experiences of significant harm beyond their families. It recognises that the different relationships that young people form in their neighbourhoods, schools and online can feature violence and abuse. Contextual Safeguarding therefore, expands the objectives of child protection systems in recognition that young people are vulnerable to abuse in a range of social contexts. Keeping Children Safe in Education 2021 refers to this as 'extra-familial harm'.

Parents/Carers have little influence over these contexts, and young people's experiences of extra-familial abuse can undermine parent child relationships.

For further advice see Sexual Violence and Sexual Harassment between children in schools and colleges DfE 2021

Peer on Peer Abuse (Child on Child) including Sexual Violence and Sexual Harassment.

The DSL, Trustees and Headteacher will take due regard to Part 5, KCSiE 2021. In most instances, the conduct of pupils towards each other will be covered by our Relational Support Policy. However some allegations maybe of such a serious nature that they may raise safeguarding concerns. Magdalen Court School recognised that children are capable or abusing their Peers. It will not be passed off as "banter" or "part of growing up". The forms of Peer-on-Peer abuse are



outlined below.

- Domestic Abuse – An incident or pattern of actual or threatened acts of physical, sexual, financial and/or emotional abuse, perpetrated by an adolescent against a current or former dating partner regardless of gender or sexuality.
- Bullying (including cyber bullying, prejudice based and discriminatory bullying)
- Child Sexual Exploitation – Children under the age of 18 maybe sexually abused in the context of exploitative relationships, context and situations by peers who are also under 18.
- Harmful Sexual Behaviour – Children and young people presenting with sexual behaviours that are outside of developmentally “normative” parameters and harmful to themselves and others.
- Upskirting – which typically involves taking a picture under a person’s clothing without them knowing with the intention of viewing their genitals or buttocks to obtain sexual gratification or cause the victim, distress or alarm.
- Serious Youth Violence – Any offence of most serious violence or weapon enabled crime, where the victim is aged 0-21 i.e. Murder, Manslaughter, rape, wounding with intent and causing grievous bodily harm.
- “Youth Violence” is defined in the same way, but also includes assault with injury offences. All staff will receive training so that they are aware of indicators which may signal that child are at risk from, or involved with, serious violence and crime.
- Initiation/Hazing type Violence and Rituals – (this could include activities involving harassment, abuse, or humiliation used as a way of initiating a person into a group and may also include an on line element) and
- Consensual and Non-Consensual sharing of nudes and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery)

The term Peer on Peer abuse can refer to all of these definitions and a child may experience one or multiple facets of abuse at any one time. Therefore our response will cut across these definitions and capture the complex web of their experiences.

There are also different gender issues that can be prevalent when dealing with Peer on Peer abuse (i.e. girls being sexually touched/assaulted or boys being subjected to initiation / hazing type violence)

Magdalen Court School aims to reduce the likelihood of Peer on Peer abuse through

- The established ethos of respect, friendship, courtesy and kindness
- High expectations of behaviour
- Clear consequences for unacceptable behaviour
- Providing a developmentally appropriate PSHE curriculum which develops pupils understanding of healthy relationships, acceptable behaviour, consent and keeping themselves safe



- Systems for any pupil to raise concerns with staff, knowing that they will be listened to, valued and believed
- Robust risk assessments and providing targeted work for pupils identified as being a potential risk to other pupils and those identified as being at risk.

Research indicates that young people rarely disclose peer on peer abuse and that if they do, it is likely to be to their friends. Therefore Magdalen Court School will also educate pupils in how to support their friends if they are concerned about them, that they should talk to a trusted adult in the school and what services they can contact for further advice.

Any concerns, disclosures or allegations of Peer on Peer abuse in any form should be referred to the DSL using Magdalen Court Schools Child Protection Procedures as set out in this policy. Where a concern regarding Peer on Peer abuse has been disclosed to the DSL advice and guidance will be sought from MASH and where it is clear that a crime has been committed or there is a risk of crime being committed then the police will be contacted.

Working with external agencies the school will respond to the unacceptable behaviour. If a pupil's behaviour negatively impacts on the safety and welfare of other pupils then safeguards will be put in place to promote the wellbeing of the pupils effected and the victim and perpetrator will be provided with support.

Online Safety

Online safety is paramount in our School and robust systems are in place to ensure appropriate filters and monitoring systems (unless there is a specific approved educational purpose); are in place to identify children accessing or trying to access harmful and inappropriate content online and all staff are aware safeguarding issues can manifest themselves via peer on peer abuse.

The main areas of risk for our Magdalen Court School community can be summarised as follows:

Content

- exposure to inappropriate content, including online pornography, ignoring age ratings in games (exposure to violence associated with often racist language), substance abuse
 - lifestyle websites, for example pro-anorexia/self-harm/suicide sites
 - hate sites
 - content validation: how to check authenticity and accuracy of online content
- ### **Contact**
- grooming
 - cyber-bullying in all forms
 - identity theft (including 'frape' (hacking Facebook profiles) and sharing passwords)

Conduct

- privacy issues, including disclosure of personal information
- digital footprint and online reputation
- health and well-being (amount of time spent online (internet or gaming))
- sexting (sending and receiving of personally intimate images) also referred to as SGII
(self generated indecent images)



- copyright (little care or consideration for intellectual property and ownership – such as music and film) (Ref Ofsted 2013)

Female Genital Mutilation (FGM)

FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences.

Magdalen Court School aims to create an ‘open environment’ where children feel comfortable and safe to discuss the problems they are facing – an environment where FGM can be discussed openly, and support and counselling are provided routinely. Children need to know that they will be listened to and their concerns taken seriously.

We create an ‘open’ and supportive environment by:

- circulating and displaying materials about FGM
- displaying relevant information, e.g. details of the NSPCC’s Helpline and Child Line services, Careline, National Domestic Violence Helpline and appropriate black and minority ethnic women’s groups
- ensuring that a private telephone can be made available should children need to seek advice from the above organisations or other relevant groups discreetly;
- informing/raising awareness about issues around FGM with colleagues – as well as including appropriate training in continuing professional development;
- ensuring that the designated members of staff with responsibility for safeguarding children are well versed in the issues around FGM;
- encouraging children and young people to access appropriate advice, information and support
- making materials such as books and DVDs available
- introducing FGM and other forms of honour based abused into the school curriculum within relevant classes, such as: Personal, Social and Health Education (PSHE) in England, – particularly in ‘Sex and the Law’ for Key Stages 3, 4 and 5, and ensuring accurate naming of body parts in Key Stage 1/2 which can be the first stage in ensuring that girls are aware of their bodies and rights Citizenship, Religious Knowledge, Drama, History.

Staff should:

- talk about FGM in a professional and sensitive manner;
- explain that FGM is illegal in the UK and that they will be protected by the law;
- recognise and respect their wishes where possible, but child welfare must be paramount. FGM is child abuse and against the law. If a member of staff believes that a girl is at risk of or may have undergone FGM, the DSL or a deputy must be informed even if this is against the girl’s wishes. If you do take action against the Child’s wishes, you must inform them of the reasons why;



- activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with the police and children's or adults' social care;
- ensure that the girl is informed of the long-term health consequences of FGM to encourage her to seek and accept medical assistance;
- liaise with the DSL and / or deputy;
- refer the child, with their consent, to appropriate medical help, counselling and local and national support groups
- ensure that safeguarding and protection is considered for any female family members.

Staff should not:

- treat such allegations merely as a domestic issue;
- ignore what the child has told them or dismiss out of hand the need for immediate protection;
- decide that it is not their responsibility to follow up the allegation;
- approach the Child's family or those with influence within the community, in advance of any enquiries by the police, adult or children's social care, either by telephone or letter.

Remember:

- The child may not wish to be referred to a social worker, police officer or a guidance/pastoral/mentor from her own community.
- Consult other professionals, particularly an experienced manager/colleague, the local police child protection or domestic violence unit.
- Speaking to the Child's parents about the action you are taking may place the Child at risk of further emotional and/or physical harm. Therefore, do not approach the family as they may deny the allegations, expedite any travel or other arrangements and hasten their plans to carry out the procedure.

FGM Mandatory Reporting Duty

Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon **teachers** along with regulated health and social care professionals in England and Wales, to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18.

Those failing to report such cases will face disciplinary sanctions. It will be rare for teachers to see visual evidence, and they should not be examining children, but the same definition of what is meant by "to discover that an act of FGM appears to have been carried out" is used for all professionals to whom this mandatory reporting duty applies. Information on when and how to make a report can be found at - *Mandatory reporting of female genital mutilation procedural information*

Teachers **must** personally report to the police cases where they discover that an act of FGM appears to have been carried out. Unless the teacher has a good reason not to, they should also still consider and discuss any such case with the school's designated safeguarding lead and involve children's social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. where the teacher



does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, teachers should follow local safeguarding procedures.

What to do when a Child stops attending school

If a teacher or other member of staff suspects that a Child has been removed from, or prevented from, attending education **as a result of FGM**, a referral should be made to the local authority adult or children's social care and the police. - Staff may consider speaking to the Child's friends to gather information – although they should not make clear that FGM is suspected as this may get back to the family who may hasten any plans to perform the procedure.

All Staff should be aware:

That there may be occasions when a teacher visits the family to find out why the Child is not attending school. The family may tell the teacher that the Child is being educated overseas. Sometimes, the family may suggest that the teacher speaks to the Child on the telephone. If this occurs, the teacher should refuse to speak on the telephone and (if the Pupil is a British national) insist that the Pupil is presented at the nearest British Embassy or High Commission.

Staff should not:

- remove the Pupil from the school register without first making enquiries and/or referring the case to the police and local authority adult or children's social care;
- dismiss the Child as taking unauthorised absence

Magdalen Court School ensures all staff are trained and understand that it is mandatory to report all instances of the practice in girls below the age of 18

For full information please read in conjunction with HM Government: multi-agency practice Guidelines: Female Genital Mutilation.

Child Sexual Exploitation (CSE)

The definition of child sexual exploitation is as follows:

Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

Magdalen Court School understand that Children or young people at risk of CSE don't always display any signs of CSE and staff are trained to be extra vigilant and to report all cause for concerns which are logged and checked regularly so that common displays or patterns of behaviour can be easily identified.



Some of the following signs may be indicators of CSE

- children who appear with unexplained gifts or new possessions
- children who associate with other young people involved in exploitation
- children who have older boyfriends or girlfriends
- children who suffer from sexually transmitted infections or become pregnant
- children who suffer from changes in emotional wellbeing
- children who go missing for periods of time or regularly come into school late

Organised and complex abuse or CSE

- Organised or complex abuse covers circumstances which may involve a number of abusers and/or a number of children.
- The abusers concerned may be acting in concert to abuse a child or children.
- One or more of the adults involved may be using an institutional framework or position of authority to recruit children for abuse.
- It reflects, to a greater or lesser extent, an element of organisation on the part of the adult/s involved and may involve:
 - aspects of ritual to aid or conceal the abuse of children; ○ abusive images of children or abuse of children through prostitution; ○ abuse in residential homes, boarding schools or other institutions;
 - adult/s who seek contact with children for improper reasons through leisure or welfare organisations;
- child sexual abuse networks where adults plan and develop social contacts with children/young people for the purpose of gaining access to them.
- Cases of organised abuse are often complicated because of the number of children involved, the number of adults, the serious nature of the allegations of abuse, the need for therapeutic input and the complex and time consuming nature of any consequent legal proceedings. Such cases usually require the formation of dedicated teams of professionals from both Police and the Local Safeguarding Children's Board or local safeguarding arrangements for the purpose of investigation.
- It is recognised that those who commit sex offences against children often operate across geographical and operational boundaries and the procedure takes into account the involvement of more than one borough.
- Where an allegation involves a post holder with a specified role within these procedures, the referral must be reported to another, more senior, manager.
- In all investigations of organised abuse, it is essential for staff to maintain a high level of confidentiality in relation to the information in their possession without jeopardising the investigation or the welfare of the children involved.
- Subsequent information generated throughout the investigation should only be shared on a 'need to know' basis.

(for further information see 'Child sexual exploitation Definition and a guide for practitioners, local leaders and decision makers

working to protect children from child sexual exploitation February 2017')



Child Sexual Abuse (CSA)

It should be noted that there are no typical families where sexual abuse occurs but there are some factors that occur in such families more frequently. These are:

- Poor or confused parent/child relationships (especially with mothers);
- Parents unavailable (especially mothers) through absence, illness or *depression;
- Families with a step father or *where the mother has a succession of male partners;
- Violence between the adults, *especially of a male partner towards the mother **These are also known key factors in situations of abuse between siblings, or by a child or young person towards another child or children.*
- Children under 16 years of age cannot provide lawful consent to any sexual activity, though in practice some are involved in sexual contact to which, as individuals, they may have agreed.

Criminal Exploitation – County Lines

Criminal Exploitation is a geographically widespread form of harm that is a typical feature of county lines criminal activity. Drug networks or Gangs groom and exploit children and young people to carry drugs and money from one area to another.

This exploitation can affect

- Any child or young person under or over 18
- Can involve force and or enticement-based methods of compliance and is often accompanied by violence or threats of violence
- Can be perpetrated by one person, a gang of people, male, female but always typified by some form of power imbalance.

Sexual Violence and Sexual Harassment between children

The initial response to a disclosure is important and should be reported directly to a DSL. It is essential that children are reassured they are being taken seriously and that they will be supported. It should also be noted that, incidents of this type can occur online and offline both physical and verbal and never acceptable.

- Significant harm may be caused to children by the abusive behaviour of other children, however a distinction may need to be drawn between behaviour best dealt with by anti-bullying policies and more complex behaviour where both perpetrator and victim may need specialist help;
- Advice must be sought from the child protection agencies if there is any doubt;
- Where behaviour is sexual, a child protection referral must be made to explore the reasons for the behaviour, as it may indicate abuse suffered elsewhere by the perpetrator and possibly the victim. The Police will be involved where a crime has been committed of rape, assault by penetration or sexual assault.
- Where sexualised behaviour is identified, a child may need to be placed on a treatment programme, but will still need to be educated in a school setting, in these cases a full risk assessment must be carried out, the management of such situations will need to take into account the likely impact on the whole school, the curriculum as well as on individuals.

For further advice see Sexual Violence and Sexual Harassment between children in schools and colleges DfE 2021



Honour Based Violence (HBV)

The definition of HBV is 'A crime or incident which has or may have been committed to protect or defend the honour of the family and/or community. 'There is no specific offence of HBV. It is an umbrella term to encompass various offences covered by existing legislation. and can be described as a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code. It is a violation of human rights and may be a form of domestic and/or sexual violence. There is no, and cannot be, honour or justification for abusing the human rights of others.

Staff should not:

- treat such allegations merely as a domestic issue;
- ignore what the Child has told them or dismiss out of hand the need for immediate protection;
- decide that it is not their responsibility to follow up the allegation;
- approach the Child's family or those with influence within the community, in advance of any enquiries by the police, adult or children's social care, either by telephone or letter.

Staff should:

- Contact The Honour Network, which is a confidential helpline providing emotional and practical support and advice for victims and survivors (male & female) of forced marriage and/or honour based violence and abuse. It provides advice and support to potential victims in crisis and professional agencies.

helpline on 0800 5999 247

www.karmanirvana.org.uk

Domestic Abuse/Violence

The Domestic Violence Disclosure Scheme (DVDS) (also known as 'Clare's Law') commenced in England and Wales on 8 March 2014. The DVDS gives members of the public a formal mechanism to make enquires about an individual who they are in a relationship with, or who is in a relationship with someone they know, where there is a concern that the individual may be violent towards their partner. This scheme adds a further dimension to the information sharing about children where there are concerns that domestic violence and abuse is impacting on the care and welfare of the children in the family.

Barriers to disclosure for children include

- Protective of their mother;
- Protective of their abusing parent;
- Extremely fearful of the consequence of sharing family 'secrets' with anyone. This may include fears that it will cause further violence to their mother and/or themselves;
- Being threatened by the abusing parent;
- Fearful of being taken into care;
- Fearful of losing their friends and school;
- Fearful of exposing the family to dishonour, shame or embarrassment;



- Fearful that their mother (and they themselves) may be deported.

Staff should not press the child for answers but instead SHOULD

- approach the subject with a child with a framing question so that the subject is not suddenly and awkwardly introduced,
- explain that the disclosure cannot be kept confidential and that the information will be shared with social care
- Listen and believe what the child says
- Reassure the child that the abuse is not their fault, and it is not their responsibility to stop it from happening

Parents/Carers can be given several telephone numbers, including local police community safety units, local domestic violence advocacy services Childline number (0800 1111), and the NSPCC Child Protection Helpline (0808 800

Forced Marriage

- Education settings often wrongly feel it is not their place to tackle the issue of forced marriage, however forced marriage is recognised as a form of domestic violence and a serious abuse of human rights.
- It is not sanctioned within any culture or religion and is not the same as an arranged marriage in which both spouses can choose whether or not to accept the arrangement.
- In forced marriage, one or both spouses do not consent and some element of duress is involved, including physical and emotional pressure.
- Education staff should be alert to potential warning signs and consider (whilst being careful not to assume) whether forced marriage may be the reason.
- These warning signs can include:
 - a sudden drop in performance;
 - truancy;
 - conflicts with parents over continued or further education; ○ excessive parental restrictions and control; ○ history of domestic violence in the family;
 - extended absence through sickness or overseas commitments;
 - depressive behaviour including self-harming;
 - history of siblings leaving education early and marrying early.

This is not an exhaustive list and if concerned please follow the company/school CP Flowchart.

Further information can be obtained from the Community Liaison Unit (CLU) at the Foreign Commonwealth Office (FCO) – 020 7008 0135/0230/8706 or 020 7008 1500 (out of hours emergency) or the Child Protection Policy Team at the DfES - 01325 392037.



Belief in 'possession' or 'witchcraft'

- Belief in 'possession' or 'witchcraft' is widespread and not confined to particular countries, cultures, religions or immigrant communities.
- Children involved can suffer damage to physical and mental health, capacity to learn, ability to form relationships and self esteem.
- A child/ren may be viewed as different or difficult, and this attributed to their being 'possessed' or involved in 'witchcraft'. Attempts to 'exorcise' the child may be made, that may involve severe beatings, burning, starvation, cutting or stabbing and/or isolation. This usually occurs within the child's household.
- Children and young people at particular risk of this form of abuse may include those with:
 - o learning disabilities
 - o autistic spectrum conditions
 - o epilepsy
 - o speech / language disorders
- Staff should look for possible indicators and apply basic safeguarding principles, such as information sharing across agencies, so as to be able to identify those at risk of this type of abuse.

Child Abduction

- It is an offence for a parent or guardian to take or send their child out of the UK without appropriate consent. Child abduction may arise in situations where a child is the victim of a forced marriage or is forced into prostitution. It is more likely to arise however, when parents of a child divorce or separate.
- When education staff become aware that parents have separated and there are issues regarding child custody, they should seek information as to whether there are any conditions covering the child's custody e.g. do both parents have parental responsibility, is there a court order etc, and whether there are any legal restrictions on either partner collecting the child from school.
- Any concerns or allegations of child abduction or the threat of child abduction should immediately be brought to the attention of the DSL and be the subject of an urgent child protection referral.

Child victims of trafficking

- Trafficking is defined as 'the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat, or use of force or other forms of coercion for the purpose of sexual or commercial exploitation or domestic servitude' (AFRUCA/ NSPCC).
- Trafficking in people involves crimes, spanning a variety of countries and involving an increasing number of victims, who can experience considerable suffering.
- There are many factors that may indicate that a child has been trafficked, which can include:
 - going missing, or missing for periods of time;
 - a history with missing links and unexplained moves ;
 - attending for a term or so before disappearing (schools need to look out for patterns of registration and de-registration);
 - has limited freedom of movement, is withdrawn or refuses to talk;



- is known to beg for money; has no money/other financial resources, but has a mobile phone or is driven around by an older male/boyfriend;
- shows signs of physical or sexual abuse, signs of sexual behaviour or language and/or has contracted a sexually transmitted disease;
- has not been registered with or attended a GP practice;
- Child protection procedures should always be applied where there is suspicion that a child may be being trafficked and Police or the LSCB or local safeguarding arrangements must be informed;

For helpful additional guidance see the Trafficking Toolkit.

(www.crimereduction.gov.uk/toolkits)

Child Pregnancy

- The legal age for consent to sexual intercourse is 16. Assumptions should not be made that teenage pregnancies at any age are as a result of consensual sexual intercourse;
- In all cases of a child's pregnancy becoming apparent to staff, consideration should be given to referring the matter to the LSCP or local safeguarding arrangements in accordance with the referral procedures stated above;
- Staff who have regular contact with pregnant teenagers have a responsibility to consider the welfare of both the prospective mother and her baby.

Prevent Duty– Anti-Radicalisation and Extremism

Effective from 1 July 2015, we have a duty in the Counter Terrorism and Security Act 2015 to have due regard to the need to prevent children from being drawn into terrorism.

Magdalen Court School promotes fundamental British values as part of broader requirements through our curriculum relating to the quality of education and to promoting the spiritual, moral, social and cultural development of children.

At Magdalen Court School we understand that being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit.

We ensure that Magdalen Court School is a safe place in which our children can understand and discuss sensitive topics, including terrorism and the extremist ideas that are part of terrorist ideology, and learn how to challenge these ideas. We understand that the Prevent duty is not intended to limit discussion of these issues, however we are mindful of their existing duties to forbid political indoctrination and secure a balanced presentation of political issues as posed and placed on the proprietors of independent schools, by the Independent School Standards.

We risk assess all visiting speakers whether invited by staff or by children themselves and ensure that they are suitable and appropriately supervised.

We work in partnership with the 'Working in partnership' and take into account the policies and procedures of the LSCP or local safeguarding arrangements



All staff will undergo relevant training including 'Prevent Training' to give them the knowledge and confidence to identify children at risk of being drawn into terrorism, and to challenge extremist ideas which can be used to legitimise terrorism and are shared by terrorist groups. Staff will seek further guidance from their DSL who if necessary will make a referral to the Channel Programme.

- Our online safety / Acceptable Use / ICT Policy is robust and sets out clear guidelines on internet use and appropriate levels of filtering.
- The named Prevent person in Magdalen Court School is the Deputy DSL

How to spot the signs of somebody being radicalised

The following are some signs that could mean somebody could be at risk of radicalisation or is going through a radicalisation process:

Physical changes:

- Sudden or gradual change in physical appearance
- Sudden or unexpectedly wearing religious attire
- Getting tattoos displaying various messages
- Unexpectedly shaving their head (skinhead)
- Possesses unexplained gifts and clothing (groomers will sometimes use gifts such as mobile phones and clothing to bribe a young person)

Social changes:

- Cuts ties with their friends, family or community
- Starts to become socially withdrawn
- Becoming dependent on social media and the internet
- Begins to associate with others who hold radical views
- Bullies or demonises other people freely
- Visits extremist websites, networks and blogs

Emotional and verbal changes:

- Advocates violence or criminal behaviour
- Exhibits erratic behaviour such as paranoia and delusion
- Speaks about seeking revenge
- Starts to exhibit extreme religious intolerance
- Demonstrates sympathy to radical groups
- Displays hatred or intolerance of other people or communities because they are different

Things to consider before assuming that somebody has been radicalised:

Not everybody will share the same view or opinion. Holding a different view – religious, social or political, does not mean that somebody is radical. The concern is when somebody with an extreme view acts or intends to act upon their view(s) in a way that is harmful to themselves or others. Even if they do not intend to act upon their view, extreme views that are based on lies and misguidance can be extremely damaging to somebody's mental health.

You should always use your professional judgment about somebody and if in any doubt seek advice.



Upskirting

The Voyeurism Offences Act, which was commonly known as the Upskirting Bill, was introduced on 21 June 2018. It came into force on 12 April 2019.

- Upskirting is a highly intrusive practice, which typically involves someone taking a picture under another person's clothing without their knowledge, with the intention of viewing their genitals or buttocks (with or without underwear).
- Transportation services have reported a rise in the offence however, it can occur anywhere and involve any gender.
- The new law will capture instances where the purpose of the behaviour is to obtain sexual gratification, or to cause humiliation, distress or alarm.
- The perpetrator can face up to two years imprisonment if found guilty of the offence.
- The law protects those who are victims of the offence from being named in the media
- Staff must report any concerns to the DSL or the Head of School.

Missing Children from Education (CME)

All staff should look out for potential indicators of abuse or neglect such as triggers;

- Repeat occasions of absence.
- FGM signs
- Traveling to conflict zones – prevent (radicalisation)
- Forced marriage
- Child Sexual Exploitation (CSE)
- Criminal Exploitation – county lines

Staff must report all children missing from education for 10 consecutive days to the DSL who will inform social care however absences will be captured daily and reviewed on day 4 of absence

Allegations Against Staff (including supply staff and volunteers)

We aim to provide a safe and supportive environment which secures the wellbeing and very best outcome for our children. We do, however recognise that sometimes allegations of abuse are made.

We recognise that allegations, when they occur, are distressing and difficult for all concerned. We also recognise that some allegations are genuine and that there are adults who deliberately seek to harm or abuse children.

We take all possible steps to safeguard our children and to ensure that the adults at Magdalen Court School are safe to work with children. We will always ensure that procedures outlined in Working Together to Safeguard Children and Part 4 of Keeping Children Safe in Education are adhered to and will seek appropriate advice from LADO.

The LADO can be contacted to request a consultation or to make a referral via email: Ladosecure-mailbox@devon.gcxs.gov.uk or by phone on: 01392 384964 (Rosie Geis)



Allegations that might indicate that a person is unsuitable to continue to work with children are where a person has:

- behaved in a way that has harmed a child or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates that they pose a risk of harm to children
- behaved in a way that indicates they may be unsuitable to work with children.

If an allegation is made against the Head Teacher this should be reported to the Trustee for Safeguarding immediately (if they are not available then reported to the LADO for further direction)

Any staff who does not feel confident to raise their concerns within Magdalen Court School should contact the LADO directly on: [01392 384964](tel:01392384964)

General guidance can be found at- Advice on whistleblowing and The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: help@nspcc.org.uk

Associated Policies and Guidance Documents:

- Most up to date Keeping Children Safe in Education 2021
- Most up to date Working Together to Safeguard Children
- Sexual Violence and Sexual Harassment between children in schools and colleges 2021
- Diversity and Equal Opportunities
- Human Resources: Employment issues, including staff pay and conditions and Continuous Professional Development
- Partnership Working
- Online safety/Acceptable Use/ICT, General Data Protection Regulation, policies
- Health and Safety, including accident procedures
- First Aid
- Risk assessment and risk management, including 1:1 working, transporting children, work experience, visitors to the project and education outings
- Work Experience
- Curriculum and curriculum development
- Healthy Schools
- Safe Working Practice and Good Practice Guidelines
- Behaviour management: Behaviour policy and code of conduct/ policy on physical intervention/guidelines on managing confrontations with children with challenging behaviours
- Anti-bullying
- Feedback mechanisms and Complaints Procedures



- Whistleblowing
- Parent Friendly Safeguarding Policy
- Primary Pupil Friendly Safeguarding Policy

Disability Equality Scheme

In reviewing this policy we have taken into account consideration of any potential implications of the Disability Equality Scheme.

Voluntary agencies - such as Childline, Parent Line, NSPCC, Barnardos, NCH, Voice for the Child in Care and local agencies - offer:

- 24 hour helplines for children;
- support helplines for parents;
- family support schemes; • therapeutic work with children;
- information provision.

Recognising Concerns – signs and indicators

See also ‘what to do if you’re worried a child is being abused’ (DfE 2015)

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur or has already taken place. Most people are not experts in such recognition, but indications that a child is being abused may include one or more of the following:

- unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries;
- the child describes what appears to be an abusive act involving them;
- another child or adult expresses concern about the welfare of a child;
- unexplained changes in a child’s behaviour, eg becoming very upset, quiet, withdrawn or displaying sudden and repeated outbursts of temper;
- acting in a way that is inappropriate to her/his age and development (taking full account of different patterns of development and different ethnic groups);
- inappropriate sexual awareness, preoccupation or provocation;
- engaging in sexually explicit behaviour;
- excessive dependence or attention-seeking;
- difficulty in making friends or being prevented from socialising with others;
- distrust or aggressive behaviour towards peers or adults, particularly those with whom a close relationship would normally be expected;
- displaying variations in eating patterns such as over-eating or loss of appetite;
- losing weight for no apparent reason;
- inadequate clothing, poor growth, hunger or apparently deficient nutrition;
- becoming increasingly dirty or unkempt;
- self-harm, through substance misuse, physical self-harm, or by threats of suicide or other self-harming gestures, including serious eating disorders.

Other signs may include behaviour such as running away from home, severe sleep disturbances, learning problems, inappropriate displays of affection between family



members or towards others, poor concentration or a marked reluctance to participate in physical activity or to change for sports.

A person may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Through their day-to-day contact with individual children, staff working for Magdalen Court School are particularly well placed to observe and should be alert to any outward signs of abuse, changes in behaviour or failure to develop.

It is important to note that these signs and others can do no more than give rise to suspicion - they are not in themselves proof that abuse has occurred. Any concerns about a child's welfare should be brought to the attention of the designated child protection person and where appropriate, shared with the statutory agencies and designated professionals responsible for child protection.



Part Two Child Protection

Child protection is a part of safeguarding and promoting welfare of children. It refers to the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm.

'Working Together to Safeguard Children 2018 sets out how organisations and individuals should work together to safeguard and promote the welfare of children and how practitioners should conduct the assessment of children.

Staff must be aware that:

- It is not the responsibility of teachers and other staff in schools or other education settings to investigate allegations or suspected cases of abuse
- Procedures are in place for dealing with allegations against staff members and full details of these can be found in the school's Dealing with Allegations Against Staff policy.
- Procedures are in place for dealing with abuse by children against other children and full details of these can be found in the school's Anti-Bullying policy.

Staff must not take any action beyond that agreed in the procedures established by Magdalen Court School and the LSCP or local safeguarding arrangements

- Staff cannot promise a child complete confidentiality - instead they must explain that they may need to pass information to other professionals to help keep the child or other children safe
- Magdalen Court School must ensure that parents are aware that the full texts of the Child Protection and associated policies are available on request;

Training

All staff within the school receive Safeguarding, including Child Protection, training and updates as appropriate that equip them with the knowledge and skills necessary to carry out their responsibilities for Safeguarding and Child Protection; this training will be refreshed at two-yearly intervals as a minimum.

The School DSL and deputies will refresh their training at two-yearly intervals, to be able to discharge their duties competently, and this training will include inter-agency working. In addition, all staff will be given an annual update to ensure that they are fully informed on current DfE guidance.

Certificates will be placed on individual staff files on completion of any training provided.

Section I – Child Protection Procedures

Guidance on Dealing with Child Protection Welfare Concerns - Good Practice Guidelines

- It is essential that any child abuse issues are not trivialized or exaggerated and that the proper steps are followed.



- Please be aware that words and actions may be open to misinterpretation and therefore you should take great care to avoid situations in which your own words or actions could be misunderstood.
- You are responsible for ensuring that abusive peer activities such as bullying do not occur or are actively addressed.
- All steps must be taken to ensure that Magdalen Court School practices are safe for children, young people, staff and visitors. Any concerns that you may have should be dealt with or reported swiftly.

You may become aware of possible abuse/child welfare concerns in various ways. You may:

- see it happening;
- suspect or have concerns because of signs such as those listed in 'Identifying abuse'
- have concerns reported to you by a child or third party.

It is particularly important to respond appropriately and to remember always that the best interests of the child or young person - and the need for any abuse to stop - come before the interests of anyone else, including Magdalen Court School or a potential abuser. Any member of staff with an issue or concern relating to Child Protection should immediately discuss it with a Designated member of staff. It should also be made clear to children that confidentiality cannot be guaranteed in respect of child protection issues.

NOTE: See 'Listening to Children' – Section II

Procedures - Designated Safeguarding Lead

There is a DSL based in the school and at least two deputies to act in their absence (see key contact details). Should they all be absent or unavailable, the matter must be referred to the Headteacher

The DSL Role includes:

- referring cases of suspected abuse to social care
- work with the Head teacher if an allegation is made against a member of staff, supply staff or volunteer (if the allegation is against the school's proprietor a referral should be made to LADO)
- work with HR to refer cases where a person is dismissed due to risk/harm to a child to the DBS for consideration of discretionary bar
- refer cases relating to a teacher to the Teaching Regulation Agency if it is believed that the teaching standards have been breached
- refer cases where a crime has been committed to the police
- liaise with the Head teacher where S47 and/or police investigations are in process
- Act as a source of support, advice and expertise to staff on matters of safety and safeguarding and when deciding to make a referral by liaising with relevant agencies.



Immediate Action

There is a difference between immediate danger and concern for a child. If a child is in immediate danger or at risk of harm a referral should be made to children's social care and/or the police immediately (anyone can make a referral) Concern for a child must be raised with your DSL.

Where a concern is reported to/identified by a member of staff, the first priority is to establish whether the child is in need of medical attention and/or protection:

- If urgent action is required, medical assistance should be obtained if needed and an immediate referral made to children's social care (MASH) and/or the police;
- If a child is in need of protection, police can initiate a police protection order (PPO) in cases of emergency, while children's social care can apply to a court for an emergency protection order (EPO);
- The law also allows staff to take all reasonable steps to offer immediate protection to a child at risk of harm e.g., from a violent or incapacitated parent.

Action by Person Initially Identifying/Receiving a Concern or allegation Any member of staff receiving details of a concern or allegation should:

- respond with tact and care (remembering to keep an open mind);
- listen and treat the concern seriously, avoiding expressions of shock or disbelief ;
- communicate as appropriate to the age and understanding and any communication or language difficulties of the child/person reporting;
- allow the child to tell their own story. Research has shown that this initial telling can be the best therapy if they are able to 'talk it out';
- avoid leading questions;
- avoid expressions of sympathy that may pre-judge issues of potential abuse;
- avoid any promise of confidentiality but reassure the child/young person that the information will only be passed to those who 'need to know'.

Staff should be aware that:

- the way in which you talk to a child can have an effect on the evidence which is put forward if there are subsequent criminal proceedings;
- while information must be gathered as accurately and thoroughly as possible when recording an allegation made by a child or young person, it is important to attempt to minimise the number of times they have to repeat themselves; MCS employees are only the first in a series of people who will talk to them in the course of an investigation. Having to repeat themselves unnecessarily may be traumatic for the child or young person. While child protection procedures are being followed, the needs of the child/young person may be overlooked and the procedure itself may be experienced by them as abusive.

If a child chooses to tell a member of staff about possible abuse there are a number of things that can be done to support the child:

- stay calm and be available to listen;



- listen with the utmost care to what the child is saying, and check with them that you have heard what they have said correctly;
- question normally without pressurising;
- don't put words in the child's mouth but note the main points carefully;
- reassure the child and let them know that they were right to inform us;
- inform the child that the information will have to be passed on.

The person receiving the concern **should not**:

- interrupt the child/person reporting when he/she is recalling significant events;
- make assumptions or interpretations;
- make suggestions or offer alternative explanations; this could be construed as 'coaching' or attempting to dismiss or minimise what is being said;
- use leading questions e.g., 'Did they do to you?' or 'Did your mum do it?' Use open questions only, such as 'What happened next?' 'Who was there?' or 'Do you have anything else to tell me?'
- **DO NOT** attempt to investigate any suspicion of abuse. Only sufficient information should be sought to clarify whether a concern should be referred to children's social care and that decision usually lies with the DSL
- Do not criticise an alleged abuser. The child may love him/her and be very protective of the relationship or confused about their own role in the abuse. There may also be the possibility of reconciliation;
- Do not ask the child to repeat it all for another member of staff.

The person receiving a concern **should**:

- record in writing the information (if applicable, in the child's own words), including times, dates, place of incident(s), persons present and what was said;
- make a note of any accompanying non-verbal behaviour and how the information was imparted;
- be careful to differentiate between fact, observation, allegation and opinion;
- sign and date the written record.

Staff should be aware that the notes you make may be disclosed in any subsequent prosecution or multi-agency meeting. You may also be called to give evidence in court proceedings and may be asked to refer to your notes.

Any member of staff identifying or receiving details of a concern, must immediately:

- report the matter to the DSL, their deputy or appropriate substitute (for example, if all designated staff are absent, self isolating or working from home);
- make a written record of decisions made and action taken.
- **Always act in the best interest of the child.**



Initial Action by the DSL

- obtain written details, signed and dated, from the person who initially identified or received the concern (not from the child/person reporting the concern) and signed and dated by that person;
- countersign and date the written details;
- record any information about times, dates and location of incident(s) and details of any potential witnesses;
- **DO NOT** attempt to investigate. Inappropriate questioning could jeopardise a child protection or criminal investigation and may cause immediate distress to the young person/child.

Initial Consideration of Concern

The member of staff identifying or receiving the concern and the DSL should:

- Discuss the concern and all available information in order to decide on the most appropriate course of action;
- If there is any doubt about the action to be taken, the DSL should seek advice by contacting the Mash team
- The Children's social care Mash team must be informed within 24 hours of a disclosure or suspicion of abuse and the school will take no further action until the advice of the Mash team has been obtained;

Consent

- In general, any concerns about a child's welfare should be discussed with the family and, where possible, agreement sought to make a referral to children's social care provided this does not increase the risk of significant harm to the child or lead to the potential withdrawal of a statement or destruction of evidence.
- The child's views should also be considered in deciding whether to inform the family, particularly where he or she is sufficiently mature to make an informed judgment, with the same provisos of due care.
- Where there is doubt about involving the child's family, the DSL should clarify with the Mash team whether, and if so when and by whom, the parents/carers should be told about the referral and what action to take where consent is refused. It will not be necessary to disclose personal details of the child and family unless the advice confirms that a referral is needed. In either case, the DSL must keep a record of the advice received and who provided it.
- Action to ensure the safety of children must respect the rights, privacy and dignity of parents/carers as far as possible without jeopardising the child/ren's safety, recognising the stress that such interventions can cause and seeking to ensure that families are supported and services to support parenting/care are put in place.

Referral to Children's social care (MASH)

Where the DSL decides that a concern needs to be referred to the MASH (in line with the local safeguarding arrangements and published criteria for action / thresholds document) , he/she should provide as much information as possible about the nature of the suspicions, the child and the family, including:

- Full names, date of birth and gender;
- Family address;
- Name(s) of person(s) with parental responsibility or primary carer(s);



- Names and dates of birth of other household members, if known;
- Any need for an interpreter, signer or other form of communication;
Any special needs or disabilities of the child or parent/primary carer
- Any current and previous concerns, significant events or involvement of other agencies in the child's life;
- Developmental needs and parents'/carers' ability to respond to these needs.

If urgent action or referral is required, the collation of such information must not be allowed to cause delay

- The DSL must telephone the MASH team where the child lives or is at the time.
- The referral should be made immediately if urgent action is required but within the same day as the allegation was reported regardless. The DSL should agree with the person receiving the referral what the child and parents/carers should be told and by whom.
- Where the referral is taken by a member of the MASH or local authority administration team, the DSL should seek to discuss the issue with a qualified social worker in the MASH team
- The referral should be confirmed in writing within 24 hours. Children's social care should then acknowledge the written referral and their decision whether to accept the referral within one working day of receipt.
- Where there has been no acknowledgement received within 1 day of the original referral, the DSL will follow this up and escalate their concern in line with the published multi-agency protocol if necessary.
- The DSL must record the decisions taken and reasons, together with the names of those involved in making those decisions. This record needs to be timed, dated and signed by all parties.

It should always be remembered that formal referrals from professionals cannot be treated as anonymous, and a parent/carer will ultimately become aware of the identity of the referrer.

Concerns Identified or Reported out of Office Hours

- If a concern is identified or reported outside normal office hours, the DSL should contact the emergency duty team or the local police station. Written confirmation of the referral should be sent to the Mash team during the next working day.

Outcome of referral to children's social care:

The decision by children's social care / the Mash team will be either:

- No further action
- The DSL should record the reasons for this decision and discuss who is best placed to inform the child, if age appropriate and/or parent/carer;
- Child Protection or Child in Need team to conduct an initial assessment
- An early help plan, often led by the school
- This should be completed within 7 days and may require further information from and discussion with the school. The outcome will be recorded on an initial assessment record;



- Strategy discussion - an immediate multi-agency strategy discussion should take place where the information clearly indicates that the child has suffered or is at risk of significant harm.

Initial Assessment

The outcome of an initial assessment will be either:

- No further action
- The DSL should record the reasons for this decision and discuss who is best placed to inform the child, if age appropriate and/or parent/carer;
- The child is in need of additional services
- This may require a 'CIN' plan in which education is likely to be asked to assist;
- The concerns may be referred back to the education service if it is decided that they are best placed to provide the additional services needed, such as Educational Psychologist, behavioural support etc.;
- A strategy discussion
- Where the child has suffered or is believed to be at risk of significant harm.

Strategy Discussion

If a strategy discussion is required, it may take the form of a meeting or a series of telephone calls. This should be chaired by a social worker, who will consider involving the following:

- Representative from the appropriate police child protection unit(s) (CPU);
- DSL and/or other member of staff with knowledge of child;
- Social worker for the child;
- Other authorities/agencies as appropriate in cross border cases;
- Other authorities/agencies as appropriate e.g., health.

The strategy discussion/meeting should consider:

- the information provided about the circumstances and context of the concern;
- whether any child or children is/are likely to be at risk;
- whether it is necessary to review any previous concerns;
- whether it is necessary to interview any child(ren), including ex-children of the school or any other schools;
- the response to the child's parents/carers and to the child (if age appropriate);
- appropriate support for the child and family.

The strategy discussion/meeting should decide whether there should be:

- enquiries by children's social care under authority of section 47 of the Children Act 1989 and in accordance with local child protection procedures;
- related police investigations into possible criminal offences;
- no further action under child protection procedures.

If the strategy discussion/meeting concludes that there should be an investigation by police and/or children's social care the roles, timescales and dates for future meetings should be agreed and tasks allocated.



If the decision of the strategy/discussion is that there should be no further action under child protection procedures, the concern may be referred to the local children's services or early help hub for consideration as to which agency is best placed to provide additional services to the child and family.

Minutes of the strategy discussion/meeting should be given to those taking part either immediately or as soon as possible thereafter. The DSL and/or other member of staff involved in the discussion/meeting should make a note of any actions required by the school.

Notification of Interested Persons

The Police or a strategy discussion may decide that child protection enquiries or criminal investigation would be hindered by an approach to parties at an early stage or that certain information should not be divulged to them. The DSL should agree who is to be informed, by whom and what information should be given.

Notification of OFSTED

The school will inform OFSTED as soon as is reasonably practicable but no later than 14 days, of any actual abuse or allegations of abuse on the premises

Notification to the Disclosure & Barring Service

Information will be passed to the Disclosure & Barring Service, if a person ceases to work in regulated activity for the school and there are grounds for believing s/he may be unsuitable to work with children and has met the harm test - this is a statutory duty to be complied with within one month of the person leaving the school.

See also Working Together to Safeguard Children 2018 and KCSIE September 2021(statutory guidance for schools)

Action by Education Staff during Child Protection and/or Criminal Investigation

- Children's social care and/or the Police may ask for assistance, including the release of relevant information in order to assist their enquiries/investigation.
- Section 27 of the Children Act 1989 places a duty on schools to assist a local authority exercising its duty to provide support and services to children in need.
- Section 47 places a duty on schools to assist local authority social workers making enquiries into cases of children believed to have suffered or be at risk of significant harm.
- The DSL should check that the local authority and/or Police have requested consent for the information to be shared when a request is received for any personal sensitive information about the child, other children or members of staff.

Consent will not be needed where:

- it is likely to increase the risk of harm to a child or other person;
- consent is refused but the child welfare concerns override the duty of confidentiality;



- seeking consent is likely to impede a criminal investigation. The DSL should monitor the progress of the case, by seeking regular updates from the Police and/or the allocated social worker
- The DSL or their deputy should keep a record of all information collected, decisions made and actions taken. This record will include minutes of any strategy discussions/meetings attended. It should be noted that all records may need to be disclosed under the rules on disclosure in criminal investigations.

Challenging Responses to Concerns/Allegations

If at any stage a member of staff believes that a child protection concern is not being dealt with properly, he/she should report their concerns to the DSL, their deputy and to challenge the response given to those concerns if they remain unsatisfied. Designated staff and school leaders have a responsibility to escalate their concerns in line with the local multi-agency protocols if they believe that a child remains at risk of harm and / or they are not satisfied with the response of children's social care.

Media

Child protection issues, including allegations against staff, may attract local and/or national media attention, depending on the seriousness of the matter or particular issues of interest at the time. This needs to be managed in a sensitive manner in order to minimise any distress to those involved.

Where a matter has attracted or is likely to attract media attention advice must be sought by consulting with the Local Authority press office and other agencies as appropriate e.g., the Police, the LSCP etc. No staff member may make an informal or formal response to a media enquiry without the express permission of the Head teacher

Record Keeping

It is essential that accurate records are kept where there are any concerns about the welfare of a child (eg referrals, conference minutes, reports). These must be kept securely and separately from a child's educational records. These are exempted from the list of records which are available for examination by parents or children, unless subject to a Court order

[but see below - 'It should be noted that: ...'].

Staff must keep the Head Teacher and DSLs informed of:

- poor attendance and punctuality;
- concerns about appearance and dress;
- marked changes in, or unusual behaviour;
- concerns about health and emotional wellbeing;
- deterioration in educational progress;
- discussions with parents about concerns relating to their child;
- concerns about home conditions or situation;
- concerns about child on child abuse (including bullying);



- concerns such as unknown adult(s) meeting a child regularly after school, or issues raised by a child about involvement in illegal drug use, crime or street gangs.

This recording system must be regularly maintained by the DSL and when a child moves to a new school the child protection records must be sent under separate cover to the appropriate DSL. If a face to face transfer is not possible, a photocopy of the child protection records may be retained until receipt is confirmed by the child's new school. A copy of the chronology should be retained in line with the MCS data retention policy.

All information written about children, or allegations made by children, must be limited to objective comments, verbatim accounts and factual information.

It should be noted that:

Parents/carers have a right to know that their child is being referred under s47 (child in need of protection) of the Children Act 1989, unless it is reasonable to assume that this will place the child, or a member of staff, in danger or lead to the destruction of evidence. However, parents must not be contacted in suspected cases of intrafamilial sexual abuse, FGM, forced marriage and fabricated or induced illness

Child protection records must be kept for a number of years after the child has left the education setting. In cases where the school had concerns but the threshold for referral was never met, the child protection file will be kept until the year of the pupil's 25th birthday. Records of any case that led to a referral to children's social care or any multi-agency intervention such as a child protection plan will be retained for 35 years from the date the pupil left the school.

Data protection legislation gives parents/carers and former children the right to see their school records. Although child protection information is exempt from this requirement, if a parent/carer or former child asked to see notes registering any child protection concerns, it is likely that a school would be obliged to show them, unless to do so would cause individual harm to the parent/carer or former child, except where the case had involved a criminal prosecution, care order or other legal prohibition.

Although this may raise concerns about issues being raised again years after they appear to have been dealt with, it is fair to say that in most instances of good practice, where concerns have been investigated and properly addressed at the time, it is unlikely that they will be revisited years later, unless the child, when an adult, feels that the response was inadequate, biased or unfair.

The following sections focus on:

- 'Identifying Abuse' Section II,
- 'Specific Types of Abuse' Section III



Section II - Identifying Abuse

Definition

Child abuse is defined by the DfE as “a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.”

Children are most commonly abused by someone known to them or close to them within a relationship of trust, responsibility or authority such as a relative, neighbour, family friend, teacher, group leader, peer group member or acquaintance. They may then be placed under considerable pressure not to reveal what has been happening and may feel guilty and responsible for their involvement.

Looked After Children may be at particular risk, both in terms of their life experiences and vulnerability and in the difficulties, they may have in recognising, or alerting people to, forms of abuse occurring in their lives. These children and young people require vigilance and staff must be alert to behaviour that is ‘unusual’ or a warning sign for any child, such as self-harm, absconding, repeated illness or non-attendance. It is essential that staff do not allow the fact that the child is or has been Looked After to be an excuse for non-action.

Staff must also be aware that:

- it is not their responsibility to investigate suspected cases of abuse;
- any action they take must be in line with the child protection procedures;
- they cannot promise a child complete confidentiality – it must be explained that they may need to pass information to other professionals to help keep the child or other children safe.

NB: when dealing with child protection issues the word ‘disclosure’ is often used inappropriately. Always remember that any child protection issue reported by a child or young person remains an allegation or concern until it is substantiated

Grave concern/At risk

This is not a distinct category but is dealt with separately. It covers a number of situations where a child may be vulnerable and at risk; children whose situations do not currently fit the above categories but where social and medical assessments indicate that they are at serious risk of abuse. Grave concern may be felt where a child shows symptoms of stress and distress and any of the following circumstances may apply:

- there is a known abuser in the family;
- another child in the family is known to have been abused;
- there is an adult in the family with a history of violent behaviour;



- the parents are involved with pornography to an unusual degree;
- the child is exposed to potential risk or exploitation via the Internet eg pornographic material or chat rooms.

It is important to remember that a child or young person may experience more than one type of abuse, from more than one person who is abusing them and that any act of abuse may encompass more than one of the above categories.



Section III - Specific Types of Abuse

Types of abuse and neglect are defined as:

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

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

Sexual abuse: involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online and technology can often be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education.

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

Staff should be alert to the more specific types of abuse that exist and which may provide an explanation for any signs and symptoms that give rise to concerns.



Abusive images of children & information communication technology (ICT)

The internet has become a significant means of distributing abusive images of children and as technology develops, the internet and its range of content services can be accessed through various devices; There is a growing concern that children may be abused through:

- Taking, downloading and/or distribution of images of abuse of child/ren;
- Allowing /encouraging a child to have exposure to inappropriate material via ICT e.g. adult pornography and/or extreme forms of obscene material;
- Children engaging in text bullying and use of mobile camera phones to capture violent assaults of other children/young people for circulation;
- Images of abuse of children may be found in the possession of those who use them for personal use or distributed to children as part of the grooming process;
- Internet chat rooms, discussion forums and bulletin boards are used as a means of contacting children with a view to grooming them for inappropriate/abusive relationships. Subsequent communication may be via email, text message, instant messaging or mobile phone;
- For the purposes of child protection, potentially abusive images of children can be divided into:
 - Unlawful material;
 - Material, which although lawful, would give cause for concern and indicate that the person possessing it may pose a risk to children.

Unlawful material

- An abusive image of a child under the age of 18 years old includes images in photographs, films, negatives, video tape, data stored on computers that can be converted into a photograph and 'pseudo-photographs' (images made by computers graphics, or other means, which appear to be a photograph). This also covers electronic images used by video phones and texting;
- It is for a court to decide what is 'indecent' by application of recognised standards of propriety;
- Possession of such material is an offence. Taking, showing or distributing such material amounts to a more serious offence.

Lawful material

- Lawful material falls outside the above definition but may involve children in an indecent or sexual context. This could include pictures, cartoons, literature or sound recordings e.g. books, magazines, audio cassettes, tapes, CDs.
- The Police Child Abuse Investigation Unit (CAIU) can provide advice generally on matters of abusive images of children to other agencies.
- Abusive images involving children in an indecent or sexual context may be found in the possession of those who use them for personal use or distributed or used with children as part of the grooming process.

Use of the Internet

The internet has become a significant tool in the distribution of abusive images of children, enabling ready access to such material. It may be downloaded and printed off in picture form or stored electronically on the hard drive of a computer, CD Rom, USB etc. Some adults use it to establish contact with children with a view to grooming



them for inappropriate or abusive relationships. This may be accomplished through 'chat rooms' or contact by e-mail and may constitute an offence under The Sexual Offences Act 2003.

- Children may be encouraged to access abusive images of children themselves through using apparently innocent words in an internet search engine.

As part of their role in preventing abuse and neglect, local authorities may offer activities to raise awareness about safe use of the internet and be a key partner in the development and delivery of training and education programmes with the Child Education and Online Protection Centre (CEOP). See www.ceop.gov.uk

- CEOP has also set up its own website which has been designed and written specifically for young people. It contains games and up to date information on having fun, staying in control and being safer online as well as details on how to report problems. See www.ceop.gov.uk/children_and_young_people.asp.
- Staff should inform Police if they are aware that:
 - a child has been the recipient of any suspicious contact through the internet or in receipt of pornographic material, as described above;
 - a person may be in possession of abusive images of children or have placed/accessed abusive images of children on the internet;
 - a child may have been inappropriately contacted or approached, directly or via the internet;
 - any individual involved in the creation, distribution or possession of abusive images of children may also be actively involved in their abuse. Police are expected to check whether anyone involved has access to children, including family and work settings, or is known to the relevant children's social care service
- a strategy discussion must be held whenever it is suspected a parent or carer of children or someone with access to children in other contexts is in possession of illegal or abusive images of children; and/or has taken, shown or distributed illegal or abusive images of children; and/or has used the internet to make inappropriate approaches to children.

Non compliance in child protection/violence towards staff

- A feature in some serious case reviews has been the lack of co-operation and/or hostile attitude of parents/carers towards professionals. When there are child welfare or protection issues, a failure to engage with the family may have serious implications and non-intervention is not an option. This can lead to difficulties for all professionals working with the various family members.
- In some instances there will be a known history of actual violence.
- Where non co-operation, hostility or violence is an issue, it is important to appreciate the significance for a child living in the family i.e., it will enhance the parent/carer's power and control and the child may fear reprisals if s/he were to speak to professionals.



Workers may feel extremely vulnerable when visiting hostile families, especially those who challenge effectively and are perceived as a threat.

- Professionals may end up putting more effort into dealing with the resistance than addressing the real problems for the child/ren.
- It is good practice wherever possible:
 - to be clear from the outset about what is known about the family and parents/carers, so as to assess both risks and potential strategies;
 - to establish trust through active engagement, acknowledgement that the family may see things differently and demonstrating a respect for their views, whilst confronting inappropriate attitudes.
- Hostility and violence towards staff is a multi-agency issue, involving potential risks to staff of other agencies.
- If one agency has information that a parent/carer is known to be violent it has a responsibility to alert other agencies of the risks posed by that person.
- Children's social care should then convene a multi-agency meeting to share strategic approaches across agencies in forming an action plan, in accordance with information sharing arrangements.
- All decisions and communications must be recorded clearly and shared.
- Where there are actual threats or incidents of violence the incidents must be reported immediately and local procedures followed for 'Violence at work' in relation to supervision, support, recording and reporting incidents to the Police.

Drug and Alcohol Using Parents

- Children of parents who abuse drugs or alcohol may be at risk of harm either directly, eg access to dangerous substances, or from a lack of boundaries, parental warmth and support and discipline.
- 70% of children taken into care have parents who are suspected of substance abuse.
- Not all parents who misuse drugs or alcohol mistreat their children, however it is known that there is an increased risk of violence in families where parent/carers abuse substances and the children who are most vulnerable are those whose parents are violent, aggressive, neglectful or rejecting.
- Any concerns of this nature should be brought to the attention of the DSL and considered in line with the local criteria for action I to decide whether a referral needs to be made.

Fabricated or induced illness

- Fabricated or induced illness (FII) in a child is a condition whereby a child suffers harm through the deliberate action of her/his main carer and which is duplicitously attributed by the adult to another cause.
- There are 3 main and not mutually exclusive ways of the carer fabricating or inducing illness in a child:
 - Fabrication of signs and symptoms and fabrication of past medical history;
 - Fabrication of signs and symptoms and falsification of hospital charts, records, letters, documents and specimens of bodily fluids;
 - Inducement of illness by a variety of means.



- Harm to the child may be caused through unnecessary or invasive medical treatment, which may be harmful and possibly dangerous, based on symptoms that are falsely described or deliberately manufactured by the carer and lack independent corroboration.

The child may additionally suffer emotional harm through limitations placed on her/his development and social interaction e.g. overprotection, limitation of exploration and learning, prevention from participation.

Parental control issues

- When children come to the attention of Police or others because of behaviour problems, this may indicate vulnerability, poor supervision or neglect.
- The Child Safety Order (CSO) is a compulsory intervention available below the significant harm threshold, designed to assist the child improve her/his behaviour and is likely to be used alongside other methods of intervention with the family. The borough can apply for a CSO where:
 - A child has committed an act which would have been an offence if s/he were aged 10 or above;
 - It is necessary to prevent such an act;
 - The child has caused harassment, distress or harm to others.
- A Parenting Order can be made alongside a CSO or when a CSO is breached. This is designed to engage with and support parents, whilst helping them to develop their ability to undertake parental responsibilities.
- Involvement of family members in prostitution does not necessarily mean children will suffer significant harm and the risks to the children in these circumstances come from the following potential sources:
 - Exposure of the child to unsuitable adults and sexual activity / materials, especially if the parent works from home;
 - Being left alone whilst the parent is working;
 - Being left with responsibility for younger siblings;
 - Inconsistent care – e.g. if the parent is imprisoned;
 - Factors associated with drug or alcohol misuse and/or mental health difficulty.

Parental learning disability

- Parental 'Learning disabilities' or 'learning difficulties' refers to adults who are, or may become parents/carers for children and who meet the 3 core criteria which describe an individual as 'learning disabled' i.e.
 - Significant impairment of intellectual functioning;
 - Significant impairment of adaptive/social functioning, i.e., how an individual cope with every-day demands of community living;
 - Age of onset before adulthood: in order for an individual to be considered as 'learning disabled', impairment of intellectual adaptive/ social functioning usually needs to have been present before the age of 18 years.
- As with any parent, the ability of those who have a learning disability to provide a reasonable standard of care will depend on their own individual abilities, circumstances and the individual needs of the particular child.



Learning disabled parents may also experience additional stressors e.g., having a disabled child, domestic violence, poor physical or mental health, substance misuse, social isolation, poor housing, poverty and a history of growing up in care. Such stressors, when combined with parental learning disability, are more likely to lead to concerns about the care of children.

- Parents with a learning disability may therefore need positive 'whole family' support to develop sufficient understanding, resources, skills and experience to meet the needs of their child.
- With effective, sustained support over time adjusted to meet the changing developmental needs of a growing family, learning disabled parents are potentially able to provide good enough care (see www.scie.org.uk/publications/briefings/briefing14/ or recent research cited at www.bris.ac.uk/Depts/NorahFry/)
- Children of parents with learning disabilities may assume some level of responsibility of looking after their parent and/or siblings, one or more of whom may also be learning disabled.
- Individuals who may pose a risk to children sometimes target parents with learning disabilities. In these situations, the children could be vulnerable to neglect and/or other forms of abuse.

Parental physical and sensory disability

- Though there is no evidence to suggest that physical or sensory disability should be a child protection issue, research does indicate that parents who have such impairments can experience great difficulty in performing a range of domestic and child care tasks.
- Individual/personal factors, levels of support from family, poverty and the degree of social exclusion all impact upon an individual's ability to offer 'good enough' parenting.
- If a disabled parent cannot fulfil their role as parent to their own and others' satisfaction, it may affect their self-esteem and self image and in turn generate feelings of anxiety, frustration and guilt.
- Impact has been observed on a child/ren's growth, development, behaviour and/or mental/physical health, including alcohol/substance misuse and self-harming behaviour.
- For further practical guidance, see: SCIE's briefing paper number 13 February 2005 'Helping parents with a physical or sensory impairment in their role as parents' www.scie.org.uk.

Self harm

- Self-harm, self-mutilation, eating disorders, suicide threats and gestures by a child must always be taken seriously and may be indicative of a serious mental or emotional disturbance.



- The possibility that self-harm, including a serious eating disorder, has been caused or triggered by any form of abuse or chronic neglect should not be overlooked.
- This may justify a referral to children's social care for an assessment as a child in need and/or in need of protection. A staff member who is in doubt about the required response should seek advice from the DSL.
- Consideration must also be given to protect children who engage in high risk behaviour which may cause serious self-injury such as drug or substance misuse, running away, partaking in daring behaviour such as running in front of cars etc, all of which may indicate underlying behavioural or emotional difficulties or abuse.

It is good practice, when a child or young person is known to have either made a suicide attempt or been involved in self harming behaviour, to undertake a multi-disciplinary risk assessment, along with an assessment of need.

Social exclusion

Many families are multiply disadvantaged and face chronic poverty and social isolation. Additionally, they may experience problems associated with living in disadvantaged areas, eg high crime rates and poor services, as well as limited employment opportunities. Many lack a wage earner. Racism and racial harassment may provide further stress to families in these circumstances.

Poverty may mean the children live in crowded or unsuitable accommodation, have poor diets, health problems or a disability, are vulnerable to accidents and may lack ready access to educational and leisure facilities.

Children may be indirectly affected through the association of this social exclusion with parental depression, learning disability and long-term health problems.

Referrals to children's social care should be made if the cumulative impact of the child's circumstances indicates that s/he is a child in need or is suffering or at risk of suffering significant harm.

Temporary accommodation and transient lifestyles

Placement in temporary accommodation, often at a distance from previous support networks, can lead to individuals and families becoming disengaged from services and support systems.

Families who have experienced homelessness and are placed in temporary accommodation by boroughs may have very transient lifestyles.

Families in which children are harmed may move home frequently and avoid contact with caring agencies, so that no single agency has a complete picture of the family.

Along with other indicators of potential risk, the following circumstances associated with some mobile families are a cause for concern:

- Child/ren not consistently registered with a GP;
- Child/ren attending hospital Emergency Departments frequently for treatment, rather than engaging with primary health services;



Child/ren missing from a school roll, or persistently not attending;

- Information 'patch worked' across a network of agencies with no single agency holding the whole picture of a family history.
- Where there are outstanding child welfare concerns, unusual extended non-school attendance may indicate that the family has moved out of the area.
- The DSL and deputies will ensure they are aware of and liaise closely with local housing services in cases where a child, with or without their family, is at risk of homelessness.

Young Carers

A 'young carer' is an individual aged under 18 who has a responsibility for providing primary or secondary care on a regular basis for a relative, often a single parent, or very occasionally a friend, whose needs may arise from:

- Physical or sensory disability;
- Learning disability or mental health related difficulty;
- Chronic or terminal illness;
- Misuse of drugs or alcohol.

Young carers are frequently involved in shopping, cooking, cleaning, ironing, washing clothes, budgeting the household income and nursing responsibilities including provision of intimate personal care, as well as emotional support.

This situation often leads to the young person's needs being overlooked and may on occasions give rise to abusive experiences, which a young carer is reluctant to address for fear of intervention and breakup of the relationship.

If there is any concern that a young carer is at serious risk of neglect, abuse or harm, this must be referred to the relevant local authority team or voluntary sector support service and if appropriate, a strategy discussion held.

Legislation and Acknowledgements Principal legislation and guidance relating to safeguarding children and underpinning and informing this document:

- Latest Working Together to Safeguard Children
- The Children Acts 1989 and 2004
- The Education & Skills Act 2004
- Equality Act 2010
- 'What to do if you are worried a child is being abused' DfE 2015
- Latest Keeping Children Safe in Education 2021

Supporting legislation and guidance:

- Education (Independent Schools) Standards 2014
- Data Protection Act 2018
- [Guide to the General Data Protection Regulation \(GDPR\)](#)
- The Human Rights Act 1998
- Public Interest Disclosure Act 1998 (PIDA)
- Sexual Offences Act 2003



- Criminal Justice and Court Services Act 2000
- The Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012
- Counter Terrorism and Security Act 2015
- Sexual Violence and Sexual Harassment between pupils in schools and colleges 2021

Useful Websites and Source Materials for further information

- Devon & Torbay Safeguarding Children Partnership websites:
- Child Exploitation Online Protection Centre (CEOP) www.ceop.gov.uk
- HM Government: multi-agency practice Guidelines: Female Genital Mutilation.
- The HBV network www.karmanirvana.org.uk
- Internet Watch Foundation www.iwf.org.uk invites users to report illegal Web sites
- the Information Commissioner's Office
-
- Internet proficiency through online games for KS2, with a free teacher's pack
- ThinkuKnow.co.uk
- Parentzone.org.uk
- CEOP has also set up its own website which has been designed and written specifically for young people. It contains games and up to date information on having fun, staying in control and being safer online as well as details on how to report problems www.ceop.gov.uk/children_and_young_people.asp.

Safeguarding Adults at risk

The term 'adults at risk' is used to describe young people over the age of 18 who access support services due to a medical condition, disability or learning need.

The broad definitions of abuse of adults at risk are contained in 'no secrets' (para 2.5) and local interpretations are available on the Devon Adult Safeguarding Partnership website. Abuse is a violation of an individual's human and civil rights by another person or persons. Abuse may consist of single or repeated acts of neglect or omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the young person subjected to it.

The main types of abuse are:

- Physical abuse: including hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate actions
- Sexual abuse: including rape and sexual assault or sexual acts to which the vulnerable adult has not consented to or could not consent or was pressured into consenting
- Psychological abuse: including, emotional abuse, threats or harm or abandonment, deprivation or contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks



- Financial or material abuse: including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possession's or benefits. Neglect and acts of omission: including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating
- Discriminatory abuse: including racist, sexist, that based on a person's disability, and other forms of harassment, slurs or similar treatment
- Self-neglect
- Trafficking and / or modern slavery
- Organisational / institutional abuse.

Note: A young person over the age of 18, even if still at school is NOT covered by Local Safeguarding Children Partnership procedures.

Local Authorities and the Police hold the lead responsibility for responding to allegations of abuse and in coordinating the local interagency framework for safeguarding adults.

Magdalen Court School staff will follow the Safeguarding process for reporting allegations to the school Designated Safeguarding Lead (DSL) who also acts as the school's Designated Safeguarding Adults Lead (DSAL) and will follow up the allegation as per the flowchart.

In all safeguarding / child protection cases The DSL must consider what degree of abuse justifies intervention by determining how serious or extensive abuse must be to justify intervention, building on the concept of 'significant harm' introduced in the Children Act 1989 or Care Act 2014, taking into account the locally published criteria for action (thresholds).?)

DSL must note that 'harm' should be taken to include not only ill treatment (including sexual abuse and forms of ill treatment which are not physical) but also the impairment of, or an avoidable deterioration in, physical or mental health: and the impairment of physical, intellectual, emotional, social or behavioural development.

When the extent of abuse is in relation to anxiety, this is often not clear, it is important therefore, when considering the appropriateness of intervention, to approach reports of incidents or allegations with an open mind and the following factors considered:

- The vulnerability of the young person
- The nature and extend of the abuse
- The length of time it has been occurring
- The impact on the young person
- The risk of repeated or increasingly serious acts involving this or other vulnerable adults



Part Three: Safer Recruitment (Recruitment, Selection and Disclosure)

Introduction

The welfare of children is paramount. To this end we operate a safer recruitment procedure which is detailed below.

Staff selection criteria

Our selection criteria are based on the following:

1. Experience
2. Knowledge
3. Skills and Ability
4. Personality/Social Skills
5. Other factors relevant to the specific position

Permanent Staff Recruitment Procedure Stage 1 Recruitment Preparation

1. Planning

The Head Teacher with the HR Officer will decide a timetable for the recruitment process of the role required. The job description, person specification and other documents to be sent to applicants should be reviewed and updated as necessary. It should be ensured that the application form seeks all relevant information and includes relevant statements about references etc. The application form will include a statement explaining that the role is exempt from the Rehabilitation of Offenders Act 1974 with an explanation of when in the process, criminal record information will be collected

Vacancy Advertisement - *Adverts*

Adverts will be placed on nominated websites, or through papers. The standard format includes the statement of commitment to safeguarding and promoting the welfare of children, and a statement to say full references and an Enhanced DBS Disclosure (with barred list check if in regulated activity) will be carried out on the successful applicant.

2. Applications on receipt

All applications should be scrutinised with any anomalies or gaps in employment noted to explore if the candidate is considered for the short-list.

3. Once all the applications have been scrutinised a short-list should be drawn up of the most suitable candidates

Stage 2 Pre- Interview & Interview

1. Seeking References

References should be sought directly from the referees of all the short-listed candidates. Specific questions should be asked which are covered in the Magdalen Court School proforma reference form. A statement about the liability for accuracy should be included on all outgoing requests. Consideration will be given to an applicant's request not to contact their current employer at shortlisting stage.



2. Receipt of References

Each reference should be checked against the information provided on the application form and scrutinised. Any discrepancy, issue or concern should be noted and taken up with the applicant at interview (if possible).

3. Criminal record / suitability self disclosure will be sent to all shortlisted candidates, to be returned to the school at least 2 days prior to interview; failure to return the self disclosure will lead to the offer of interview being withdrawn. Applicants' will be advised of the filtering rules and signposted to where they can get impartial advice on disclosing criminal offences

4. Interview arrangements

A panel of interviewers should be arranged with available times and dates agreed. The panel should consist of at least two people who have undertaken Safer Recruitment Training and the authority to appoint and for more senior roles the panel should consist of 3-4 people. The panel should meet before the interviews and agree the interview format, issues and questions, assessment criteria and standards.

4. Invitation to Interview

Once the available times have been set, candidates should be contacted to arrange a mutually suitable time for interview. Once this is agreed an interview pack should be sent to the candidate. This pack should include

- An invitation to interview including the list of documents to bring
- The list of ID specifying that 3 forms of ID are required with at least 1 of; photographic ID, proof of Date of Birth and proof of address (dated within the last 3 months)
- Job description and person specification
- Details on the company and specific site
- A map and directions of how to get to the interview location

5. The criminal record self-disclosures will be reviewed by HR and any disclosed information will be checked to ensure that it is not protected. HR will advise the panel of any criminal or other suitability information that needs to be discussed with the candidate at interview.

6. Interview

At the start of the interview the identity and qualifications of the candidates should be verified by scrutiny of the appropriate original documents. Copies of the original documents should be taken and placed on file. The interview should explore the candidate's suitability for working with children as well as their suitability for the post. Any criminal information that is not protected will be discussed with the candidate to give them an opportunity to provide contextual information.

The Candidate will be informed that they will be required to complete a medical questionnaire and may be required to complete a medical with a medical professional if successful.

If appropriate after the interview the candidate should be asked for details to enable to HR Officer to carry out a DBS disclosure application.



The second part of the Interview consists of skill based questions specific to the role and separately tasks such as a literacy and numeracy test or written question on curriculum or finances may be set depending on the role.

Finally a confirmation of outcome form is completed with feedback from the interview, confirmation of whether the candidate was successful or not, and if so the starting salary to be offered.

Stage 3 post Interview

1. Conditional offer of employment

The HR Officer will then make a conditional offer of employment to the suitable candidate following discussions with the recruiting manager and receipt of the interview summary sheet. The offer of appointment is made conditional on the satisfactory completion of the following pre-appointment checks and should be tailored specifically according to which checks are outstanding.

- References – Should be obtained and scrutinised as quickly as possible if not obtained before the interview
- Identity -Three forms of ID should be verified in person if not verified at interview, and should include photographic ID, proof of date of birth and proof of address as required for a DBS disclosure application. Any queries on this should be directed to the HR Officer.
- Qualifications -Any required qualifications should be verified by original certificates if not verified at interview.
- Permission to work in the UK– Proof of eligibility to work in the UK should be sort from all candidates. See Appendix A. Any queries on acceptable proof of eligibility to work in the UK should be directed to the HR department.
- DBS Disclosure – A satisfactory enhanced DBS disclosure should be received for all those working directly with children with a check of the children’s barred list if the individual will be in regulated activity. The guidance states that If the candidate has worked in a school in England within the last 3 months they can start work providing all other checks (including a stand alone children’s barred list check) are complete and that the candidate is appropriately supervised, however it is policy that Magdalen Court School will only employ a permanent employee once the original of the DBS certificate has been received in school, or if the candidate is on the update service
- The Children’s Barred list will be checked as part of an Enhanced DBS disclosure for any person who will be employed in regulated activity.
- Prohibition from Teaching - For candidates applying for teaching work, including head teacher, a check through the Teachers’ Services website for teachers or others who have been prohibited from teaching is carried out. The GTCE list is also checked.
- S128 Directive - All staff appointed to work in a management role are checked to ensure there is not a S128 directive against them. This is done by carrying out a DBS with a barred list and by checking the Teachers’ Services website s128 list as per the ‘Prohibition from management of independent schools: checking for directions’ guidance from the DfE
- QTS– As an independent School Magdalen Court School do not have to employ only teachers with QTS or QTLS, however all qualifications of



teachers should be checked, and those with QTS are checked on Teachers' Services website as a confirmation of these qualifications.

- Statutory induction -Evidence of this should be shown by teachers who obtained QTS after 7 May 1999 and is checked via Teachers' Services
- A suitable overseas check is carried out on those candidates that have lived overseas as deemed necessary by a risk assessment which must be carried out by the HR department

2. Induction

All new staff should have an induction plan that covers, in the first instance Health and Safety, Safeguarding, Child Protection, whistleblowing, the staff code of conduct, safeguarding implications of children missing education, Behaviour Management, Confidentiality and the Emergency Reporting Structure.

The full induction should be carried out over a number of weeks and should include full training and CPD plans.

CHILDLINE: 0800 11 11

This contact number is displayed prominently in a number of locations within the school for easy access for our children. A private telephone will be made available for any child who requests to call Childline.

Appendix 1 Guidelines on Safe Working Practice

The following guidelines are provided as examples of both good and bad practice that occur. Staff are encouraged to read the guidelines and to discuss with senior staff, colleagues, children and others as a means of raising awareness in safeguarding matters and encouraging staff and child involvement in the development and understanding of safe ways of working. You may wish to develop these guidelines together and add examples of your own, to be shared with others as this is clearly not an exhaustive list.

Examples of Good Practice

All staff are expected to adhere to the following principles and actions:

- Always work in an open environment (e.g. avoiding private or unobserved situations and encouraging open communication with no secrets);
- promote fairness, confront and deal with bullying;
- Treat all children and young people equally and with respect and dignity;
- Recognise the developmental needs and capacity of each child/young person;
- Give enthusiastic and constructive feedback rather than negative criticism;
- Always put the welfare of the child first, the child's welfare being paramount;
- Be acutely aware of the power that a staff member develops with children and avoid any intimacy (sexual or otherwise);
- Avoid unnecessary physical contact with children. Where any form of physical contact or support is required it should be provided openly and with the consent of the child;
- If you accidentally hurt a child or young person, he/she seems distressed in any manner, appears to be sexually aroused by your actions and/or if the child misunderstands or misinterprets something you have done, report any such incidents as soon as possible to another colleague and keep a written record. Parents/carers should also be informed of the incident;
- Gain written parental consent for any significant travel arrangements such as education outings;
- Be an excellent role model. This includes not smoking in the company of children/ young people and reasonable standards of behaviour in respect of discussing alcohol or recreational drugs use.

Examples of Poor Practice

The following are regarded as examples of poor practice and are to be avoided:

- unnecessarily spending time alone with a child/young person away from others;
- taking a child/young person alone in a car on journeys, however short;
- taking a child/ren to a staff member's home;
- Giving a child/ren a staff member's home phone number;
- allowing or engaging in inappropriate touching of any form;



- allowing children/young people to use inappropriate language unchallenged;
- making sexually suggestive comments to a child, even in fun;
- reducing a child to tears as a form of control;
- allowing allegations made by a child/young person to go unchallenged, unrecorded or not acted upon;
- using personal phones to make calls to parents/carers/children
- Taking photos or other media of children on personal equipment including camera phones
- where it is impractical/impossible to avoid certain situations, e.g. transporting a child in your car, this should be done with the full understanding and consent of the parent/carer and the child/young person involved. The reasons for it should be documented and made available to the relevant people concerned.

It is not always easy to distinguish poor practice from abuse. It is therefore NOT the responsibility of staff or others to make judgements about whether or not abuse is taking place. It is, however, their responsibility to identify poor practice and possible abuse, and to act if they have concerns about the welfare of the child/ren.

See also the Guidance for Safer Working Practice for adults who work in education settings (Safer Recruitment Consortium 2019 and Covid addendum 2020)



Appendix 2 Guidelines on Safe Working Practice for Staff

Introduction

Given the nature of the work within Magdalen Court School and the daily contact with children and young people staff are vulnerable to accusations of abuse by both children and parents/carers. Allegations may be false, malicious or simply misplaced. They may also be well-founded. No groups of people are exempt from being abusers or from being abused.

For all staff, the most important consideration is to safeguard and promote the welfare of the children and young people with whom you come into contact. Any allegations of abuse must be taken seriously. It is important to remember that the best interests of the child or young person - and the need for the abuse to stop - come before the interests of Magdalen Court School, the school or a potential abuser.

Abuse of Trust

We know that some people seek access to children in order to abuse, and that abused children very often do not disclose the abuse at the time. We also know that some of the allegations of abuse made against staff are substantiated, and there continue to be a number of cases every year in which teachers and other staff are convicted of criminal offences involving the abuse of children.

All staff need to know that:

Inappropriate behaviour with or towards children is unacceptable. This includes:

- any form of sexual conduct, including sexually suggestive comments;
- engaging in rough, physical or sexually provocative games;
- giving children inappropriate drugs or other inappropriate substances;
- lending or borrowing of money or property;
- giving or receiving gifts;
- exclusive or secretive relationships;
- giving of home numbers/personal mobile numbers or home address details to children;
- taking children/project users to a staff member's home
- it is an offence for a person over 18, such as a teacher/TA, to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of the child, even if the relationship is consensual and even if they do not work directly with them [Sexual Offences Act 2003];
- others who work with children and young people, such as drivers or workplace supervisors, are also expected to maintain standards of conduct comparable to those prescribed for colleagues in paid employment.



Procedures

Action by Person to whom a Concern or Allegation is Reported

All allegations or suspicions of physical, sexual or emotional abuse or neglect by staff, including the use of restraint, other than permitted by law or guidance issued by Government and professional bodies and in line with the Magdalen Court School policy, will be considered under child protection procedures initially and steps taken to ensure the welfare of the child/ren concerned.

As with any other welfare concern, the first priority is to:

- establish whether the child is in need of medical attention and/or protection;
- If urgent action is required, medical assistance will be obtained if needed/an immediate referral made to children's social care and/or police.

Any member of staff receiving details of a suspicion or allegation should:

- act with tact and care (always remembering to keep an open mind);
- listen and treat the concern seriously;
- communicate as appropriate to the age, understanding and any communication or language difficulties of the child/person reporting;
- avoid leading questions;
- avoid expressions of sympathy that may pre-judge issues of potential abuse;
- avoid any promise of confidentiality, but reassure the child/person reporting the concern that information will only be passed to those who 'need to know';
- be aware that the way in which they talk to a child can have an effect on the evidence which is put forward if there are subsequent criminal proceedings.

Managing the Process

The person receiving the concern or allegation **should not**:

- interrupt the child/person reporting when he/she is recalling significant events;
- make assumptions or interpretations;
- make suggestions or offer alternative explanations. This could be construed as prejudging, 'coaching' or acting to defend a colleague;
- use leading questions eg 'Did they do to you?' Use open questions only, such as
 'What happened?' and 'Is there anything else you want to tell me?'

DO NOT attempt to investigate any allegation or suspicion of abusive behaviour yourself but assure the child/person reporting it to you that what they have said to you will be passed on to someone whose job it is to deal with it.

The person receiving the concern or allegation **should**:

- make a written record of the information (if applicable, in the child's own words), including the time, date and place of incident(s), persons present and what was said;
- sign and date the written record;



- if any personal views are expressed about the information given, these must be recorded separately and clearly identified as such, signed and dated;
- report the matter immediately to the School's DSL or their deputy;
- if the concern/allegation is against the DSL, report the matter to their deputy

Initial Action by the DSL or their deputy

On being informed of the concern/allegation, the DSL should:

- obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/person making the allegation) and being careful to differentiate between fact, supposition and feeling;
- countersign and date the written details;
- record any information about times, dates and location of incident(s) and names of any potential witnesses;
- record any discussions about the child and/or member of staff, decisions made, and the reasons for those decisions.

The DSL or their deputy should not interview the member of staff, child or any potential witnesses.

- No attempt should be made to investigate an allegation as inappropriate questioning could jeopardise a child protection or criminal investigation.
- Advice should be sought from the CWSL, who may seek further advice from children's social care if there is any doubt.

Trivial Allegations

- The DSL will need to use their professional judgment to identify at the outset an allegation which is trivial in nature.
- It will then be appropriate for it to be dealt with at that level.
- It is important to record the reasons for this judgment and how the matter was dealt with,
 - e.g. notifying the parent/carer. The child or person making the allegation may also consider the incident significant enough to report the matter directly to children's social care and/or Police or to some other agency such as Childline.

Initial Consideration

- The School DSL should conduct an urgent initial consideration of the information available in order to decide on the most appropriate course of action.
- If there is any doubt about action to be taken, advice can be sought from the local Mash team

Allegations Reported Directly to children's social care and/or Police

- Where an allegation is reported directly to children's social care/Police, a strategy meeting may take place.



Notification of Interested Persons

- The Police or a strategy meeting discussion may decide that child protection enquiries or criminal investigation would be hindered by an approach to parties at an early stage or that certain information should not be divulged to them. The School DSL must therefore ensure that there is no objection by the Police before contacting any parties.
- Subject to there being no objection, the DSL will inform the:
 - child or parent/carer making the allegation and explain the likely course of action;
 - parent/carer of the child who is the alleged victim and explain the likely course of action;
 - accused member of staff and explain the likely course of action.
- the School DSL should consider whether to consult the MASH team as to how best to inform the child and/or parent/carer.
- If the member of staff is employed through an agency, the Director of the Agency should be informed of the concern/allegation provided there is no objection from the Police.
- Where the Police do object to any persons being notified, the DSL should arrange to be informed as to when this can take/has taken place.

Suspension

When an allegation against a member of staff is made, and deemed serious enough, the member of staff may be suspended without prejudice pending further enquiries during the initial consideration stages. During this time the member of staff will receive full pay and any benefits they may be entitled to. During suspension any contact with MCS pupils is prohibited and may lead to further disciplinary procedures. Contact with other employees must be arranged and authorised by the Headteacher

For further details on the Disciplinary process please refer to the Disciplinary Proceedings section of this policy, or to the Disciplinary and Grievance policy.

Record Keeping

The School DSL keeps a written record of any decisions made, the reasons for those decisions and any action(s) taken, both formal and informal; records to be in the agreed school format within 1 working day. In cases where the concern relates to a member of staff, HR will keep the records described here.

Action Following Initial Consideration

Where the concern relates to a member of staff, including agency staff and volunteers, there will be four possible outcomes of the initial consideration:

- Inappropriate behaviour/Poor practice
 - The allegation may represent inappropriate behaviour or poor practice by a member of staff which needs to be considered under possible training needs, supervision and/or disciplinary procedures.
 - Alleged inappropriate behaviour that might have a sexual motive however must be referred under child protection procedures.



- Demonstrably False/No case to answer
- Where, after initial consideration, the immediate circumstances of the allegation clearly show that it would not be possible for the allegation to be true, it will be appropriate for the DSL to deal with the matter at local level. **NOTE:** See 'Action where Allegations are without foundation'
- Care must be taken however, to ensure that a child is not confused as to dates, times, locations or identity of member of staff.

NOTE: An obviously false allegation may be a strong indicator of abuse elsewhere that requires further exploration. Consideration should be given to a 'child in need' referral in these circumstances.

Significant Harm/Abuse

- If it is determined that a child has suffered, or is believed to be at risk of, significant harm, an immediate referral must be made to children's social care
- Where there is any doubt, advice should be sought from the (MASH team.

Criminal Offence

- If the alleged behaviour might constitute a criminal offence, an immediate referral must be made to the police.

Reasonable Force

- Where the allegation relates to the use of reasonable force to restrain a child, in accordance with the Education and Inspections Act 2006 and 'Use of reasonable force in schools (DfE 2013) , it may be appropriate for the DSL to deal with the matter at local level. A full report must be made and a copy sent within 1 working day.
- Where there is an allegation that an incident has gone beyond the use of reasonable force, a referral must be made to the LADO.

In all instances, advice may be sought from the LADO and a full report must be made, to the agreed format, within 1 working day of the incident.

Action where Allegations are without Foundation (Demonstrably False)

Where an allegation is shown beyond doubt to be demonstrably false, e.g. where there are objective witnesses to say that an incident could not have occurred, or the person accused was not present at the time, the School DSL, and Human Resources Officer , must:

- inform the member of staff orally and in writing of the allegation and that there is no cause for further action to be taken under disciplinary or child protection procedures. The member of staff may be accompanied by a trade union representative or friend;



- consider whether counselling and/or informal professional advice to the member of staff is appropriate and how this might be provided;
- inform the parents/carers of the child/ren of the allegation and the outcome in writing;
- consider appropriate counselling and support for the child or children who made the allegation(s) and, where appropriate, their parents/carers;
- consider the advisability or otherwise of the member of staff concerned having to work with that child again, and how that may be affected and supported;
- In particular consider what follow up action should be taken in regard to a person or child who has made an allegation that is shown to be false or unfounded, especially if it is shown to have been made maliciously;
- where a person other than the alleged child victim has made the allegation, consider informing the parents/carers and child/en and providing support as appropriate;
- prepare a report giving reasons for concluding that the allegation is without foundation.

Referral to the LADO

- Where the School DSL and the Proprietor decides that the allegation needs to be referred, a telephone call should be made to the LADO without delay.
- The referral should be confirmed in writing within 48 hours.

It will be the final decision of the Headteacher, HR Officer and DSL (SLT) as to whether any internal disciplinary investigation will be held in abeyance pending the completion of Police and LADO / children's social care investigations. The School's SLT will consult within a strategy discussion/meeting but the final decision will always rest with Magdalen Court School

Following referral to the LADO

A strategy discussion, in the form of a meeting, to plan the conduct of the enquiry, should be held as soon as possible and at least within 72 hours.

If a strategy meeting is held, the LADO may:

- Team Manager, Social Services Child Protection team (and/or Service Manager if appropriate);
- a representative from the appropriate Police Child Protection Unit(s);
- The Head teacher
- Social Worker for the child;
- The Human Resources Officer
- other authorities/agencies as appropriate e.g., health;
- Senior Manager from relevant agency in the case of supply workers.

The strategy discussion/meeting should consider:



- the information provided by the school about the circumstances and context of the concern/allegation;
- whether any child/ren is/are likely to be at risk;
- whether it is necessary to review any previous concerns/allegations made by the child or made against the same member of staff;
- whether it is necessary to interview any child/ren, including ex-children of the school or any other schools.

The strategy discussion/meeting should conclude whether there should be:

- enquiries by the local authority under s47 child protection procedures;
- related police investigations into possible criminal offences;
- no further action under multi-agency child protection procedures.

If the strategy discussion/meeting concludes that there should be an investigation by Police and/or Social Services, roles, timescales and dates for future meetings should be agreed and tasks allocated.

The DSL should canvas the views of Police and the LADO about whether:

- the accused member of staff needs to be suspended
- there are any constraints or limitations on the information that can be provided to the member of staff about the concern/allegation.

Any decision to suspend will rest with the Headteacher, DSL and HR Officer; if the allegation is against a Head Teacher the decision will rest with the Trustees.

The strategy discussion should also consider:

- the response to the child/ren's parents/carers and to the child/ren;
- appropriate support for the child/ren and parents/carers;
- the response to the accused member of staff;
- appropriate support for the accused member of staff and colleagues;
- the identity of the contact person to keep the member of staff informed of the progress.

Disciplinary Proceedings

Magdalen Court School firmly believes that the fairest way to resolve any problems relating to conduct or performance is to have a well-structured disciplinary procedure. The procedure is designed to help and encourage all employees to achieve and maintain the School's standards of conduct, attendance and performance and should be looked upon as a corrective process.

Employees have the following rights in relation to disciplinary action:

- *to be informed of the allegations of misconduct or poor performance to be addressed at any disciplinary hearing*
- *to be accompanied by a work colleague or by a trade union official*
- to appeal against any disciplinary action



General

Employees will always be given as much information as possible regarding the allegations of misconduct, or any documentation detailing the shortfall in performance or capability that will form the basis of the disciplinary hearing. Employees will also be given fair and reasonable notice of the date and time of the hearing and whenever possible the disciplinary hearing will be held during normal working hours.

Any disciplinary action will only be taken after a full investigation of the facts, and if it is necessary to suspend employees for this period of time, they will receive their normal rate of pay.

The School reserves the right to vary the disciplinary procedure dependent on either the seriousness of the allegations of misconduct or capability to be addressed, or if employees only have a short amount of service.

Short service employees or those still within the probationary period, may not be issued with any warnings before dismissal.

NB The School reserves the right to deduct from pay the cost of any damage or loss to property or goods, which after a disciplinary hearing was found to have been caused by an employees' negligence or vandalism.

The Procedure

In the case of inappropriate conduct towards children, disciplinary action will consist of a minimum of a final written warning and may lead to dismissal for gross misconduct.

Final written warnings will be issued in situations where it is sufficiently serious to warrant only one warning but is not sufficiently serious to justify dismissal.

Employees will be informed in the final written warning that any further misconduct or failure to meet the required standard will result in dismissal.

Dismissal will normally result if an employee still fails to achieve the standard of conduct or performance required by the Company, or for matters of gross misconduct. Employees will be given every opportunity to offer an explanation for any failure to meet the required standards at a final disciplinary hearing. As with all previous stages of the disciplinary procedure employees will be offered the right of a witness and the right to appeal against the decision.

Dismissed employees will be provided, as soon as is reasonably practicable, with the reasons for dismissal, the date on which their employment will terminate and details of how they may appeal.

Conduct outside working hours

Normally the School has no jurisdiction over employee activity outside working hours. Behaviour outside working hours will only become an issue if the



behaviour reaches the threshold for statutory referral to the LADO and / or the alleged activities adversely affect the School.

Adverse publicity, bringing the School name into disrepute, or actions that result in loss of faith in the School, resulting in loss of business, or loss of faith in the integrity of the individual, will result in the disciplinary procedure being instigated.

The detriment suffered by the School will determine the level of misconduct and it will also determine which disciplinary stage is most appropriate to suit the circumstances.

If the actions include inappropriate conduct towards children, criminal offences, or cause extreme embarrassment or serious damage to the School's reputation or image, a decision may be taken to terminate the employment.

The School's procedures covering disciplinary hearings and appeals still apply.

Gross misconduct

Gross misconduct will result in summary dismissal, and employees lose their right to notice or pay in lieu of notice.

Below is a list of offences that are normally regarded as "gross misconduct". It is not exhaustive, but it describes the kind of offence that can result in summary dismissal:

- Deliberate failure to comply with the published rules of the School, including those covering safeguarding, child protection, security, health and safety, equal opportunities, the Internet, etc.
- Deliberate falsification of records.
- The committing of offences against current discrimination legislation whilst acting on behalf of the School.
- Fighting or assaulting another person.
- Using threatening or offensive language towards children, customers or other employees. Making yourself unfit to work by solvent abuse, drinking alcohol, taking of illegal substances or failing to follow medical instructions on prescribed drugs.
- Being in possession of illegal drugs and substances or alcohol whilst on School premises.
- Obscene behaviour.
- Behaviour likely to bring the School into disrepute.
- Conviction on a criminal charge that is relevant to your employment with the School.
- The misuse including use for personal gain, of confidential information in the course of working for the Company.



Disciplinary appeal procedure

At each stage of the disciplinary procedure, employees will be given the right of appeal. If an employee wishes to exercise their right of appeal, they should put their reasons in writing to the Headteacher within five working days of receiving written confirmation of the disciplinary decision taken against them. The employee will need to explain why they feel the decision is unfair, or inappropriate in relation to the matters addressed at the disciplinary hearing.

If the employee has any new information or evidence to support their appeal, they should give the details in full and include the names of any witnesses they may wish to call to support them in their appeal. This is in order that there will be sufficient time to investigate any additional information before the appeal hearing. Employees are entitled to be accompanied at the appeal hearing by a work colleague or by a trade union official.

Although the purpose of the appeal is to review any disciplinary penalty imposed, it cannot increase the disciplinary penalty.

The decision of the person dealing with the appeal is final.

Details of the full disciplinary procedure can be found in the Magdalen Court School Disciplinary and grievance policy.

Referral to the Disclosure & Barring Service

Any allegation against a member of staff must be referred to the DBS for consideration of discretionary bar when the following criteria are met:

- The individual is removed from regulated/ controlled activity and
- The regulated activity provider thinks either
- Relevant conduct has occurred
- The harm threshold has been met
- Relevant caution or conviction

Referrals should not be made whilst a member of staff is suspended without prejudice pending an investigation as there would be no evidence at this point to support the thought that a person has engaged in relevant conduct or that the *harm test* as defined in the Safeguarding Vulnerable Groups Act 2006, is satisfied.

- Any referral must be made by a member of the SLT by completing the DBS referral Form in consultation with the DBS referral Guidance. The completed and signed DBS Referral form and supporting evidence and documents should be submitted to the DBS.
- The DBS will acknowledge the referral by return post within three working days of receipt
- The DBS will commence the decision-making process, and may request additional information or documents



- Following DBS consideration, if the DBS is 'minded to bar', the individual will be written to and provided with all the evidence, they will then be given 8 weeks to make representations to the DBS on why they should not be barred. Current employers and bodies or individuals with a registered interest in the individual concerned will be notified that the DBS is 'minded to bar'.
- Following representation, the individual and any parties with a registered interest in the individual will be notified of the DBS's decision. If the individual is barred it is an offence for that individual to work in regulated activity with the group(s) they are barred from, or for an individual to allow them to work with the relevant group(s)

Learning the lessons

At the conclusion of any case in which an allegation is substantiated, the School DSL should review the circumstances of the case with the Headteacher, HR Officer and Board of Trustees and consultants to determine whether any improvements can be made to the company's, or the school or education project's, practice or procedures to help prevent similar occurrences in the future.



Appendix 3 Outcomes of CP Investigation Definitions

Substantiated allegations

There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.

If the facts of the incident are found to be true but it is not found that a child has been harmed or there is a risk of harm, then consideration should be given to deciding that the outcome is

‘unsubstantiated’ or ‘unfounded’..

Malicious

There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.

False allegations there is no evidence to suggest that there was an deliberate intention to deceive.

False allegations may be an indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to LA children's social care to determine whether the child is in need of services, or might have been abused by someone else.

Unsubstantiated allegations

There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Unfounded

The additional definition of ‘unfounded’ can be used to reflect cases where 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.

References in cases where the allegation is false, unsubstantiated or malicious

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in 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.



Appendix 4 Recruitment Procedure – Eligibility to work in the UK

Candidates need to be able to show a valid original of one of the following in order to work in the UK. This should be copied and filed

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
3. A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
4. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
5. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
6. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
7. A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Magdalen Court School

Belong Believe Achieve

