



# OLD BUCKENHAM HALL

## Safeguarding Policy

OBHP23

## **Introduction**

Old Buckenham Hall (OBH) is committed to safeguarding and promoting the welfare of children. (Everyone under the age of 18) We expect all staff to share this commitment and to become familiar with our Safeguarding Policy.

This policy applies to all teaching, non-teaching, residential, pastoral, support, peripatetic, contract staff and ancillary staff, volunteers and any other adults working at the School. All references in this document to "staff" or "members of staff" should be interpreted as relating to the aforementioned unless otherwise stated. It also applies in the Early Years Foundation Stage of the School. (EYFS)

This Policy takes account of local procedures set out by the Suffolk Safeguarding Partnership including their referral thresholds. Their full procedures can be viewed at [www.suffolkscb.org.uk](http://www.suffolkscb.org.uk)

This policy is available on the OBH website and to parents upon request.

## **Contents**

Key Points

Aims and Objectives

Section 1 – Safeguarding information for all staff

Section 2 – The management of safeguarding including the Role of the Designated Safeguarding Lead

Section 3 – Safer Recruitment

Section 4 – Allegations of abuse made against teachers and other staff

Section 5 – Child on child sexual violence and sexual harassment

Annex A – Legislation

Annex B – Early Help

## **Key Points**

### **If you are worried that a child is being abused, neglected, or is in need of further support:**

Speak to Emma Easdale (01449 744782 / 07776691665) who is the Designated Lead for Safeguarding. [emma.easdale@obh.co.uk](mailto:emma.easdale@obh.co.uk)

Speak to the Alternate: Chris Bunting (01449 740252 / 07802428504)  
[chris.bunting@obh.co.uk](mailto:chris.bunting@obh.co.uk) (e-safety)

Speak to the Alternate: Camilla Webster (01449 740252)  
[camilla.webster@obh.co.uk](mailto:camilla.webster@obh.co.uk) (Pre Prep)

Speak to the Suffolk MASH (professional consultation line - 03456061499)

Speak to the Suffolk LADO (0300 123 2044) Dian Campbell

### **If you are concerned that a member of staff may be abusing a child you should straight away:**

Speak to the Headmaster, David Griffiths (01449 740252) [headmaster@obh.co.uk](mailto:headmaster@obh.co.uk)

Speak to the DSL, Emma Easdale (07920888717) [emma.easdale@obh.co.uk](mailto:emma.easdale@obh.co.uk)

Speak to the Chairman of Governors, Andrew McGregor (07530 994659)  
[chairman@obh.co.uk](mailto:chairman@obh.co.uk)

Speak to the Suffolk LADO, (0300 123 2044) [LADO@suffolk.gov.uk](mailto:LADO@suffolk.gov.uk) if you have any concerns about an adult in a position of trust.

### **If you are concerned about extremism or radicalisation:**

Speak to the DSL, Emma Easdale (07920888717) [emma.easdale@obh.co.uk](mailto:emma.easdale@obh.co.uk)

Call 0345 606 1499 – Suffolk MASH team will direct as appropriate

Or phone the police (Sgt 3482 Andy Hill on 101 (Norfolk, Suffolk), or 999

Or go to [counter-extremism@education.gsi.gov.uk](mailto:counter-extremism@education.gsi.gov.uk) or phone 02073407264

**Speak to Customer First (for a child at risk of immediate harm) 0808 800 4005**

# **1. Safeguarding Information for all staff**

## **Aims and objectives of safeguarding in our school**

Our commitment is to safeguard and promote the welfare, health (including mental health) and safety of our students by creating a culture of vigilance and maintaining an open, safe, caring and supportive atmosphere.

Safeguarding and promoting the welfare of children, is defined for the purposes of this guidance as: protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes. (Working Together to Safeguard Children - July 2018)

OBH achieves these aims by:

- Ensuring the recruitment of individuals who are suitable and appropriate to work with children and who have positive safeguarding attitudes.
- Providing excellent pastoral care and fostering optimism and a positive school atmosphere where students feel secure and are encouraged to talk. Pupils are encouraged to find a person (whether a staff member or peer) whom they trust and to speak to that person about any issues which may be worrying them. Pupils are additionally reminded of specific individuals with whom they are able to talk.
- Valuing and promoting effective relationships with parents and professionals from other agencies.
- Teaching safeguarding and Relationships Education as part of a broad and balanced PSHE curriculum. (The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019).
- Teaching students, via PSHCE, and a varied curriculum, to identify, reduce and manage risks. This includes educating students, through regular internal and externally provided ICT safety talks, about the safe use of electronic equipment and access to the internet.

- Ensuring that children are safeguarded from potentially harmful and inappropriate online material through embedding a whole school approach towards online safety, including the use of appropriate filters and monitoring systems.
- Teaching pupils fundamental British values and resilience to the risks of radicalisation.
- Ensuring that all staff are properly trained, supported and supervised to enable them to identify abuse and welfare concerns and deal with such concerns appropriately and sensitively.
- Encouraging staff to discuss child protection, safeguarding and welfare concerns confidentially with the Designated Safeguarding Lead (DSL) in order to ensure they have confidence in their own abilities to identify and appropriately handle welfare concerns and cases of abuse and neglect.
- Creating a culture of openness, trust and transparency in which any concerns about the conduct of staff, visitors and other adults in school can be shared and dealt with in an appropriate and sensitive manner.
- Following the procedures laid down in this Policy.

## **Staff Responsibilities**

Everyone who comes into contact with children and their families has a role to play in safeguarding children. School staff (especially in a boarding school) are particularly important as they are in a position to identify concerns early and provide help for children and prevent concerns from escalating. OBH will work with parents, social care, the police, health services and other services to promote the welfare of children and protect them from harm.

- All school staff have a responsibility to provide a safe environment in which children can learn.
- All school staff have a responsibility to identify children who may be in need of extra help or who are suffering, or are likely to suffer, significant harm. (*See KCSIE – Sept 2019 Part 1 and Annex A*).
- All staff then have a responsibility to take appropriate action.

## **Staff Knowledge (Including Induction & Training)**

All staff members, including the Headmaster and volunteers, should be aware of systems at OBH which support safeguarding. These will be explained as part of staff induction. Every new member of staff will meet with the DSL for a safeguarding induction. Induction includes

1. Being introduced to the designated safeguarding lead and alternates
2. Being given the School Safeguarding Policy
3. Being given the Staff Code of Conduct, which includes information on whistle-blowing
4. Being given KCSIE Part 1 and Annex A 2019, which all staff must read and understand
5. Being given the School's Behaviour Policy

All staff will also receive appropriate child protection training which is regularly updated. This includes triannual generalist training for all staff and biannual specialist training for DSL and Alternates. In addition, all staff receive regular safeguarding and child protection updates (for example, via email, e-bulletins, staff meetings) as required, and at least annually. Staff also receive training on Prevent and complete the online channel training.

All staff are aware of OBHP18 - Missing Child Policy and procedures which take account of Statutory guidance on *Children who run away or go missing from home, education or care. (January 2014.)*

All staff must be aware of the signs of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Staff are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned. When concerned about the welfare of a child, staff members should always act in the interests of the child.

OBH staff should be particularly alert to the potential need for early help for a child who:

- is disabled and has specific additional needs;

- has special educational needs (whether or not they have a statutory education, health and care plan);
- is a young carer;
- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups;
- is frequently missing/goes missing from care or from home;
- is misusing drugs or alcohol themselves;
- Is at risk of modern slavery, trafficking or exploitation;
- Is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse;
- has returned home to their family from care;
- is showing early signs of abuse and/or neglect;
- is at risk of being radicalised or exploited;
- is a privately fostered child.

**All** staff should have an awareness of safeguarding issues that can put children at risk of harm. They should be aware behaviours linked to issues such as drug taking, alcohol abuse, deliberately missing education and sexting (also known as youth produced sexual imagery) put children in danger.

**Code of Conduct** - All staff must behave responsibly and professionally in all dealings with children and specifically with students for whom they have a duty of care. All staff must follow the procedures set out in our separate policy entitled 'Code of Conduct'. Staff should always avoid behaviour which might be misinterpreted by others.

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a student cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and all members of staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Staff should note that it is an offence for a person aged 18 or over and in a position of trust to touch a child in a sexual way or have a sexual relationship with a child, even if

the relationship is consensual. A position of trust could arise even if the member of staff does not teach the child. *The Sexual Offences Act 2003*,

Only the school cameras or other school devices may be used to take photos, which must be promptly downloaded to the school computer system and then deleted from the device. See Staff Handbook for further guidance.

In the EYFS setting mobile phones must be locked away in the staff room.

### **All staff are required to read and understand Keeping children safe in Education Part 1 & Annexe A**

#### **What staff should do if they have a concern?** *(Please refer to Working Together to Safeguard Children (July 2018) and the flowchart in KCSIE 2019.)*

If staff have **any concerns** about a child's welfare, they should act on them immediately. S/he should speak to the Designated Safeguarding Lead ("DSL") or in her absence the Alternate Designated Safeguarding Lead. These concerns should be recorded on a "cause for concern" form. The DSL will discuss the matter with the member of staff and will decide on an appropriate course of action. This discussion and actions taken will be recorded. Options will then include:

- managing any support for the child internally via OBH's pastoral support processes; (see Appendix 2)
- an early help assessment (e.g a CAF may be appropriate if they meet the Suffolk Safeguarding Partnership/SSCB thresholds)
- a referral for statutory services, as the child might be in need, is in need or suffering or likely to suffer harm.

If the concern of abuse involves staff members (or volunteers), these will be passed on to the Headmaster. If the allegation is about the DSL it should be raised with the Headmaster or in his absence the Chairman of Governors. If the allegation is about the Headmaster, it should also be raised with the Chairman of Governors. The DSL



(or the Headmaster or the Chairman of Governors depending on the above) will make a referral without delay to children's social care.

If in exceptional circumstances, the designated safeguarding lead (or alternates) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from local children's social care. In these circumstances, any action taken should be shared with the designated safeguarding lead (or alternate) as soon as is practically possible.

Where a child is at risk, social care will be contacted immediately. Allegations against anyone working at the school will be referred to the LADO within one working day. If a crime has been committed the matter will be reported to the police. Where a child and family would benefit from co-ordinated support from more than one agency (e.g education, health, housing, police) there should be an inter-agency assessment arranged by social care. These assessments should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed via a statutory assessment under the Children Act 1989.

If the child's situation does not appear to be improving the staff member with concerns should press for re-consideration. Concerns should always lead to help for the child at some point. Research and Serious Case Reviews have repeatedly shown the dangers of failing to take effective action. Poor practice includes: failing to act on and refer the early signs of abuse and neglect; poor record keeping; failing to listen to the views of the child; failing to re- assess concerns when situations do not improve; sharing information too slowly; and a lack of challenge to those who appear not to be taking action.

## **Early Help**

Early help means providing support as soon as a problem emerges in a child's life. All staff should be aware of the early help process and understand their role in it. It includes identifying emerging problems and potential unmet needs; liaising with the DSL; sharing information with other professionals to support early identification and

assessment; and in some cases, acting as the lead professional in undertaking an assessment of the need for early help.

In cases of need the school has a network of educational specialists, and medical, physical, emotional and mental help professionals to turn to.

The early help assessment (CAF) should be undertaken by a lead professional who should provide support to the child and family, act as an advocate on their behalf and coordinate the delivery of support services. The lead professional role could be undertaken by the DSL or a teacher (or a GP, family support worker, health visitor and/or special educational needs coordinator). For an early help assessment to be effective it should be undertaken with the agreement of the child and their parents or carers. If parents and/or the child do not consent to an early help assessment, then the lead professional should make a judgement as to whether, without help, the needs of the child will escalate. If so, a referral to children's social care may be necessary.

### **Dealing with a disclosure**

This guidance should be followed in all cases of suspected abuse whether at school or away from it and if the alleged abuser is an adult, or adults, or another child, or children. Bullying becomes a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm.' (See the Anti-bullying Policy and refer to Suffolk Safeguarding Partnership/SSCB thresholds for referrals).

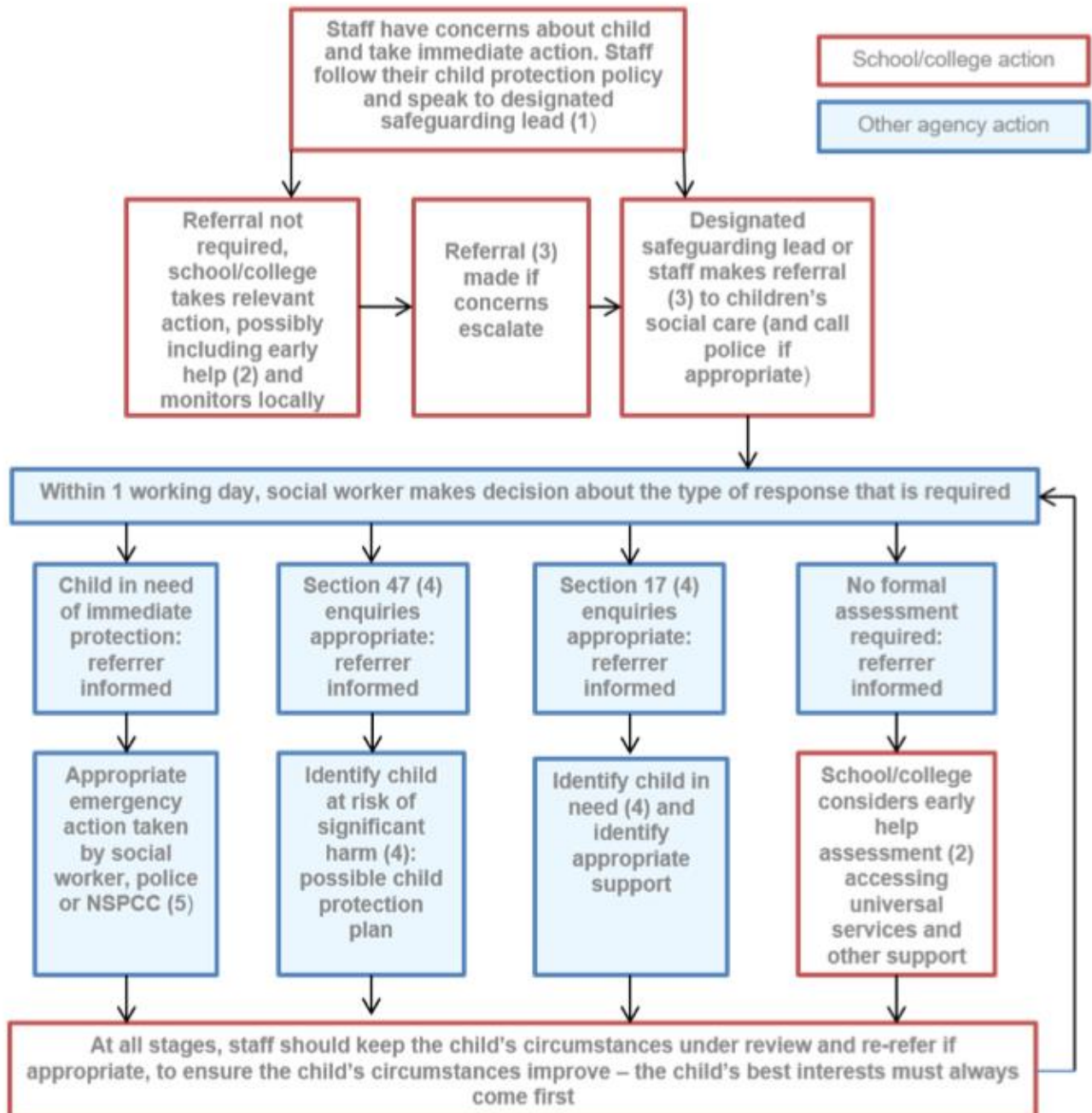
1. Any member of staff receiving a disclosure must report it immediately to the DSL, or the Alternate. Staff should not consider if it is worthy of reporting. All disclosures must be reported without delay.
2. Children are not to be interviewed. Allow the child to speak freely and remain calm. Do not interrupt the child or be afraid of silences
3. Limit questioning to the minimum necessary for clarification and avoid leading questions such as, "Has this happened to your siblings?" Basic facts must be gathered and recorded.
4. Write up the conversation as soon as possible it must be signed, dated and timed, and given to the DSL.

5. The child must be made aware that as much confidentiality as possible will be observed, but other people will need to know in order to stop the abuse. Staff must not make any promises.
6. Tell the child what will happen next. The child may want to accompany you to see the DSL, otherwise let the child know that someone will come to see them before the end of the day.
7. Staff should consider if the child is in need of immediate protection and take appropriate steps.
8. Reassure the child that they have done the right thing and listen to their views about what they want to happen next.
9. Staff should seek support if they feel distressed.

Staff should never guarantee confidentiality to pupils or adults wishing to tell them about something serious, as this may ultimately not be in the best interests of the child. Staff may guarantee that they will not tell anyone who does not have a clear need to know and that they will pass on information in confidence only to the people who must be told in order to ensure that the appropriate action is taken. All staff involved will also take whatever steps they can to protect the informant from any retaliation or unnecessary stress that may occur after a disclosure has been made.

***Staff with any concerns or who are unsure would raise it with the DSL in the first instance but can if they wish make a direct referral to Children and Young People's Services via Customer First 0808 800 4005. These concerns may arise from a child's time at school or away from school including in another setting.***

# Actions where there are concerns about a child



(1) In cases which also involve an allegation of abuse against a staff member, see Part Four of this guidance.

(2) Early help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged. Chapter one of [Working together to safeguard children](#) provides detailed guidance on the early help process.

(3) Referrals should follow the local authority's referral process. Chapter one of [Working together to safeguard children](#).

(4) Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. This can include section 17 assessments of children in need and section 47 assessments of children at risk of significant harm. Full details are in Chapter One of [Working together to safeguard children](#).

(5) This could include applying for an Emergency Protection Order (EPO).

## **Types of abuse and neglect (reference KCSIE 2019)**

**All school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.**

**Abuse:** 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 (e.g. via the internet). They may be abused by an adult or adults or by another child or children.

**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 (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

**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.

**Signs of abuse** may include: depression, low self-esteem, shyness, poor academic achievement, isolation, self-harm, neurosis, unusual wounds, eating disorders, and excessive behaviour. Most frequently changes in behaviour can be an indicator.

**Specific safeguarding issues (Refer to Annex A KCSIE 2019)** *If staff have any concerns they should discuss them with the DSL, Headmaster or Alternates*

Expert and professional organisations are best placed to provide up-to-date guidance and practical support on specific safeguarding issues. For example, information for schools and colleges can be found on the TES, MindEd and the NSPCC websites. Local guidance and procedures can be found on the Suffolk Safeguarding Children Board website at: [www.suffolkscb.org.uk](http://www.suffolkscb.org.uk).

Staff can also access government guidance as required on the issues listed above via GOV.UK and other government websites: (See KCSIE, Part 1/ Annex A - 2019 and click on specific links)

**Contextual Safeguarding:** OBH also takes account of the following specific safeguarding issues. Some may seem unrelated to our school setting, but we must remember that behaviours and incidents can be associated with factors outside the school and/or can occur between children outside the school. Contextual safeguarding is an approach to understanding, and responding to, young people's experiences of significant harm beyond their families. It can be online or offline.

All incidents and/or behaviours will be considered in the context within which they occur.

**Peer on Peer Abuse:** As a boarding school OBH is particularly alert to pupil relationships and the potential for peer abuse. All staff are taught to be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include but is not limited to bullying (including cyber bullying), gender-based violence, grooming, inappropriate or harmful sexualised play (younger children), sexual assaults, sexting, gender issues within groups of girls and boys and initiation ceremonies ("hazing").

All staff should be made aware that 'upskirting' is now a criminal offence. Upskirting is, "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 humiliation, distress or alarm" (KCSIE, 2019)

Peer on peer abuse will never be normalised, tolerated or passed off as "banter" or "part of growing up".

If a member of staff suspects a child is at risk of or experiencing peer-on-peer abuse or that child is abusing their peers, you should discuss your concerns with the DSL so that a course of action can be decided.

A decision will be made on whether to:

- report to social care and/or the police
- undertake an early help assessment
- manage internally with or without external agency support.

When dealing with peer-on-peer abuse it is important that the victim's welfare is of paramount importance. When managing peer on peer abuse internally OBH will:

- Act quickly and sensitively
- Gather the information from all parties concerned to obtain all the facts
- Only ask open questions to obtain clarity: What happened? Who saw what happened? What was seen and heard? Did anyone intervene?

When deciding on the next course of action OBH will consider:

- Was the act deliberate and with the intent to cause physical or emotional harm?
- Has the child experienced this abuse before?
- Has the child done this before?
- Does the child understand the impact of their behaviour on others?

All children involved (whether perpetrator or victim) will be treated as being "at risk". Where there is reasonable cause to suspect a child is suffering, or likely to suffer, significant harm, the allegation will be referred to children's social care. The DSL follows local multi-agency procedures. Where appropriate, the matter will be dealt with under the School's Anti-Bullying Policy with the use of relevant disciplinary sanctions. The victim will be fully supported through the pastoral care system.

Peer-on-peer abuse can impact a child or young person in many ways, so it is important to promote a culture where staff understand what it is and what can influence a child's behaviours. Every opportunity within the curriculum is taken to help teach young people that the behaviour is not the norm and that it is unacceptable in any situation.

Pupils are not permitted mobile phones. However, sexting advice from UKCCIS (*sexting in schools and colleges: responding to incidents and safeguarding young people - 2017*) is recognised, as is the DfE Searching, screening and confiscation advice.

**Child sexual exploitation (CSE)** – is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation does not always involve physical contact and can happen online. A significant number of children who are victims of sexual exploitation go missing from home, care and

education at some point. Some of the following signs may be indicators of sexual exploitation:

- 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 well-being;
- Children who misuse drugs and alcohol;
- Children who go missing for periods of time or regularly come home late; and
- Children who regularly miss school or education or do not take part in education.

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* for further information and advice

**Children missing from education, home or care – (CME)** A child going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and child criminal exploitation. It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future. Staff should be aware of their role, and the school's unauthorised absence and children missing from education procedures. Staff are aware of the OBH Missing Child Policy and Procedures which take account of statutory guidance on *Children Who Run Away or Go Missing from Home Or Care - January 2014*. (See School Missing Children Policy for further guidance).

The school follows guidelines to hold more than one emergency contact number for each pupil, thereby giving the school additional options to make contact with a responsible adult when a child missing education is also identified as a welfare and/or safeguarding concern.

The school complies with all aspects of *Children missing education; statutory guidance for local authorities. (Sept 2016)*

**Honour Based Violence (HBV), Female Genital Mutilation, Forced Marriage** - So-called 'honour-based' violence (HBV) encompasses crimes which have been committed to protect or defend the honour of the family and/or the community, including Female Genital Mutilation (FGM), forced marriage, and practices such as breast ironing. Abuse committed in the context of preserving "honour" often involves a wider network of family or community pressure and can include multiple perpetrators. It is important to be aware of this dynamic and additional risk factors when deciding what form of safeguarding action to take. All forms of HBV are abuse (regardless of the motivation) and should be handled and escalated as such. If in any doubt, staff should speak to the designated safeguarding lead (or deputy). Staff need to be alert to the possibility of a child being at risk of HBV, or already having suffered HBV.



There are a range of potential indicators that a child may be at risk of HBV. Guidance on the warning signs that FGM or forced marriage may be about to take place, or may have already taken place, can be found on pages 38-41 of *The Multi Agency Statutory Guidance on FGM* (April 2016).

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.

OBH recognises the mandatory duty on teachers and health professionals to report disclosures on FGM to the police. (Section 5B of the FGM Act 2003, as inserted by section 74 of the Serious Crime Act 2015)

**Looked after children** – OBH recognise the additional vulnerability of looked after and previously looked after children. In the event of OBH taking any 'Looked after children' the Governing body will appoint a designated teacher to promote the educational achievement of children who are looked after and to ensure that this person has appropriate training. Due regard will be taken of the Government Guidance in Designated teacher for looked after children (2009).

**Private fostering** - is when a child under the age of 16 (under 18 if disabled) is cared for by someone who is not their parent or a 'close relative'. This is a **private** arrangement made between a parent and a carer, for 28 days or more. OBH will inform the Local Authority if we are made aware of a child or young person who may be subject to private fostering arrangements.

**Children with special educational needs and disabilities** - OBH recognises that additional barriers can exist in recognising abuse and neglect in this group of children. Further exploration will always be made of indicators of possible abuse such as behaviour, mood and injury. It is understood that children with SEN and disabilities may be disproportionately impacted by behaviours such as bullying without outwardly showing any signs. They also be more prone to isolation. Every effort will be made in such cases to overcome any communication barriers.

**Reasonable force** - There are circumstances when it is appropriate for staff to use reasonable force to safeguard children and young people. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom. (See School Restraint Policy for further advice)

The school does not have a "no contact policy. Whether or not to use reasonable force to control or restrain a child is down to the professional judgement of the staff

concerned and should always depend on individual circumstances. See School Restraint Policy for further advice)

When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, OBH recognises the additional vulnerability of these groups, and if necessary will draw up individual behaviour plans for more vulnerable children; agreeing them with parents and carers.

**Preventing radicalisation** – Children are vulnerable to extremist ideology and radicalisation. There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media) and settings (such as the internet). As with other safeguarding risks, staff should be alert to changes in children's behaviour which could indicate that they may be in need of help or protection.

OBH is aware of its duty under the *Counter Terrorism & Security Act 2015 (The Prevent Duty)* to have due regard to the need to prevent students from being drawn into terrorism. The referral procedures set out above also apply where there are concerns about children who may be at risk of being drawn into terrorism. The DSL is the designated Prevent Lead. Procedures are in place to check the suitability of visiting speakers.

**Children and the court system** – OBH will support any child going through the court system either as a victim or a witness.

**Domestic abuse** - The cross-government definition of domestic violence and abuse is: *Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.* The abuse can encompass, but is not limited to:

- psychological;
- physical;
- sexual;
- financial; and
- emotional

OBH recognises exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result. Domestic abuse affecting young people can also occur within their personal relationships, as well as in the context of their home life. Advice on identifying children who are affected by domestic abuse and how they can be helped is available at:

NSPCC - UK; domestic-abuse signs, symptoms, effects

Refuge; what is domestic violence? effects of domestic violence on children

Safelives; young people and domestic abuse

**Child criminal exploitation: “county lines”** - Criminal exploitation of children 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 urban areas to suburban and rural areas, market and seaside towns. Key to identifying potential involvement in county lines are missing episodes; when the victim may have been trafficked for the purpose of transporting drugs. Like other forms of abuse and exploitation, county lines exploitation:

- can affect any child or young person (male or female) under the age of 18 years;
- can affect any vulnerable adult over the age of 18 years;
- can still be exploitation even if the activity appears consensual;
- can involve force and/or enticement-based methods of compliance and is often accompanied by violence or threats of violence;
- can be perpetrated by individuals or groups, males or females, and young people or adults; and
- is typified by some form of power imbalance in favour of those perpetrating the exploitation. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, cognitive ability, physical strength, status, and access to economic or other resources.

**Serious Crime** - All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in well-being, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with individuals associated with criminal networks or gangs” (KCSIE, 2019) Further advice can be found in the Home Office’s Preventing youth violence and gang involvement: Practical advice for schools and colleges.

## **2. Management of safeguarding**

### **The responsibility of the Governing body and management committees**

The Governing Body ensures that they comply with their duties under legislation. They also have regard to Keeping Children Safe in Education (2019) to ensure that the policies, procedures and training at OBH are effective and comply with the law at all times.

- The Governing Body review the policy and practice of Safeguarding annually and supply sufficiently detailed minutes to demonstrate the depth of this review. Safeguarding is a standing item on termly Governing Body meetings.
- The Governing Body will ensure any deficiencies or weakness in child protection arrangements is remedied without delay
- The Governing Body will ensure the staff code of conduct covers amongst other things, an acceptable use of technologies, staff/pupil relationships and communications including the use of social media.
- The Governing Body have in place appropriate safeguarding responses to children who go missing from OBH, in the form of the Missing Child Policy.

- The Governing body ensure there are procedures in place to handle allegations against members of staff and volunteers. Such allegations should be referred to the Local Authority Designated Officer (LADO).
- The Governing body should ensure OBH appoint an appropriate senior member of staff, to the role of designated safeguarding lead.

The DSL discusses the termly Safeguarding report with the lead Governor for safeguarding before each meeting of the Governing Body. The Lead Governor (Kate Pryke – 07960 757891) will undertake training in Safer Recruitment and Child Protection and will renew Child Protection training every 3 years.

The School (The Safeguarding Governor, DSL, Headmaster and DFO) completes an annual self-assessment audit on request of the Suffolk Safeguarding Partnership and submits this to the relevant local authority in respect of section 11 of *The Children Act* (2004). This demonstrates to the LA that the School takes into account the need to safeguard and promote the welfare of children and provides appropriate confirmation that there are safe systems and processes in place. Any additional priorities for development are included into the school improvement plan.

**The Headmaster** ensures that the above policies and procedures, adopted by governing body, and particularly concerning referrals of cases of suspected abuse and neglect, are followed by **all** staff.

### **Designated Safeguarding Lead (DSL) and job description** (Reference to KCSIE Sept 2019)

The Designated Safeguarding Lead (currently Emma Easdale) takes lead responsibility for safeguarding and child protection in the school. The DSL is a member of the senior leadership team, and has authority within the school to carry out the duties of the post including committing time and resources and, where appropriate, supporting and directing other staff on child welfare and child protection matters, to take part in strategy discussions and inter- agency meetings – and/or to support other staff to do so – and to contribute to the assessment of children. The DSL has a specific job description which mirrors Annex B in Keeping Children Safe in Education (September 2019).

The school also has two Alternate DSLs; currently Chris Bunting (e safety) and Camilla Webster (Pre-Prep), thereby ensuring there is always an appropriately trained and designated person available. All Alternate designated safeguarding leads are trained to the to the same standard as the DSL, and the role will be explicit in their job descriptions. The Headmaster is also trained to Level 3.

Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate **lead responsibility** for child protection, as set out above, remains with the designated safeguarding lead.

**Managing referrals** - The designated safeguarding lead works closely with Suffolk Safeguarding Partnership and can contact them for help and advice. She

- refers cases of suspected abuse to the local authority children's social care as required;
- supports staff who make referrals to local authority children's social care;
- refers cases to the Channel programme where there is a radicalisation concern as required;
- supports staff who make referrals to the Channel programme;
- refer cases where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service as required; and
- refer cases where a crime may have been committed to the Police as required.

**Work with others** - The designated safeguarding lead

- should liaise with the local authority and work with other agencies in line with *Working together to safeguard children. July 2018*)
- liaises with the Headmaster to inform him of issues especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations;
- if required, liaises with the "case manager" (as per Part four) and the designated officer(s) at the local authority for child protection concerns (all cases which concern a staff member); and
- liaises with staff on matters of safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies. Act as a source of support, advice and expertise for staff.

**Training** - The designated safeguarding lead and alternates undergo training to provide them with the knowledge and skills required to carry out the role. This includes child protection (level 3 – specialist), inter-agency working and locally agreed procedures. This training is updated at least every two years. All staff members receive annual safeguarding updates and training.

The designated safeguarding lead will undertake Prevent awareness training.

In addition to the formal training set out above, the DSL regularly attends local safeguarding meetings, training days and receives e-bulletin updates which allow her to:

- understand the assessment process for providing early help and intervention, have a working knowledge on how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so.
- ensure each member of staff has access to and understands the school or college's child protection policy and procedures, especially new and part time staff;
- are alert to the specific needs of children in need, those with special educational needs and young carers

- understand and support the school or college with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation;
- obtain access to resources and attend any relevant or refresher training courses; and

## **Raise Awareness**

The designated safeguarding lead should:

- ensure the school's child protection policies are known, understood and used appropriately;
- ensure the school's safeguarding policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly.
- ensure the child protection policy is available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the school or college in this.
- link with the local safeguarding partnership to make sure staff are aware of training opportunities and the latest local policies on safeguarding.
- encourage a culture of listening to children and taking account of their wishes and feelings, among all staff.

**Child protection files** - All child protection and safeguarding concerns, discussions and decisions made and the reasons for such decisions are recorded accurately and kept securely in a locked cabinet in paper form. Detailed, accurate, and secure written records of concerns and referrals are carefully managed by the DSL.

When children leave the school their child protection file is transferred to the new school as soon as possible. It is transferred separately from the main pupil file, ensuring secure transit and confirmation of receipt is obtained.

## **Availability**

During term time the DSL or Alternate is always available (during school hours) for staff to discuss any safeguarding concerns. The DSL, an Alternate and the Headmaster live on site so one or the other can normally be available. The DSL has a school mobile phone on which she can be contacted in emergencies at the weekends and in the holidays.

**Multi - Agency working** - OBH is fully committed to multi -agency working in line with statutory guidance (*Working Together to Safeguard Children* – July 2018). We work with all external agencies in the best interests of the child. We will always adhere to the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the new Suffolk Safeguarding Partnership. Information will be shared securely with other professionals and local agencies. This commitment includes children who are in the care of the local authority where we recognise additional vulnerability to under-achievement.

In addition to the child protection file, the DSL will consider if it would be appropriate to share any information with a pupil's new school in advance of a child leaving, if the

information would allow the new school to have support in place for when the child arrives.

**Information Sharing** – OBH recognises information sharing is vital in identifying and tackling all forms of abuse, and follows arrangements set out in *Working together to safeguard children (2018)* Whilst, the *Data Protection Act 1998* places duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure, OBH recognise this is **not** a barrier to sharing information where the failure to do so would result in a child being placed at risk of harm.

**Online safety** – OBH recognises it is essential that children are safeguarded from potentially harmful and inappropriate online material. As such, appropriate filters and appropriate monitoring systems are in place. (See OBHP09 E-safety Policy, Teaching Online Safety in School (DfE – June 2019) and Annex C KCSIE -2019.) Online and e-safety incidents should be discussed with Chris Bunting.

**The child's wishes** - The Governing body and leadership team ensure the child's wishes or feelings are taken into account when determining what action to take and what services to provide to protect individual children through ensuring there are systems in place for children to express their views and give feedback. The Governing body ensures that staff members do not promise confidentiality to the child and always act in the interests of the child.

**Whistleblowing** - All adults have a responsibility to report any concerns about poor or unsafe practice, including in relation to the care and protection of a pupil or pupils. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.

If a member of staff believes that best practice in this area is not being adhered to or that practice may put a student or students at risk they should in the first instance report their concern to the Head, unless their concern relates to the Head in which case they should report their concern to the Chairman of Governors. See School Whistleblowing policy.

No member of staff will suffer a detriment or be disciplined for raising a genuine concern about unsafe practice, provided that they do so in good faith and following the whistleblowing procedures. Where an adult feels unable to raise a concern about poor safeguarding practice with the DSL or Head, or where they feel that their concern is not being addressed, they can contact the NSPCC whistleblowing helpline on 0800 028 0285 (this line is open Monday – Friday, 8.00am - 8.00pm) or [emailhelp@nspcc.org.uk](mailto:emailhelp@nspcc.org.uk) Guidance can be found at <https://www.gov.uk/whistleblowing>

**Support and supervision for staff** - All staff should feel comfortable and confident approaching the DSL, Alternate DSL or any other member of senior leadership about any safeguarding and/or pastoral care concerns, including in relation to unsafe practice (see Whistleblowing). If a staff member would like additional support and/or training in order to fulfil their safeguarding responsibilities, including in identifying

and/or handling concerns they should speak to the DSL who will work with the member of staff to ensure that they are adequately supported. Safeguarding and pastoral care responsibilities are a key part of staff appraisals and staff should use this process to build and improve their knowledge, confidence and experience in this area.

This policy should be read in conjunction with the following policies: Staff Code of Conduct, Whistleblowing, Anti-Bullying, Recruitment policy and procedure, e-Safety, Restraint, Missing Pupil, Behaviour Policy, Intimate Care Policy, Acceptable Use of ICT, Mobile Phones and Social Networking, Adults Living on Site Policy.

The school does not organise Homestay or arrange “alternate provision”.

### **3. Safer Recruitment (see OBHP 19 Recruitment Policy)**

#### **Recruitment, selection and pre-employment vetting**

It is vital that schools create a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children. OBH is committed to following all Government Safer Recruitment guidance and procedures. The Governing body acts reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including: criminal record checks (DBS checks), barred list checks and prohibition checks together with references and interview information. At least one member of all recruitment panels is trained in safer recruitment.

The OBH Recruitment Policy sets out the process from beginning to end, including details of the required checks. It is available from HR upon request.

Written assurance is obtained that appropriate child protection checks and procedures apply to any staff employed by another organisation and working with the school's pupils on another site.

No member of staff sleeps in the boarding accommodation until the relevant safeguarding checks have been made.

All governors, volunteer helpers, contractors working regularly during term- time, such as agency catering staff and adult members of the families of members of staff who live on site are also vetted.



All persons visiting boarding accommodation (e.g. visitors, outside delivery and maintenance personnel) are kept under sufficient staff supervision to prevent them gaining unsupervised access to pupils or boarding accommodation.

Where staff and their families are residential in on-site accommodation, they are age appropriate DBS checked and required to sign the agreement within the Adults Living on Site Policy.

## **4. Allegations of Abuse Made Against Teachers and Other Staff**

### **Duties as an employer and an employee**

This part of the policy is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) at OBH 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; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

A concern or allegation may be triggered by one specific incident or by a pattern of behaviour which when considered collectively amount to a higher level concern/allegation.

This guidance relates to members of staff who are currently working at OBH regardless of where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police. This guidance applies to all members of staff and volunteers.

OBH has a duty of care to its employees. The school will ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against

a member of staff or volunteer at school is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

When handling allegations, the School will always adhere to the guidance in Keeping Children Safe in Education (September 2018).

## Initial considerations

Cases referred may not meet the criteria set out above and do not trigger a police investigation or enquiries by local authority children's social care services. In these cases, OBH staff disciplinary arrangements will be followed to resolve cases without delay.

Some rare allegations may be so serious they require immediate intervention by children's social care services and/or police (for example if serious harm had occurred). The Local Authority Designated Officer (LADO) will be informed within one working day of all allegations that come to OBH's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate. The school will not investigate such allegations without instruction from the LADO.

The following definitions will be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation;  
**Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;  
**False:** there is sufficient evidence to disprove the allegation;  
**Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.  
**Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

In the first instance, the headmaster, or chair of governors, (one of whom will become the 'case manager') should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the case manager and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

The case manager should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. The school must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened in accordance with Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour (see OBHP48 - Restraint Policy).

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the case manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension will not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's staff.

However, in other circumstances the allegation may require an independent investigator. In any such case OBH would take the advice of the local authority on the appointment of the investigator.

## **Supporting those involved**

OBH has a duty of care to its employees. It will act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to welfare counselling or medical advice.

The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence. In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

## **Confidentiality**

When an allegation is made, OBH will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has

been accused by, or on behalf of, a student from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, the accused person waives their right to anonymity or until the Secretary of State or TRA (on his behalf) or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public”. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Association of Chief Police Officers’ (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted).

The case manager should take advice from the LADO, police and children’s social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it should arise.

## **Managing the situation and exit arrangements**

### **Resignations and ‘settlement/compromise agreements’**

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met. If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement. A settlement/compromise agreement which prevents the school from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the school would not be complying with its legal duty to make the referral. Consideration will also be given to making a referral to the Teaching Regulation Agency (TRA) where a teacher has been dismissed for

misconduct (or would have been dismissed had he/she not resigned first). The reasons for such an order are: 'unacceptable professional conduct', 'conduct that may bring the profession into disrepute' or a 'conviction, at any time, for a relevant offence'.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

So-called 'settlement/compromise agreements', by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

## **Record keeping**

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer. Due consideration will be given to The Information Commissioner's published guidance on employment records in its Employment Practices Code.

## **References**

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.

## **Timescales**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. OBH aims to resolve cases where it is clear immediately that the allegation is unsubstantiated or malicious, within one week. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

## **Oversight and monitoring**

The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with Suffolk Safeguarding Partnership on the subject. The LADO will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for: liaising with the LADO; taking part in the strategy discussion or initial evaluation; subsequently reviewing the progress of those cases in which there is a police investigation; and sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

## **Suspension**

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children at OBH is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the LADO. In cases where OBH is made aware that the Secretary of State has made an interim prohibition order in respect of an individual it will be necessary to immediately ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work.

The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted.
- providing accommodation for the member of staff away from the boarding houses.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is at OBH and provided with their contact details.



Children's social care services or the police cannot require the case manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the Governing body of the school who are the employers of staff. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

### **Information sharing**

In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the school should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the school without delay.

### **Specific actions following a criminal investigation or a prosecution**

The police should inform the employer and LADO immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### **On conclusion of a case**

If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the case manager and their personnel adviser whether the school will decide to make a referral to the DBS for consideration of inclusion on the barred lists is required; (see Disclosure and Barring Service –

guidance on Referrals to the DBS), and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Authority (TRA) to consider prohibiting the individual from teaching.

**There is a legal requirement for employers to make a referral promptly to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.**

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the school.

### **In respect of malicious or unsubstantiated allegations**

If an allegation is determined to be unsubstantiated or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headmaster should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil.

### **Learning lessons**

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

## **5. Child on child sexual violence and sexual**

**harassment** (with reference to KCSIE – 2019 Part 5, and Sexual Violence and Sexual Harassment between Children in Schools and Colleges - May 2018)

OBH recognises that sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that **all** victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts, “de-bagging”, “upskirting” (now a criminal offence). Dismissing or tolerating such behaviours risks normalising them.

Sexual violence includes rape, assault by penetration and sexual assault as defined by the Sexual Offences Act 2003.

Sexual harassment means ‘unwanted conduct of a sexual nature’ that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child’s dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual “jokes” or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes (care should be taken to consider when any of this crosses a line into sexual violence - it is important to talk to and consider the

- experience of the victim) and displaying pictures, photos or drawings of a sexual nature;
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence it may include:
    - non-consensual sharing of sexual images and videos;
    - sexualised online bullying;
    - unwanted sexual comments and messages, including, on social media;
    - sexual exploitation; coercion and threats

## **The response to a report of sexual violence or sexual harassment**

The initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

As per Section 1. of this Policy, all staff should report any concerns or disclosures to the DSL. Local policies, guidance in KCSIE – 2019 Part 5, and *Sexual Violence and Sexual Harassment between Children in Schools and Colleges* - May 2018 will dictate exactly how reports should be managed. Effective safeguarding practice includes:

- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead or children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to;
- recognising a child is likely to disclose to someone they trust: this could be **anyone** at school. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child;
- listening carefully to the child, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc;
- considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, it is essential a written record is made;
- only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Notes of such reports could become part

of a statutory assessment by children's social care and/or part of a criminal investigation;

- where the report includes an online element, staff should be aware of Searching Screening and Confiscation Advice (for schools) and UKCCIS sexting advice (for schools and colleges). The key consideration is for staff not to view or forward illegal images of a child. The highlighted advice provides more details on what to do when viewing an image is unavoidable.
- if possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or alternate). However, if this is not possible the designated safeguarding lead should be informed possible as soon as is practically possible.

## **Risk Assessment**

When there has been a report of sexual violence, the designated safeguarding lead / alternate will conduct an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment will be considered on a case-by-case basis. The risk and needs assessment should consider:

- the victim, especially their protection and support;
- the alleged perpetrator; and
- all the other children (and, if appropriate, adult students and staff) at school especially any actions that are appropriate to protect them;

Risk assessments should be recorded (written or electronic) and should be kept under review. At all times, the school or college should be actively considering the risks posed to all their pupils and will put adequate measures in place to protect them and keep them safe.

The designated safeguarding lead (or a deputy) will ensure they are engaging with children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. Any such professional assessments should be used to inform OBH's approach to supporting and protecting their pupils and updating their own risk assessment

**Options to manage the report** - Ultimately, any decisions are made by the School on a case-by-case basis, with the designated safeguarding lead (or an alternative) taking a leading role and using the school policies, their professional judgement and support from other agencies, such as children's social care and the police as required. The four likely scenarios to consider when managing a report are

- Internal management
- Early help
- Referral to children's social care

At all times the school will refer to and follow advice set out in

- KCSIE: Part 5 - 2019
- Sexual Violence and Sexual Harassment between Children in Schools and Colleges - May 2018
- Searching, screening and confiscation: Advice for headteachers, school staff and governing bodies - January 2018
- UKCCIS: Sexting in schools and colleges: responding to incidents and safeguarding young people – August 2016
- Suffolk Safeguarding Children's Board

This policy will be monitored and reviewed by the Head, DSL - Emma Easdale, and the Designated Governor. The next scheduled review will be in September 2019. All annual reviews will be approved at the next full Board Meeting. In the event of any changes in legislation etc., the policy will be updated before then.

**Appendix 1: Legislation** This policy guidance refers to the legislation below:

The Children Act 1989 and 2004

Education Act 2007

Statutory Framework for the Early Years Foundation Stage - 2014

The Education (Independent School Standards) (England) Regulations Jan 2017

The National Minimum Standards for Boarding Schools - April 2015

Keeping Children Safe in Education - Sept 2019

Working Together to Safeguard Children - July 2018

The Prevent Duty - June 2015

Information Sharing: advice for practitioners - July 2018

Sexual Violence and Sexual Harassment between Children in Schools and Colleges - May 2018

Child sexual exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation - February 2017

What to do if you are worried a child is being abused – advice for practitioners' 2015

Guidance for safer working practice; for adults who work with children and young people in Education – Safer Recruitment Consortium May 2019

Searching, screening and confiscation: Advice for headteachers, school staff and governing bodies - January 2018

UKCCIS: Sexting in schools and colleges: responding to incidents and safeguarding young people – August 2016

Children missing education; statutory guidance for local authorities - Sept 2016

## **Appendix 2: Pastoral Support and Early Help**

OBH aims to provide support as soon as a problem emerges. Examples include:

- Parents have regular, easy contact with form teachers and boarding staff, who are the first point of reference for pupils' wellbeing.
- The Independent Listener, Tiffer Robinson, takes a termly assembly allowing pupils to become aware of his role. His contact details are available in the pupils' planners and on posters around school and in the boarding houses.
- Daily staff briefings - attended by all staff, weekly boarding meetings and regular staff meetings. Concerns about children are minuted and circulated.
- SMT monthly review all PASS entries.
- Children have access to medical support from the school nurse and school doctor. The DSL / nurse and houseparents have undertaken a Mental Health First Aid course.
- OBH has a school counsellor who can offer 1:1 counselling and further referral to outside agencies if required.

- CAF (assessment referral threshold) process used as appropriate.
- Liaison with other agencies who support the children such as Social Services, Child and Adolescent Mental Health Services, the Educational Psychology Service, and Behaviour Support Services.
- E-safety awareness training is organised every year for pupils.
- Drug, alcohol and relationships workshops run by outside agencies are organised for Year 8 pupils before they leave OBH
- Regular and ongoing training is provided for staff. The school promotes staff vigilance at all times.