



Clifton High School

co-educational nursery pre-school to sixth form

Policy applies from EYFS to Sixth Form	Child Protection and Safeguarding - Allegations
Date policy updated	23.10.2020
Date Policy to be reviewed	23.09.2021 or earlier to reflect any changes in legislation
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Clifton High School is committed to child protection and safeguarding children and young people and expects all staff, visitors and volunteers to share this commitment.

Related Policies

Misconduct and Discipline

Positive Handling and Use of Reasonable Force

It is essential that any allegation of abuse made against a member of staff, visitor or volunteer in an education setting is dealt with fairly, quickly and consistently, in a way that provides effective protection for the pupil and at the same time supports the person who is the subject of the allegation.

Clifton High School has procedures for dealing with an allegation made against a member of staff, visitor or volunteer that aim to strike a balance between the need to protect the pupil from abuse and the need to protect staff, visitors and volunteers from false or unfounded allegations. All allegations against any member of staff, visitor or volunteers will be treated according to School policy.

Prevention

Guidance for Staff, Visitors and Volunteers

Staff, visitors and volunteers must ensure that their behaviour and actions do not place the pupils or themselves at risk of harm or of allegations of harm. For further guidance refer to Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings (October 2015), this can be found in the staff area of the website under policies and called Safer Working Practice. The Guidance for Visitors booklet is available in the School Office and in the waiting room.

One to One situations

Staff and volunteers (DBS checked) should recognise that they can put themselves in an extremely vulnerable position when giving one to one tuition, sports coaching and when engaging in electronic communication with a pupil on a one to one basis. If these situations present themselves staff or volunteers should make sure that another colleague is aware of this one to one situation or are near where this is taking place. All staff should read and apply the procedures as specified in the Positive Handling and Use of Reasonable Force Policy.

Process

Allegations against a Member of Staff, Visitor or Volunteer

There may be an instance of suspected child protection and safeguarding issue being reported where a member of staff, visitor or volunteer is implicated as the abuser.

If the allegation meets any of the following criteria

- Behaving in a way that has, or may have harmed a pupil
- Possibly committing a criminal offence against or related to a pupil
- Behaving towards a pupil in a way that indicates they would pose a risk of harm to children

Suspicious must be reported at once to the DSL unless the DSL is accused in which case the Head of School or the Designated Member of Council for Child Protection and Safeguarding or the Chair of Governors should be informed without the knowledge of the DSL. In every case, the DSL will consult the Head of School unless the Head of School is accused in which case the DSL will consult the Designated Member of Council for Child Protection and Safeguarding or the Chair of Governors without the Head being informed. In the absence of the DSL, the Deputy Head of School should be informed in the first instance unless the Deputy Head of School is accused in which case the Head of School or the Designated Member of Council for Child Protection and Safeguarding or the Chair of Governors should be informed without the knowledge of the Deputy Head of School.

The person who is managing the allegation must follow the steps below

- The child and/or alleged abuser should not be questioned but a record made of what has been reported
- Report the allegation within 1 working day to the Local Area Designated Officer (LADO) who will consider the relevant facts and concerns and decide the next course of action in agreement with the person managing the allegation. No suspension or other actions should take place prior to this consultation. Clifton High School does not require parental consent before reporting an allegation to the LADO
- In the case of serious harm, the Police should be informed from the outset

Contacting the LADO

Each local authority has a LADO. Where the person, against whom the allegation has been made, lives determines which LADO is contacted.

Bristol Nicola Laird 0117 9037795 nicola.laird@bristol.gov.uk

Bath and North East Somerset Mel Argles 01225 396810

Melanie_Argles@bathnes.gov.uk, LADO@bathnes.gcsx.gov.uk

North Somerset 01275 888211 (Designated Officer for Allegations DOFA)

South Gloucestershire 01454 866000

Action following initial consideration

Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be for the Head of School or the Designated Member of Council for Child Protection and Safeguarding or the Chair of Governors in the case of the Head being accused to deal with. In such cases, if the nature of the allegation does not require formal disciplinary action, the Head of School (the Designated Member of Council for Child Protection and Safeguarding or the Chair of Governors in the case of the Head being accused) will institute appropriate action within 3 working days of the allegation. Timescales may change if the matter occurs in the School Holidays.

Suspension

The possible risk of harm to pupils posed by an accused person needs to be effectively evaluated and managed – in respect of the pupil involved in the allegations, and any other children in the individual's home, work or community life. Following advice from the LADO, in some cases where there is cause to suspect a pupil is at risk of significant harm, or the allegation warrants investigation by the Police, or is so serious that it might be grounds for dismissal. The School will suspend the accused person until the case is resolved. The School will also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements.

If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within 15 working days. Where further investigation is required to inform consideration of disciplinary action the Head of School and the nominated Member of Council will discuss who will undertake that with the LADO. In some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the School. In any case, the investigating officer should aim to provide a report to the Head of School within 10 working days.

On receipt of the report of the disciplinary investigation, the Head of School will consult the LADO, and decide within 2 working days whether a disciplinary hearing is required. If a hearing is needed it should be held within 15 working days. Timescales may change if the matter occurs in the School Holidays.

In a case in which Children's Social Care has undertaken enquiries to determine whether the pupil needs protection, the Head of School and nominated Member of Council should take account of any relevant information obtained during those enquiries when considering disciplinary action. The LADO should continue to liaise with the School to monitor progress of the case, provide advice, and support when required.

Supporting those involved

Parents of a pupil involved should be told about the allegation as soon as possible, if they do not already know of it. They should be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution.

NB. The deliberations of a disciplinary hearing, and the information considered in reaching a decision, cannot normally be disclosed, but the parents of the pupils should be told the outcome.

In cases where a pupil may have suffered significant harm, or there may be a criminal prosecution, Children's Social Care, or the Police (as appropriate), should consider what support the pupil involved may need.

The School will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, the School will also keep the individual informed about developments at School on a weekly basis as a minimum. If the person is a member of a union or professional association, they will be advised to contact that body at the outset.

Confidentiality

Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. 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 might depart from that rule, e.g. an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand. The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

Resignations and “Settlement agreements”

The fact that a person tenders their resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.

It is important that every effort be 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 co-operate with the process. Wherever possible the person 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 regarded as substantiated based on all the information available should continue even if that cannot be done or the person does not co-operate. 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.

For the same reason so-called “settlement agreements” should not be used in these cases. These are agreements where a person agrees to resign, the School agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference. In any event, such an agreement will not prevent a thorough Police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to DBS where required. Refer to KCSIE (September 2019).

Record Keeping

It is important that a clear and comprehensive summary of any investigations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person’s confidential personal file, 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 if the person has moved on. It will provide clarification in cases where a future DBS Disclosure reveals information from the Police about an allegation that did not result in a criminal conviction. 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 person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Allegation made to the Police

If an allegation is made to the Police, the officer who receives it will report it to the Force Designated Liaison Officer (DLO) immediately and the DLO will inform Children’s Social Care straight away.

Case subject to Police investigation

If a criminal investigation is required, the Police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review. They should at the outset set a target date for reviewing progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place no later than four weeks after the initial action meeting and if the decision is to continue to investigate the allegation dates for subsequent review should be set at that point. (It is open to the Police to consult the CPS about the evidence that will need to be obtained in order to charge a person with an offence at any stage).

If the Police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the Police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the Head of School ideally within 3 working days of the decision. Timescales may change if the matter occurs in the School Holidays. In those circumstances, the Head of School and the LADO should proceed as described above. In any case, in which Children’s Social Care has undertaken enquiries to determine whether the child or children need protection, any information obtained during those enquiries that is

relevant to a disciplinary case should also be passed to the School. If the person is convicted of an offence, the Police should also inform the employer straight away so that appropriate action can be taken.

Reporting to the DBS and Teacher Regulation Authority (TRA)

If on conclusion of the case the School ceases to use the person's services, or the person ceases to provide their services, the School must report the person to the DBS (whether employed, contracted, a volunteer, a visitor or student). If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the TRA. The form for such referrals can be found at <https://www.gov.uk/guidance/teacher-misconduct-referring-a-case>.

Allegations of abuse made against a pupil or pupils – peer-on-peer abuse

An allegation against a pupil or pupils in the school that is of an abusive nature is generally referred to as peer-on-peer abuse. This can include (but is not limited to) physical abuse, emotional abuse, sexual violence, sexual harassment, sexting (youth-produced sexual imagery), initiation/hazing type violence and rituals.

Examples of peer-on-peer abuse could include

- Violence, particularly pre-planned
- Forcing others to use drugs or alcohol
- Blackmail or extortion
- Threats and intimidation
- Sexual harassment – sexual comments, sexual “jokes”, inappropriate physical behaviour
- Sexual harassment on line - forcing others to watch pornography, sexting, sexualised online bullying, unwanted sexual comments and messages
- Sexual exploitation - Encouraging other children to engage in inappropriate sexual behaviour (For example - having an older boyfriend/girlfriend, associating with unknown adults or other sexually exploited children, staying out overnight), Photographing or videoing other children performing indecent acts
- Sexual violence – rape, assault by penetration, sexual assault
- Hazing - any action taken or any situation created intentionally that causes embarrassment, harassment or ridicule and risks emotional and/or physical harm to members of a group or team, whether new or not, regardless of the person's willingness to participate.

Prevention

Clifton High School will minimise the risk of peer-on-peer abuse by

- Making known to pupils the forms of peer-on-peer abuse by providing a developmentally appropriate PSHE syllabus which develops pupils understanding of acceptable behaviour and keeping themselves safe
- Making it clear to all pupils that all forms of peer-on-peer abuse are unacceptable and will not be tolerated or passed as mere ‘banter’ or ‘having a laugh’
- Having systems in place for any pupil to raise concerns with staff, knowing that they will be listened to, believed and valued
- Delivering targeted work on assertiveness and keeping safe to those pupils identified as being at risk
- Providing targeted work for pupils identified as being a potential risk to other pupils
- Making all staff aware of the forms of peer-on-peer abuse, that it is unacceptable and not to be tolerated
- Ensuring all staff are trained to know the actions needed to be taken should they be required to deal with any form of peer-on-peer abuse including all examples listed above

Principles

- Where an allegation is made regarding alleged abuse perpetrated by a pupil, the age and understanding of the alleged pupil should be considered throughout the decision making
- The circumstances of the alleged pupil should be assessed separately from those of the alleged

- victim and should include exploration of why this behaviour has occurred
- The focus of involvement with the alleged pupil and their family, will be both to determine risks to and from the pupil concerned within the parameters of the Children Act 2004, and to manage the allegations against them within the criminal justice framework
- Pupils who abuse others should be held responsible for their abusive behaviour, whilst being identified and responded to in a way, which meets their needs as well as protecting others

It will be considered, when dealing with such allegations, that there is significant research evidence to suggest that children, who behave in a sexually inappropriate and/or aggressive way towards other children, are often victims of abuse themselves.

Action

- When a pupil makes an allegation against another pupil, members of staff should consider whether the complaint raises a safeguarding concern. If there is a safeguarding concern the DSL should be informed
- The pupils involved should be kept separate and have their mobile phones removed from their person throughout the school day to avoid collusion or intimidation
- Staff should not talk to the pupil about the incident to avoid distorting the evidence, other than initially establishing what is alleged to have taken place
- Staff should keep a detailed log of actions, discussions and decisions in the same way as when recording a disclosure. The difference is that all allegations must be recorded on Cura selecting 'Head' as the clearance level. If used, the Confidential Disclosure Form (Appendix 1) should be given to the Head immediately
- All allegations of child abuse made concerning an alleged pupil who is under 18 years will be referred to Children's Social Care
- If the allegation indicates that a potential criminal offence has taken place, the Police will become involved
- Parents, of both the alleged pupil and the alleged victim, should be informed and kept updated on the progress of the referral
- It may be appropriate to suspend the pupil being complained about for a period of time. Procedures outlined in the Misconduct and Discipline Policy

If the assessment concludes that the allegations made can be substantiated, the pupils should not necessarily be expected to continue their education in contact with each other. The views and wishes of the pupil who has been abused and their parents should be appropriately considered in the decision-making.

Where neither social services nor the Police accept the complaint, a thorough school investigation should take place into the matter using the school's usual disciplinary procedures. In situations where the school considers a safeguarding risk is present, a risk assessment should be completed.

Allegations of Harm arising from Underage Sexual Activity

A pupil under 14 is not legally capable of consenting to sexual activity. Any offence under the Sexual Offences Act 2003 involving a pupil under 14 is very serious and will be taken to indicate a risk of significant harm to the pupil. Cases involving a pupil under the age of 14 will be reported to Children's Social Care and will be fully documented including detailed reasons where a decision is taken not to share information.

Sexual activity with a pupil under 16 is also an offence. Where it is consensual it may be less serious than if the pupil were under 14, but may nevertheless have serious consequences for the welfare of the pupil. Consideration will be given in every case of sexual activity involving a pupil aged 14 or 15 as to whether a referral should be made to Children's Social Care. First Response or Families in Focus should make this assessment. All cases will be carefully documented including where a decision is taken not to share information.

Sexual activity involving a 16 or 17-year-old, though unlikely to involve an offence, may still involve harm or the risk of harm. Staff should still bear in mind the considerations and processes outlined in the above guidance in assessing the risk, and should share information as appropriate. It is an offence for a person to have a sexual relationship with a 16 or 17-year-old if they hold a position of trust or authority in relation to them.

Pupils who are 18 or over are still part of the school community and staff should always maintain professional boundaries. Refer to the Misconduct and Discipline Policy and the Positive Handling and the Use of Reasonable Force Policy. Even after a pupil has left school, staff should be mindful of these boundaries with respect to their own welfare and reputation within the school community.

Covid Adjustments

Clifton High School is currently operating in response to allegations about pupils or staff, during the COVID – 19 outbreak, in fundamentally the same way.

Any concerns about the conduct of staff should be raised with the Head of School. If the concern is regarding the Head of School concerns should be raised to the Chair of Governors. The LADO must be contacted before any form of investigation commences.

Clifton High School will continue to follow its legal duty to refer to the Disclosure and Baring Service anyone who has harmed or poses a risk of harm to a child or vulnerable adult. Refer to section 170-180 of KCSIE 2020.

Appendix 1

Child Protection and Safeguarding – Confidential Disclosure Form

Ensure that the report is a full, clear and factual record as it may be used for evidence. It should be signed and dated.

If you think a pupil or staff member is at immediate risk of harm you must pass on this information to the Head of School immediately.

Pupil/Staff Name	Form
Reason for recording the incident	

Record the following:	
Who?	
What?	
Where?	
When?	
Pupils Signature (where relevant)	Date
	Time
Staff Signature	Date
	Time