Safeguarding and Child Protection Policy and Procedure

Dukes Spain 2024

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PART 1: Mission, commitment, expectations, and application

1. Mission

In our Schools Safeguarding is Everyone's Responsibility

Everyone who comes into contact with children and their families has a role to play. No single professional can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

In order to fulfil this responsibility effectively, all professionals should make sure their approach is child centred. This means that they should consider, at all times, what is in the best interests of the child, taking into consideration the views and wishes of the child.

All staff should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected and/or they may not recognize their experiences as harmful.

In the event that a child is in immediate danger or at risk of harm, a referral should be made to Social Services, the Ministerio Fiscal (Public Prosecutor) and/or the local regional and/national Police Forces; and if the case involves a breach of personal data to the AEPO immediately. *Hereinafter Social Services, the Ministerio Fiscal, Police Forces and AEPO will be referred to as the Authorities*.

2. Our commitment to safeguarding and the welfare of children

International English School of Castellón is committed to safeguarding all students' well-being in accordance with the United Nations Convention on the Rights of the Child, which sets out the rights that need to be realized for children to develop their full potential, free from hunger and want, neglect and abuse.

Our commitment is to safeguard and promote the welfare, physical and mental health, and safety of our pupils by creating and maintaining an open, safe, caring and supportive atmosphere, where the wellbeing of the child/ children is paramount.

Safeguarding and promoting the welfare of children is defined for the purposes of this policy as:

- Providing help and support to meet the needs of children as soon as problems emerge

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- Protecting children from maltreatment, whether that is within or outside the home, including online
- Preventing impairment of children's mental and physical health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Promoting the upbringing of children with their birth parents, or otherwise their family network through a kinship care arrangement, whenever possible and where this is in the best interests of the children
- Taking action to enable all children to have the best outcomes
- Proactively teaching pupils about safeguarding
- Ensuring that systems and procedures are in place to protect pupils
- Acting in the best interests of the child
- Maintaining 'professional curiosity 'and consulting with the CPWC when concerned about a child or children

3. Our expectations of adults working in this school

Underpinning principles

All adults working in this school are expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct at the school.

Adults must uphold public trust in the professional and personal behaviour and maintain high standards of ethics and behaviour, within and outside school, this means staff are responsible for their own actions and behaviour and should:

- Avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Understand their responsibilities to safeguard and promote the welfare of pupils
- Work, and be seen to work, in an open and transparent way including self-reporting if their conduct or behaviour falls short of these guiding principles
- Acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded
- Discuss and/or take advice promptly from their line manager if they have acted in a way which may give rise to concern

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- Apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief, and sexual orientation
- Not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children
- Be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action, and/or other proceedings
- Ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- Treat pupils with dignity, building relationships rooted in mutual respect, and at all times observe proper boundaries appropriate to a teacher's professional or voluntary position
- Have regard for the need to safeguard pupils' well-being, in accordance with statutory provisions and recognise that the **welfare of children is paramount**
- Show tolerance of and respect for the rights of others
- Have proper and professional regard for the ethos, policies and practices of the school and maintain high standards in their own attendance and punctuality
- Have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities
- Maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary
- Understand that as a result of their knowledge, position and/or the authority invested in their role working with children in a school they are in a position of trust in relation to all pupils on the school roll
- Must not use their status and standing to form to promote relationships with pupils which are of a sexual nature, or which may become so
- Must understand that the relationship cannot be one between equals and the responsibility they must exercise as a consequence

It is important that all staff, employees, contractors, or volunteers at our school understand by signing that they have read this document they agree to and adhere to the above requirements.

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4. Application

Within International English School of Castellón, this Safeguarding Policy applies to all teaching, non-teaching, residential, pastoral, support, peripatetic, contract staff and ancillary staff, volunteers, non-school based visiting professionals and any other adults working or volunteering 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 applies to all children in the school from Baby Bears to Year 13.

Professionals

For visitors in a professional capacity, schools should check ID and be assured that the visitor has had the appropriate police check (or the visitor's employers have confirmed that their staff have appropriate checks).

Visiting Speakers

Whilst external organisations and individuals (including parents) can provide a varied and useful range of information and resources that can help schools enrich children's education, careful consideration must be given to their suitability. Diligence should include an assessment of the education value, the age appropriateness of what is going to be delivered, and whether relevant checks will be required. A record should be kept of the diligence and checks undertaken.

Pupils

In accordance with the terms set in the LOPIVI Art. 51, this Safeguarding Policy applies to all children and young people in Spanish territory, regardless of their nationality and administrative residence status, and to all children of Spanish nationality abroad (see also 'National Documents')

This Safeguarding Policy applies to all pupils (including those in Early Years) and adults in the school when they are being educated on site and including when being educated off-site and undertaking an educational visit. It also applies to students who are on an exchange and being hosted by the school.

Accidents occurring outside of school

In some situations, the policy will be applied to actions or incidents which have involved adults working at the school, or pupils attending the school where these incidents have occurred outside of school hours or at locations other than school premises.

5. Definitions

Safeguarding

Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

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- Guaranteeing the fundamental rights of children and young people to physical, mental, psychological, and moral integrity, in the face of any form of abuse
- Preventing impairment of children's health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes

Child Protection

Child protection is part of safeguarding and promoting the welfare of children and is defined for the purpose of this guidance as activity that is undertaken to protect specific children who are suspected to be suffering, or likely to suffer, significant harm. This includes harm that occurs inside or outside the home, including online.

Contextual Safeguarding

At International English School of Castellón we take a contextual safeguarding approach to understanding, and responding to, young people's experiences of significant harm beyond their families. This approach recognises that the different relationships that young people form in their neighbourhoods, schools and online can feature violence and abuse. Parents and carers have little influence over these contexts, and young people's experiences of extra-familial abuse can also undermine parent/child relationships. Staff should recognise that assessment of, and intervention in these spaces are a critical part of safeguarding practice.

6. Our Approach to Safeguarding

Commitment

Our commitment is to safeguard and promote the welfare, physical and mental health and safety of our pupils by creating and maintaining an open, safe, caring and supportive culture. This includes:

- Proactively teaching pupils about safeguarding
- Ensuring that systems and procedures are in place to protect pupils
- Always acting in the best interests of the child/children

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Staff responsibilities

All staff have the following responsibilities:

- Contribute to providing a safe environment in which all children can learn and flourish
- Know what to do if a child tells them that they are being abused or neglected, or if they are experiencing sexual harassment and/or sexual violence
- Know what to do if they are concerned about the behaviour or conduct of an adult in the school
- Manage the requirement to maintain an appropriate level of confidentiality
- Know about Online Safety, including the filtering and monitoring systems in use
- Refer any concern to the Child Protection and Wellbeing Coordinator or Head of School
- Refer any safeguarding concern about adults to the Headteacher, or in their absence the Head of HR or Managing Director
- Refer any safeguarding concern about the Headteacher to the Head of HR/Regional Safeguarding Lead/ Managing Director
- Be aware of the local Early Intervention process and their role in it
- Be aware of the process for making a referral to Social Services and understand the school's role in working with external agencies
- Be aware of the process for making a referral to the Police and understand the role they may be expected to play in any criminal investigation
- Understand intra familial harms and the need for any necessary support for siblings following incidents of child-on-child abuse, including sexual harassment and/or violence

7. Terminology and related documentation

For the purpose of this document, the following apply:

- 'Children' includes everyone under the age of 18
- LOPIVI' refers to the Spanish national law: *Ley Orgánica 8/2021 4 de junio de*

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- Protección Integral a la Infancia y la Adolescencia fre... a la violencia
- 'Child Protection and Wellbeing Coordinator' (CPWC) is the school's appointed safeguarding lead
- 'AEPD' is the *Agencia Española de Protección de Datos*, the Spanish Data Protection Regulator
- 'KCSIE' is *Keeping Children Safe in Education,* the United Kingdom's statutory guidance for schools, published annually
- Record Management System 'RMS' is the method used in the school for recording all safeguarding concerns

Spanish law and related documents

In accordance with the terms set in the LOPIVI Art. 51, this Safeguarding Policy applies to all children and young people in Spanish territory, regardless of their nationality and administrative residence status, and to all children of Spanish nationality abroad.

National documents

- LO 8/2021 4 June, protección integral de la infancia y la adolescencia frente a la violencia (Safeguarding)
- LO 3/2020 29 December, de Educación (Education)
- LO 2/2006, 3 May, de Educación (Education)
- LO 5/2000, 12 January, Reguladora de la Responsabilidad Penal de los Menores (minors' criminal liability)
- Ley Orgánica 1/1996, de 15 January, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil.
- LO 3/2018 de 5 December, de Protección de Datos Personales y Garantía de los Derechos Digitales

Related internal documents / School policies

Protocols for Equality and Coexistence of the Regional Ministry for Education and Culture-https://ceice.gva.es/es/web/inclusioeducativa/protocols

Safer Recruitment

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Our school prioritises the embedding of a culture of safe venting harm to children. Procedures for checking the suitability of staff and volunteers who work with children are contained within Article 32 of the LOPIVI and are reflected in our Safer Recruitment Policy.

Information Sharing

Information sharing is vital in identifying and tackling all forms of abuse and neglect. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children. School staff should be proactive in sharing information internally within the school, with Dukes and with local authorities, as early as possible, to help identify, assess and respond to risks or concerns about the safety and welfare of children. This is the case whether this is when problems are first emerging, or where a child is already known to the local authority children's social services. This includes the sharing of information without parental consent where there is good reason to do so, i.e. the risk of harm to the child will be increased.

However, data protection legislation in Spain means that we must consider information sharing with other third parties e.g., with a new school, on a case-by case basis, in conjunction with the Group Data Protection Team / Group Legal Team.

Cases involving potential data breaches must be reported to the Dukes Spain Data Protection Coordinator who will advise on the procedure to follow.

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8. Key people and contacts

School Contacts	
Headteacher/Principal	David Russell
Child Protection and Wellbeing Coordinator	María Canós
Staff trained to Advanced Safeguarding Level	Greta Hornero & María Canós
Data Protection Coordinator	David Diaz (david@mesher.es)
Any other pastoral /safeguarding roles	KS Coordinators: EYFS: Melissa Rodríguez Primary: Deb Harrison, Vanesa De Kok, Karen Collins Secondary: KS3-Louise Latto / KS4-Marcus Inett / 6th Form- Kirk Bates Head of Primary: Ben Henderson Head of Secondary: Michael Dobbins / Kelly Simpson Deputy Safeguarding Lead: Mar Valero
Director of Legal and Compliance	Pilar Mesa pilar.mesa@sst.dukeseducation.es

Inter-agency working

The school is committed to inter-agency working in order to secure the best levels of safeguarding for all of its pupils. The school contributes to inter-agency working in accordance with the *LOPOVI 8/2021 4th June de Protección Integral a la Infancia y la Adolescencia frente a la Violencia*. The school works with social care, the police, health services and other services to promote the welfare of children and protect them from harm. The school will also work within the requirements of their local social services

Our school follows the safeguarding protocols and procedures of the LOPIVI and our local Social Services/Safeguarding authorities.

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Local Authority Social Services Contacts		
Local authority Social Services referral teams	**Dirección Territorial. Servicios Sociales e Igualdad - Castellón** Av. HERMANOS BOU, 81 12003 - Castelló de la Plana **Teléfono:** 012 - **Fax:** 964726204	
Local and regional Police contacts	**Policía Local de Castellón** Partida Bovalar, Camí Quadra Tercera, S/N, 12004 Castelló de la Plana, Castelló 964 355 400.	**Comisaría de Policía Nacional** Carrer del Riu Sella, 5, 12005 Castelló de la Plana, Castelló 964 46 95 00

National / Regional contacts	
Teléfono de la Esperanza (Hope Helpline)	Dirección: C/ Segorbe, 8 entresuelo Teléfono: 964227093 Email: telefonodelaesperanzacastellon@gmail.com Web: www.telefonodelaesperanza.org Tel (atención en crisis): 717 003 717
ANAR Foundation (promotion and defence of the children´s and adolescents´ rights in situations of risk and neglect).	ANAR Comunidad Valenciana Delegación Dirección: Valencia Teléfono:+34 961 60 48 33 Email: valencia@anar.org
Gender Violence phone	016
Bullying helpline	Tel: + 34 900 018 018

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9. Definitions of abuse

The LOPIVI (Article 1.2) defines abuse (*violencia*) as any act, omission, or negligent treatment that deprives children of their rights or wellbeing that threatens or interferes with their physical, mental or social development, regardless of the form the abuse takes, including via technology and digital means.

Physical Abuse

Physical abuse 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 fabricates the symptoms of, or deliberately induces illness in a child.

Indicators Of Physical Abuse

Injuries caused by accidents are not uncommon in children, becoming less common as the child develops and grows. This means that recognising the signs of physical abuse in children can be especially difficult and leave practitioners unsure of what may be abusive.

Typical Accidental Injuries

Accidental injuries typically involve bony prominences – the bones that are close to the surface and so more likely to become injured through falls, slips and trips. This can include:

- Forehead
- Knees
- Elbows
- Palms of hands
- Nose

The injuries will match the account given by the child and parent/carer and be in keeping with the child's level of development and activity.

Typical abusive Injuries

Abusive injuries, however, tend to involve softer tissue and be in areas that are harder to damage through slips, trips, falls and other accidents. This may include:

- Upper arm
- Forearm (defensive injuries)

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- Chest and abdomen
- Thighs or genitals
- Facial injuries (cheeks, black eyes, mouth)
- Ears, side of face or neck and top of shoulders ('triangle of safety')
- Back and side of trunk.

Abusive injuries may be seen on both sides of the body and match other patterns of activity. They may not match the explanation given by the child or parent/carer and there may also be signs that injuries are being untreated, or at least a delay in seeking treatment.

Emotional Abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent effects on the child's emotional development, and may involve:

- Conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person
- Imposing age or developmentally inappropriate expectations on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction
- Seeing or hearing the ill-treatment of another e.g. where there is domestic abuse
- Serious bullying, including (cyber bullying) causing children frequently to feel frightened or in danger
- Exploiting and corrupting children

Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

Indicators Of Emotional Abuse

- Troubling interactions between parents or carers and the child (e.g. overly critical or lack of affection)
- Lack of self-confidence or self-esteem
- Sudden speech disorders
- Self-harm or eating disorders

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- Lack of empathy shown to others (including cruelty to animals)
- Drug, alcohol or other substance misuse
- Change of appetite, weight loss/gain
- Signs of distress: tearfulness, anger

Domestic Abuse

Anyone can be a victim of domestic abuse, regardless of sexual identity, age, ethnicity, socio-economic status, sexuality or background and domestic abuse can take place inside or outside of the home.

Children can be victims of domestic abuse. They may see, hear, or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse).

The cross-government definition of domestic violence and abuse is that it may be a single incident or a 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.

Types of domestic abuse include intimate partner violence, abuse by family members, teenage relationship abuse and child to parent abuse.

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Exposure to domestic abuse and/or violence can have a serious, detrimental and long-term impact on a child's health, wellbeing, development and ability to learn. 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 in teenage relationships is just as severe and has the potential to be as life threatening as abuse in adult relationships.

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Sexual Abuse

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

Child Sexual Exploitation

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

Indicators of Sexual Abuse

- Bruising, particularly to the thighs, buttocks and upper arms and marks on the neck
- Bleeding, pain or itching in the genital area
- Difficulty in walking or sitting
- Sudden change in behaviour or school performance
- Displays of affection that are sexual or not age-appropriate
- Use of sexually explicit language that is not age-appropriate
- Alluding to having a secret that cannot be revealed
- Bedwetting or incontinence
- Reluctance to undress around others (e.g. for PE lessons)
- Infections, unexplained genital discharge, or sexually transmitted diseases
- Unexplained gifts or money

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- Self-harming
- Poor concentration, withdrawal, sleep disturbance
- Reluctance to be alone with a particular person Lack of self-confidence or self-esteem

Neglect

Neglect is 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 misuse, maternal mental ill health or learning difficulties or a cluster of such issues. Where there is domestic abuse and violence towards a carer, the needs of the child may be neglected.

Once a child is born, neglect may involve a parent 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 caregivers)
- Ensure access to appropriate medical care or treatment

It may also include neglect of, or unresponsiveness to, a child's basic emotional, social and educational needs.

Indicators of Neglect

- The child seems underweight or is very small for their age, or their weight deteriorates
- The child seems very overweight for their age
- They are poorly clothed, with inadequate protection from the weather

- They are often absent from school for no apparent reason; or persistently arrive late
- They are regularly left alone, or in charge of younger brothers or sisters
- Childhood obesity alone is a concern but not usually a child protection concern. This can change in the context of escalating health concerns when the parents are not engaging with or seek to undermine the

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support being offered to them. Obesity usually exi glect or emotional abuse so practitioners should consider what else is going on in the child's life

Affluent Neglect

Affluent Neglect refers to neglect experienced by children in wealthy families.

Affluent Neglect can take the form of emotional neglect, pressure to succeed, minimal or lack of supervision including reliance on hired hands to meet physical and emotional needs, material indulgence, exposure to drug and alcohol abuse, and risky behaviours.

Indicators of Affluent Neglect

- Acting out
- Struggle with Drugs or Alcohol
- Withdrawal from social activities
- Lack of empathy
- Poor impulse control
- Anxious hypervigilance
- Difficulty building relationships
- Engaging in risky behaviour

Online safety and technology assisted abuse

Technology often provides the platform that may facilitate harm. All staff should be aware of the unique risks associated with online safety, and that technology is a significant component in many safeguarding and wellbeing issues. The Child Protection and Wellbeing Coordinator is responsible for overseeing online safety in schools (including understanding the filtering and monitoring systems and processes in place). They should raise awareness in the staff group, including but not limited to filtering and monitoring systems, cyber-bullying, child sexual exploitation, radicalisation and sexual predation.

Children can also abuse other children online, this can take the form of abusive, harassing, and misogynistic/misandrist messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography to those who do not want to receive such content. Children can also be groomed online and through social media by people coercing or manipulating them to sexually or criminally exploit them or seeking to radicalise them.

Four main areas of risk:

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- Content: being exposed to illegal, inappropriate or harmful material.
- Contact: being subjected to harmful online interaction with other users.
- Conduct: personal online behaviour that increases the likelihood of (or causes) harm; for example, the making, sending and receiving of explicit images, or online bullying.
- Commercial: risks such as online gambling, inappropriate advertising, phishing and or financial scams

	Content Child as receiver (of mass production)	**Contact** Child as participant (adult-initiated activity)	**Conduct** Child as actor (perpetrator/ victim)
Aggressive	Violent/ gory content	Harassment, stalking	Bullying, hostile peer activity
Sexual	Pornographic content	'Grooming', sexual abuse on meeting strangers	Sexual harassment, 'sexting'
Values	Racist/ hateful content	Ideological persuasion	Potentially harmful user-generated content
Commercial	Advertising, embedded marketing	Personal data exploitation and misuse	Gambling, copyright infringement

Child on Child abuse

All staff should be aware that children can abuse other children (often referred to as child-on-child abuse), and that it can happen both inside and outside of school and online. All staff should be clear as to the school's policy and procedures with regard to child-on-child abuse and the important role they have to play in preventing it and responding when they believe a child may be at risk.

Child on Child abuse may take the form of:

- Bullying or cyberbullying
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm

Child on Child sexual violence and sexual harassment can occur between two or more children of any age and sex, from primary through to secondary stage and beyond. It can occur also through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online, and face-to-face (both physically and verbally) and are never acceptable.

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Sexual Assault

Staff should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault.

Other forms of sexual assault can include rape, and assault by penetration.

Sexual Harassment

Child on child sexual harassment means 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school/college. 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.

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. Schools and colleges should be considering when any of this crosses a line into sexual violence – it is important to talk to and consider the experience of the victim
- Displaying pictures, photos or drawings of a sexual nature
- Upskirting

Online Sexual Harassment

This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:

- Consensual and non-consensual sharing of nude and semi-nude images and/or videos. Taking and sharing nude photographs of under 18s is a criminal offence.
- Sharing of unwanted sexually explicit content
- Sexualised online bullying
- Unwanted sexual comments and messages, including, on social media

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- Sexual exploitation; coercion and threat
- Coercing others into sharing images of themselves or performing acts they're not comfortable with online

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.

Honour Based Abuse (HBA), including Female Genital Mutilation (FGM), Forced Marriage (FM) and breast flattening

Honour Based Abused

HBA includes all incidents or crimes which have been committed to protect or defend the honour of the community and/or the family, and commonly involve practices such as FGM, forced marriage and/or breast ironing; however, they are still abuse and should be treated as such. Abuse often involves a wider network of family or community pressure and therefore it is important to be aware of this dynamic and consider risk factors when deciding on action. If staff have a concern that a child may be at risk of Honour Based Abuse, they should alert their Child Protection and Wellbeing Coordinator immediately.

Female Genital Mutilation

FGM is abuse that encompasses all procedures involved in the partial or total removal of female external genitalia and is illegal in Spain. Whilst all staff should speak to the Child Protection and Wellbeing Coordinator with regard to any concerns about FGM, there is a duty on teachers to report FGM. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the teacher must report this to the public prosecutor, the criminal courts and/or the police.

Forced Marriage

Forced marriage is a marriage where violence, threats and/or any forms of coercion are used and where one or both parties do not, or cannot, consent to the marriage. This is a crime in Spain.

Breast Flattening

Also known as breast ironing, is the pounding and massaging of a pubescent girl's breasts, using hard or heated objects, to try to make them stop developing or disappear. It is typically carried out by the girl's mother, who

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will say she is trying to protect the girl from sexual harassment and rape to prevent early pregnancy that would tarnish the family name, or to allow the girl to pursue education, rather than be forced into early marriage.

Emotional Wellbeing and Mental Health

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences can impact on their mental health, behaviour, and education.

All staff should also be aware that deteriorating emotional wellbeing and escalation of mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Please note, however, only appropriately trained health professionals should attempt to make a diagnosis of a mental health problem.

Staff, however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following their Safeguarding and Child Protection Policy and speaking to the Child Protection and Wellbeing Coordinator.

Children with Special Educational Needs and/or Disabilities

Identity Based Abuse

Children with special educational needs (SEN) and/or disabilities are statistically more vulnerable to child abuse, including child-on-child abuse. Additional barriers can exist when recognising abuse and neglect in this group of children. These include:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration
- Assumptions that children with sen and disabilities can be disproportionately impacted by things like bullying without outwardly showing any signs
- Communication barriers and difficulties in overcoming these challenges

Possible signs of abuse or neglect manifested by the parents or other responsible adult

–

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- Places unrealistic expectations on the child i.e. Demand a level of academic or physical performance of which they are not capable
- Offers conflicting or unconvincing explanation of any injuries to the child
- Appears indifferent to or overtly rejects the child
- Denies existence of or blames the child for the child's problems at home or at school
- Sees and describes the child as entirely worthless, burdensome or in another negative light
- Refuses offers of help for the child's needs
- Refuses to consent to referrals to external agencies to meet their child's needs/does not engage as expected.

Identity based abuse

No child or group of children must be treated any less favourably than others in being able to access effective services which meet their particular needs. To comply with the Spanish Law safeguarding partners must assess and where appropriate put in place measures ahead of time to support all children and families to access services, overcoming any barriers they may face due to a particular protected characteristic.

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 or the internet) and settings (such as within the home). 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.

There are no known definitive indicators that a young person is vulnerable or susceptible to radicalisation but there are several signs that together increase their risk of being groomed in this way.

Signs of susceptibility and/or vulnerability include

- Under/over achievement

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- Being in possession of extremist literature
- Poverty
- Social exclusion
- Traumatic events
- Global or national events
- Religious conversion
- Change in behaviour
- Extremist influences
- Conflict with family over lifestyle
- Confused identity
- Victim or witness to race or hate crimes
- Rejection by peers, family, social groups

Early indicators of radicalisation or extremism may include

- Showing sympathy for extremist causes
- Glorifying violence, especially to other faiths or cultures
- Making remarks or comments about being at extremist events or rallies outside school
- Evidence of possessing illegal or extremist literature
- Advocating messages similar to illegal organisations or other extremist groups
- Out of character changes in dress, behaviour and peer relationships (but there are also very powerful narratives, programmes and networks that young people can come across online so involvement with particular groups may not be apparent)
- Secretive behaviour
- Online searches or sharing extremist messages or social profiles
- Intolerance of difference, including faith, culture, gender, race or sexuality
- Graffiti, artwork or writing that displays extremist themes

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- Attempts to impose extremist views or practices on others
- Verbalising anti-western views
- Advocating violence towards others

Additional information regarding the prevention of radicalisation can be found on the following webpages:

- Website launched by the Spanish Ministry of Internal Affairs to prevent radicalisation and where complaints can be filed.
- Protocol implemented by the Catalonian government to prevent radicalisation at schools.

Child Criminal Exploitation – CCE

CCE is where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. CCE does not always involve physical contact; it can also occur through the use of technology. CCE can include children being forced to work in cannabis factories, forced to shoplift or pickpocket, or to threaten other young people.

It is important to note that the experience of girls who are criminally exploited can be very different to that of boys. The indicators may not be the same, however professionals should be aware that girls are at risk of criminal exploitation too. It is also important to note that both boys and girls being criminally exploited may be at higher risk of sexual exploitation.

CCE also involves children and young people being coerced into moving drugs or money across the country.

Possible indicators of CCE

- Persistently going missing from school or home and/or being found out-of-area
- Unexplained acquisition of money, clothes, jewellery, or mobile phones
- Excessive receipt of texts or phone calls
- Spending more time online or on their devices
- Using more than one phone
-

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- Suddenly acquiring expensive gifts such as mobile phones, jewellery – even drugs – and not being able to explain how they came by them
- Having hotel cards or keys to unknown places
- Being secretive about who they are talking to and where they are going
- Relationships with controlling older individuals or groups
- Leaving home/care without explanation
- Unexplained absences from school, college, training, or work
- Returning home unusually late or staying out all night
- Coming home looking dishevelled
- Suspicion of physical assault or unexplained injuries
- Carrying weapons
- Starting or increasing drug use, or being found to have large amounts of drugs on them
- Starting or increasing alcohol use
- Loss of interest in school and significant decline in performance
- Using sexual, gang, drug-related or violent language you wouldn't expect them to know
- Meeting with unfamiliar people or associating with a gang
- Becoming isolated from peers or social networks
- Self-harm
- Significant changes in emotional well-being
- Sudden changes in lifestyle
- Increasingly disruptive or violent behaviour
- Getting into trouble with the police

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Child Sexual Exploitation – CSE

CSE is a form of sexual abuse and occurs where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual activity.

Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources. In some cases, the abuse will be in exchange for something the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator.

The abuse can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time and range from opportunistic to complex organised abuse. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual, and exploitation can be both physical and/or facilitated online.

CSE can affect any child or young person (male or female) under the age of 18 years, including 16-and 17-year-olds who can legally consent to have sex. It can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity and may occur without the child or young person's immediate knowledge (e.g., through others copying videos or images they have created and posted on social media).

Indicators of CCE can also be indicators of CSE, as can:

- New friends or relationships that are the central focus of the child's life
- Being secretive
- Physical signs of abuse
- Changes in behaviour such as increased anxiety or distress
- unexplained absences from home or school
- Anxiety or urgency around mobile phone use
- Unexplained money, phone or clothes etc
- Drug or alcohol use
- Unexplained injuries or marks
- Sexually transmitted infections or pregnancy
- Older 'boyfriends/girlfriends'

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Children absent from education

All staff should be aware that children who are absent from education for prolonged periods and/or on repeat occasions, 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 can also be a sign of child criminal exploitation. It may indicate mental health difficulties, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage.

It is important that the school's response to persistently absent children supports identifying such abuse, and in the case of those frequently absent pupils, helps prevent the risk of them becoming a child missing education in the future. This includes not only identifying when problems are first emerging, but also where children are already known to external agencies, and where being absent from education may increase known safeguarding risks within the family or in the community.

Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child being absent from school.

Children who are lesbian, gay, bisexual or gender questioning

A child or young person being lesbian, gay, or bisexual is not in itself an inherent risk factor for harm, however, they can sometimes be targeted by other children. In some cases, a child who is perceived by other children to be lesbian, gay, or bisexual (whether they are or not) can be just as vulnerable as children who are.

There remain many unknowns about the impact of social transition and children may well have wider vulnerabilities, including having complex mental health and psychosocial needs, and in some cases additional diagnoses of autism spectrum disorder and/or attention deficit hyperactivity disorder.

As such, when supporting a gender questioning child, schools should take a cautious approach and consider the broad range of their individual needs, in partnership with the child's parents (other than in the exceptionally rare circumstances where involving parents would constitute a significant risk of harm to the child), including any clinical advice that is available and how to address wider vulnerabilities such as the risk of bullying.

Risks can be compounded where children lack trusted adults with whom they can be open. It is therefore vital that staff endeavour to reduce the additional barriers faced and create a culture where they can speak out or share their concerns with members of staff.

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PART 2: The child protection process and responding to concerns.

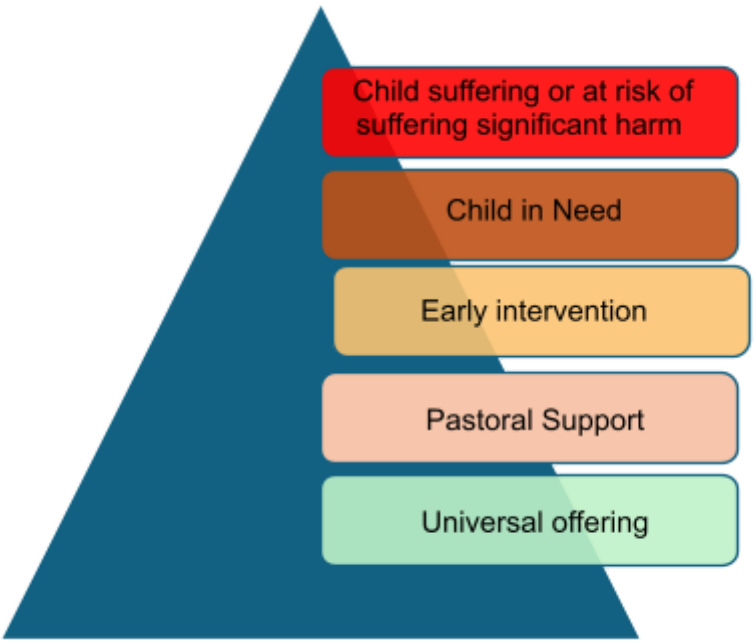
10. Levels of intervention

A number of services and interventions are available to children and their families to schools to support children who have additional vulnerabilities or where agency intervention is needed.

Where a child is suffering, or is likely to suffer from harm, it is important that a referral to

Social Services (and, if appropriate, the Police) is made immediately by the Child Protection and Wellbeing Coordinator, who should follow the local authority's referral process. If the Child Protection and Wellbeing Coordinator is not available, then there should be no delay in the school making a referral.

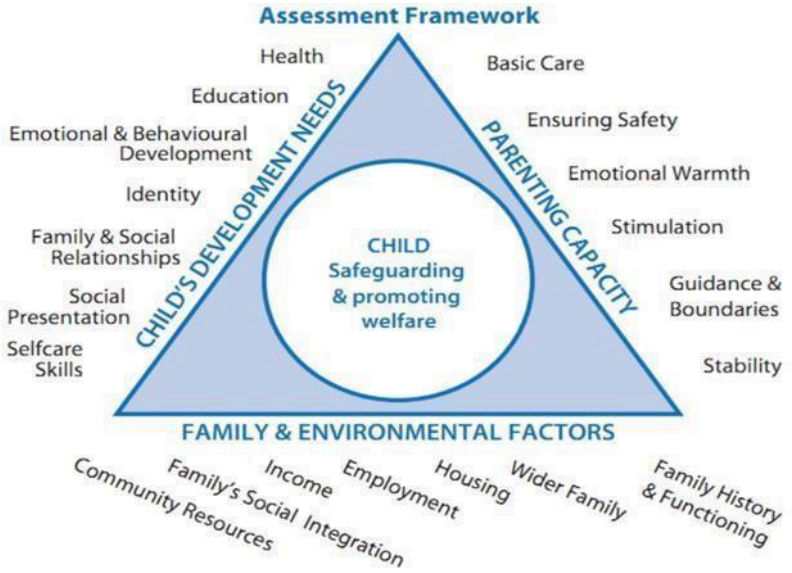
As is demonstrated in the diagram below, most children will not reach the threshold for statutory intervention but will access universal services or seek pastoral support in school or access early help.



The school can use a range of arrangements depending on the information available. The school will always work cooperatively with external agencies, including the local authority and the police.

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The school can also use the Assessment Framework b ıeed to be considered when safeguarding children.



Where it is assessed that a child or family is in need of additional support or intervention the following can be used as a guideline for the level of intervention required.

Early Intervention (low risk)

If early intervention is appropriate, the Child Protection and Wellbeing Coordinator (or Deputy) will oversee the programme of support provided within the school context. Families and relevant staff would be informed. The school may seek guidance from external agencies or encourage the family to do so. Any such cases should be kept under constant review and consideration given to a referral to Social Services, if the child's situation does not appear to be improving or is getting worse.

Any child may benefit from early intervention, but all school staff should be particularly alert to the potential need for early intervention 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 into anti-social or criminal behaviour, including gang involvement and association with organised crime groups

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- 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
- Is showing early signs of abuse and/or neglect
- Is at risk of being radicalised or exploited
- Is a privately fostered child and/or
- Has already been identified as being lgbtqi+ or is beginning to identify as lgbtqi+ being secretive

Children in Need (moderate risk)

As guidance, a Child in Need is defined under the LO 1/1996, 15 January, regarding minors' legal protection as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.

The school will seek support from external agencies such as Social Services, health services and mental health support services for the purposes of safeguarding and promoting their welfare.

Children suffering or likely to suffer significant harm (high risk)

Authorities, with the help of other organisations as appropriate, have a duty to make enquiries under section 18 of the LO 1/1996, 15 January, regarding minors' legal protection if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child's welfare and must be initiated where there are concerns about maltreatment, including all forms of abuse and neglect, female genital mutilation or other so-called honour-based abuse, and extrafamilial threats like radicalisation and sexual exploitation. Should an investigation occur, then the school's involvement and any action may be determined by the advice given by the investigating agency.

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11. What to do if you have any doubt or concern about the safeguarding and welfare of a child or family.

Your responsibilities are to:

- Recognise
- Respond
- Record
- Refer

What to do if a child discloses to you that they are being or have been abused

Safeguarding is everyone's responsibility, and a child may disclose to any member of staff or professional, so it is imperative that you know what action to take during a disclosure and how to follow up.

If a child discloses to you, you must consider the following:

- Is any emergency action needed to keep the child/children safe
- The child's first account is critical
- Reassure the child that they have done the right thing, will not be in trouble and that you will only tell the people who will be able to help them; they will have chosen to disclose to you for a reason
- Take care when asking questions – do not ask leading questions but listen carefully and remain calm
- Don't promise confidentiality
- Use a trauma informed approach
- Clarify with the child that you have understood
- Don't take notes at the time - write up the Safeguarding Concern form afterwards. Date, sign and send an email to María Canós (maria.canos@iesc.dukeseducation.es), the CPWC of International English School of Castellón.
- At an appropriate time tell the child that the matter will be referred in confidence, always using language that is appropriate to the age and stage of development of the child, allowing for their individual need

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- Tell the child what will happen next. The child may want to accompany you to see the CPWC, otherwise let the child know that someone will come to see them before the end of the day

If the CPWC is not available then this should not delay appropriate action being taken and staff should speak to a member of the SLT: the Head of Primary or Secondary, the Technical Director or the Headteacher. Headteachers should be made aware of any referral that is made to Social Services or the Police, but the CPWC must not delay if they are unavailable before making the referral. All documents should be kept in a secure location with restricted access.

Remember that support for child and family will continue to be critical after the event.

Key elements of a Trauma Informed Approach



Photos

If a child discloses physical abuse, self-harms or attempts to take their life, staff should **never** take photos of children's injuries. On very rare occasions, Social Services or the Police will direct the school to take a photo of a child's injury and send it to them for their assessment of risk. The school must record who has asked this to be done and note their role and contact. Any photo subsequently taken by staff must be taken in the presence of a witness.

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Record keeping

Staff should make a written record of the conversation with the child as soon as possible, adding an incident to the Cpoms platform.

Records should include:

- A clear and comprehensive summary of the concern
- Details of any witnesses to the event/s or anyone else involved
- Details of how the concern was followed up and resolved
- A note of any action taken, decisions reached and the outcome including dates and times and a note of the name and role of any professional who has been involved in the decision-making process
- A clear chronology of events and actions taken

Staff recording disclosures should use the specific words that the child used (e.g., if referring to parts of their body), indicating these by using speech marks/inverted commas.

Where new information comes to light or matters have been clarified a note should be made on the record - original records should not be erased or edited.

Making a referral

If a child is thought to be at risk of harm

When a child is thought to be at risk of harm or is likely to be at risk of harm (see above), then a referral should be made immediately to Social Services, Ministerio Fiscal (Public Prosecutor), Police forces and/or AEPD if a criminal act is thought to have occurred. This is the role of the Technical Director and there should be as little delay as possible. The school does not require parental consent for referrals to be made to these authorities. (LOPIVI Art 15). Consent to do this must not be obtained from the parents if to do so is judged to present risk to the child.

If a child has unmet needs

When a child is not considered at risk of significant harm, but still has unmet needs that could mean that they are a Child in Need (moderate risk), the school will seek support from external agencies such as Social Services, health services and mental health support services for the purposes of safeguarding and promoting their welfare. The school does not require parental

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consent for referrals to be made, however, it is best practice that these concerns are discussed with the parents and any subsequent referral made transparently with the parents' knowledge, except where to do so would put the child's safety at risk or could jeopardise any investigation.

Confidentiality

Whilst it is always important to take into consideration the wishes and feelings of a child, staff should never guarantee confidentiality to pupils or adults who tell them about something serious as this may ultimately not be in the best interests of the child. Staff should guarantee that they will not tell anyone who does not have a clear need to know and that they will pass on information.

Passing on safeguarding records when a child leaves the school

Information sharing is vital in identifying and tackling all forms of abuse and neglect. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children. School staff should be proactive in sharing information as required within the school, with Dukes Spain Managing Director and with local authorities as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care. This includes the sharing of information without parental consent where there is good reason to do so, i.e. the risk of harm to the child will be increased.

However, data protection legislation in Spain means that we must consider information sharing with other third parties e.g., with a new school, on a case-by case basis, in conjunction with legal advice.

12. Responding to allegations and concerns and about staff, including supply teachers, volunteers and contractors

The safety and wellbeing of children in our school is dependent on the vigilance of all our staff and their prompt communication to the Child Protection and Wellbeing Coordinator or Headteacher of any concerns.

All staff are expected to adhere to the expectations set out on Our expectations of adults working in this school.

If you are concerned about the behaviours or actions of any adult, speak to the Child Protection and Wellbeing Coordinator or Headteacher. You can also talk to the Director of Legal and Compliance Key people and contacts.

All references in this section to "adult" or "staff" should be interpreted as meaning any adult (defined above), staff members, agency/supply staff, peripatetic staff, contractors, and visitors, unless otherwise stated. The school is conscious of its duty of care to pupils and will always act, including if alerted to the possibility of abuse arising from situations or persons outside the school setting.

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Complaints, concerns and allegations can originate from a number of sources, including direct disclosure, observed or witnessed behaviours (both on and off site), reports from external agencies, community or family, formal complaints and whistleblowing.

It is essential that all adults and children feel confident to speak up and raise those concerns or allegations in the appropriate manner so that they can be managed, and children and adults can be kept safe. You must not wait to gather evidence or be deterred from reporting on the basis of 'what if I am wrong?' think rather 'what if I am right?' and seek advice and support.

All staff should reflect on their own behaviours and discuss with their line manager any occasion when they feel that they may have acted inappropriately or without due consideration of the impact on the child, themselves or other adults.

Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived. As such, the school sees self-reporting as an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

Low-level concerns (LLC)

The school undertakes to develop and maintain a culture of openness, trust and transparency in which staff are confident and clear about expected behaviours of themselves and their colleagues, the delineation of boundaries and reporting lines.

The notification and prompt handling of all concerns about adults, including those raised by individuals about themselves, is fundamental to safeguarding children. It helps to identify and prevent abuse and to protect adults against misunderstandings or misinterpretations. Those raising concerns or reporting allegations in good faith will always be supported, and adults in respect of whom concerns or allegations have been raised will not suffer any detriment unless the concern or allegation is found to be substantiated.

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold for an allegation (see below). A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff expectations and ethos of the school
-

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- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the appropriate authorities

- May cause any reasonable adult to be concerned about behaviours towards or interactions with pupils

The school undertakes to implement responsive, sensitive and proportionate handling of such concerns when they are raised – maintaining on the one hand confidence that concerns will be handled promptly and effectively whilst, on the other hand, protecting staff from misunderstandings.

Examples of low-level concerns may include but are not limited to:

- Being over friendly with children
- Having favourites
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating (including shouting or being verbally aggressive) or offensive language (including the belittling of children)
- Not adhering to the schools safeguarding policy and procedures

The Child Protection and Wellbeing Coordinator will discuss all low-level concerns they receive with the Headteacher/Principal on the same day as the concern was raised. The Headteacher/Principal will, in the first instance, satisfy themselves that it is a low-level concern and should not be reclassified as an *allegation* and dealt with under the appropriate 'allegations' procedure (outlined later in this document). The circumstances in which a low-level concern might be reclassified as an allegation are where

- The threshold is met for an allegation (see below)
- There is a pattern of low-level concerns which collectively amount to an allegation
- There is other information which, when considered, leads to an allegation

The Headteacher/Principal is the ultimate decision maker in respect of all low-level concerns; however, it is safe and best practice that they consult with the CPWC and take a more collaborative decision-making approach. Where the Headteacher is in any doubt whatsoever whether the LLC

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needs to be considered as an allegation, advice will be sought from Dukes Spain Managing Director. Any rationale for any decisions made and actions taken must be recorded in the Low-Level Concern file by the Headteacher.

Having established that the concern is low level (and is not an allegation), the CPWC or Headteacher as appropriate will first discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training, etc. The person to which the low-level concern relates must be informed of any concern raised about them once all risk has been identified and assessed. The person who has raised the low-level concern about their colleague will remain anonymous.

Reporting and recording low level concerns

Where a low-level concern (including self-reports) exists, it should be reported to the CPWC or to the Headteacher as soon as reasonably possible and on the same day as the incident (where the concern relates to a particular incident). If the CPWC receives the report, they must inform the Headteacher/Principal within a day. If the CPWC and the Headteacher are unavailable, the staff member with the concern should contact HR.

There must be no delay.

The CPWC will discuss all low-level concerns they receive with the Headteacher on the same day as the concern was raised.

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school, that concern should be shared with the CPWC and/or Headteacher. Their employer will be notified about the concern by the CPWC/Headteacher, so that any potential patterns of inappropriate behaviour can be identified.

A record of the concern and how it was disposed will remain in a confidential file. Low-level concerns will not generally be referred to in a reference when an individual moves on to other employment.

The difference between an allegation and a concern

It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria above). Issues that do not meet

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this threshold may constitute low-level conduct or discipli ployers using the appropriate organisational procedures.

If it is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police, or would they prefer the matter to be dealt with by the employer?
- Have similar allegations been made against the employee – is there a pattern developing?

Incidents which fall short of the threshold of an allegation could include an accusation that is made second or third hand where the facts are not clear, or where the member of staff who is alleged to have carried out the incident was not present at the time, or where there is confusion about the account.

Allegations against adults who work with children

An allegation is a concern that any person who works with children, in connection with their employment, voluntary activity or personal life, has:

- Behaved in a way that has harmed a child or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children
- Behaved in a manner that discriminates against a child on the basis of one or more of their protected characteristics for example race, gender or faith (see also equalities statement)

Allegations can be made in relation to the use of physical chastisement and restraint, emotional abuse and neglect, but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
-

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- 'Grooming' a child (where grooming has been defined as "a process by which a person prepares a child, significant adults and the environment for the abuse of this child" for example meeting a child under 18 with intent to commit a sexual offence, sending inappropriate text/email messages to children, providing a child with gifts or money
- Possession of indecent photographs / pseudo-photographs of children (child abuse images)

The allegations management process (see Appendix 2), should be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon
- As a parent or carer, has become subject to child protection procedures
- Is closely associated with someone in their personal lives (e.g. Partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment or volunteering

It is also important to note that, whilst not specifically covered by statutory guidance, the risks associated with the wider family and close associates of the member of staff may also need to be considered even if their work with children does not fall within the remit of the statutory guidance.

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above or may do so without warranting consideration of either a Police investigation or enquiries by Social Services. Some rare allegations will be so serious they require immediate intervention by Social services and/or the Police.

Reporting and recording allegations

Allegations about staff, agency staff, contractors, visitors, or volunteers should be reported to the Headteacher immediately. The Headteacher will liaise with the appropriate authorities as set out below and inform Dukes Spain Managing Director and local agencies. The adult who is the subject of the allegation or about whom the concern is raised must not be informed at this early stage.

If the allegation is about the Headteacher, it must be referred to the Dukes Spain Managing Director without informing the Headteacher. They will then liaise with the appropriate authorities as set out below.

Allegations of non-recent abuse

Where an adult individual makes an allegation that they were abused as a child by an adult who is a **current** member of staff, the individual should be advised to report the allegation to the Police. The Headteacher must contact the HR and the Dukes Spain Managing Director as a priority.

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Where an adult individual makes an allegation of non-recent abuse as a child by a **former** member of staff, the individual should similarly be advised to report the allegation to the Police. The Headteacher must contact Dukes Spain Managing Director.

Allegations against a teacher who is no longer teaching should be referred to the Police.

Organised abuse

Schools should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. Any concerns should be reported to the police.

Duties as an employer and an employee

This policy relates to members of staff, contractors, visitors, and volunteers who are currently working in any school, regardless of whether the school is where the alleged abuse took place.

This policy also refers to agency staff/supply staff/hirers of school premises (see below). In some circumstances, schools will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business. Whilst schools are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the appropriate authorities to determine a suitable outcome.

Decisions will need to be made in discussion with the Authorities about whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation. Agencies should be fully involved and co-operate in any enquiries from the Police and/or children's social services. The school will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the appropriate authorities as part of the referral process.

13. Organisations and Individuals Letting School premises

Schools have a duty to ensure that appropriate arrangements are in place to keep children safe when allowing outside organisations to use their facilities. If the activity is being run by the school, or overseen by the school, then this policy and the school's procedures apply. If not, and the school is renting out their space to an organisation or individual, then the school must seek assurance that the body concerned has appropriate safeguarding and child protection policies and procedures in place (including inspecting these as needed). and

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ensure that there are arrangements in place for the provider to liaise with the school on these matters where appropriate. This applies regardless of whether or not the children who attend any of these services or activities are children on the school roll.

Should the organisation wishing to use the school premises not have any safeguarding policies or procedures in place, then the organisation must not be allowed to let the facilities. The school should also ensure safeguarding requirements are included in any transfer of control agreement (i.e., lease or hire agreement), as a condition of use and occupation of the premises; and that failure to comply with this would lead to termination of the agreement.

Schools may receive an allegation relating to an incident that happened when an individual or organisation was hiring their school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, schools follow their safeguarding policies and procedures, including informing the local authorities.

Policy review	
Policy created	August 2024
Policy review date	March 2026

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APPENDIX 1: The role of the Child Protection and Wellbeing Coordinator (CPWC)

At this school, the CPWC is **María Canós Almela** (maria.canos@iepgroup.es, Tlf.- 669974845)

The CPWC is the senior member of staff responsible for leading safeguarding in the school. The CPWC **must** be a member of the school leadership team. The CPWC takes the lead responsibility for safeguarding and child protection in the school, including online safety, in accordance with the LOPIVI Art. 35, and their job description explicitly reflects this, including the requirements of the LOPIVI.

The CPWC Deputy

The school can appoint a number of CPWC Deputies. Their role is to support the CPWC in their safeguarding role. Whilst the activities of the CPWC can be delegated to Deputies, the ultimate lead responsibility for child protection must remain with the CPWC, and this lead responsibility must not be delegated. The Deputies are trained to the same level as the CPWC and the duties of any Deputies are reflected explicitly in their job descriptions.

The CPWC and Deputies liaise with the authorities and work in partnership with other agencies in the best interests of children in the school.

Support for Child Protection and Wellbeing Coordinator

The CPWC is given the time, funding, training, resources and support to provide advice and support to 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.

There are four key elements to the CPWC role. They will:

- Manage referrals
- Work with others
- Train staff

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- Raise awareness

Managing referrals

The CPWC is expected to:

- Refer cases of suspected abuse to the local authority children's social services as required
- Support staff who make referrals to local authority children's social services
- Refer cases where there is a radicalisation concern as required
- Support staff who make referrals regarding a radicalisation concern
- Refer cases where a crime may have been committed to the police as required
- Refer children to external mental health agencies/signpost parents when there are concerns about a child's emotional wellbeing and/or mental health
- Follow up and escalate referrals as needed and make re-referrals if the child's situation does not improve

Working with others

The CPWC is expected to:

- Liaise with the Headteacher to inform them of issues, especially ongoing enquiries and Police investigations
- As required, liaise with the "case manager" (in relation to allegations against adults) and the Authorities for child protection concerns in cases which concern a staff member

Training

The CPWC and Deputies should undergo training to provide them with the knowledge and skills required to carry out their role, including inter-agency working. This training must be first completed on induction into the role and then updated every three years.

In addition to the formal training set out above, the CPWC's knowledge and skills should be refreshed via informal updates (this might be via e-bulletins, meeting other designated safeguarding leads, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, and at least annually, to allow them to understand and keep up with any developments relevant to their role so they:

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- Support staff who make referrals to local authority children's social services understand the assessment process for providing early intervention, including local authority referral arrangements and procedures
- Have a working knowledge of how local authorities conduct child protection case management meetings
- Ensure each member of staff has access to, and understands, the school's Safeguarding and Child Protection policy and procedures, including new and part time staff
- Are alert to the specific needs of children in need, those with special educational needs and young carers
- Learn how to maintain high aspirations for vulnerable children, promoting their educational outcomes by knowing the welfare, safeguarding and child protection issues experienced by them and the potential impact on their attendance, engagement, and achievement
- Understand how to support teaching staff to feel confident to provide additional academic support/reasonable adjustments for vulnerable children who need or have needed a Social Worker, recognising the lasting impact on educational outcomes, even when statutory agencies have ceased involvement
- Understand relevant data protection legislation and regulations, especially the Data Protection Act 2018 and the General Data Protection Regulation
- Are able to keep detailed, accurate, secure written records of concerns and referral.
- Understand and support the school with regards to the reporting of radicalization concerns and can provide advice and support to staff on protecting children from the risk of radicalisation
- Can understand the unique risks associated with online safety and be confident that they have the relevant knowledge and up to date capability required to keep children safe whilst they are online at school, including knowledge of the school's filtering and monitoring systems and processes
- Can recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online.
- Can recognise the additional risks that those children who identify as LGBTQI+ or are exploring gender identity (or perceived to be by others) face online, for example, from bullying, grooming and radicalization; and are confident they have the capability to support these children to stay safe online
- Obtain access to resources and attend any relevant or refresher training courses

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- Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the school may put in place to protect them

Raising awareness about safeguarding and child protection in the school

The CPWC should:

- Ensure the school's Safeguarding and Child Protection policy and procedures are known, understood, and used appropriately
- Ensure that online safety training is provided as part of regular staff updates, including updating them around the school's filtering and monitoring systems and processes
- Ensure the school's Safeguarding and Child Protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with the proprietor regarding this
- Ensure the Safeguarding and Child Protection policy is available publicly and parents are aware of the fact that referrals to children's social care or the police about suspected abuse or neglect may be made and the role of the school in this
- Link with the local Social Services and public administration of the *Comunidad Autónoma* to make sure staff are aware of any training opportunities and the latest policies on local safeguarding arrangements help promote educational outcomes by sharing the information about the welfare, safeguarding and child protection issues that children, are experiencing, or have experienced, with teachers and school leadership staff
-

Availability

During term time the CPWC will always be available (during school hours) for staff in the school to discuss any safeguarding concerns. Whilst generally speaking, the CPWC will be available in person, the Headteacher will define what "available" means and whether in exceptional circumstances

availability via phone and/or Teams or other such media is acceptable. **It is the responsibility of the Headteacher to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.**

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APPENDIX 2: Managing Allegations about adults who work with children

Initial discussion

Headteachers, after first liaising with the authorities and Dukes Spain Managing Director may need to gather some initial information to help them determine whether there is any foundation to the allegation. Unless agreed, the person about whom the allegation has been made will not be informed or interviewed at this stage, so as not to jeopardise potential evidence gathering by external agencies.

If, after the initial gathering of information it is decided by the above group of colleagues that the concerns do not meet the threshold for an allegation but there is a concern around conduct, the Headteacher will be supported by HR in the steps thereafter to resolve the matter.

If, after the initial information gathering stage, it is decided that the concerns do amount to a safeguarding allegation that does meet threshold for contacting the Authorities (at least for advice about whether a referral is needed), the Headteacher will do so, and will be supported by the Dukes Spain Managing Director and HR Colleagues in steps thereafter.

The purpose of an initial discussion is for the Authorities and the case manager (school initially – Headteacher/CPWC) to consider the nature, content and context of the allegation and agree a course of action. The Authorities 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 about the individual's current contact with children. There may be situations when the case manager will want to involve the Police and/or the Ministerio Fiscal immediately, for example if the person is deemed to be an immediate risk to children or there is evidence or an indication of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with Authorities to help determine whether specific involvement from Authorities is necessary.

The case manager should then consider with the Authorities what action should follow both in respect of the individual and those who made the initial allegation.

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

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a justification for it should be recorded by both the case m eached on what information should be put in writing to the individual concerned and by whom.

Informing Parents or Carers

Parents or carers of the child or children involved will be told about the allegation as soon as possible if they do not already know of it. The case manager will seek advice from the Dukes about when and how this communication will happen.

However, where a 'strategy discussion' is required, or the Police or Children's Social

Services need to be involved; the case manager will not inform the parents or carers of the allegation until those agencies have been consulted andhave agreed what information can be disclosed to the parents or carers.

Parents or carers will also be kept informed of the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process (the school will seek support from HR about what can be shared). 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 will be told the outcome in confidence.

Parents and carers will also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing. If parents or carers wish to apply to the court to have reporting restrictions removed, they will 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 Services, or the Police as appropriate, will consider what support the child or children involved may need.

Inter-agency Strategy Discussion

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion or initial evaluation will be convened by the Authorities. If the allegation is about physical contact, the strategy discussion or initial evaluation with the Authorities will take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where a strategy discussion is needed, or Authorities need to be involved, the case manager (school) will not inform the accused person until those agencies have been consulted and have agreed what information can be disclosed to the accused. The case manager should only inform the accused person about the allegation after consulting the Authorities and actions have been decided. It is extremely important that the case manager provides the accused with as much information as possible at that time.

Where it is clear that an investigation by the Authorities is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the Authorities will discuss the next steps with the case manager. In those

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circumstances, the options open to the school depend on ion and the evidence and information available. This will range from taking no further action to an internal school-based investigation (see below),

According to the Public Prosecution Order L.O. 10/2005 of 6 October 2005 regarding how to deal with school abuse, the intervention of the Ministerio Fiscal should be on a subsidiary basis understanding that if the application of school measures is enough to deal with the case, the Ministerio Fiscal should not intervene. Notwithstanding, and as a rule, the Ministerio Fiscal has to intervene in cases of severe abuse and/or minor abuse but which have been repeated over time.

Internal investigations/inquiries

In some cases, further inquiries will be needed to enable a decision about how to proceed. If so, the Authorities will discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, an internal investigation will be agreed upon and should normally be undertaken by a senior member of school staff. Where necessary, due to lack of resource or the nature or complexity of the allegation, the allegation will require an independent investigator. An independent investigator will be appointed by the Director of HR in conjunction with the Dukes Spain Managing Director

In some cases an investigation by the Police or Children's Social services is unnecessary, in this case the school will be guided by the Authorities in regard to what further inquiries will be needed to enable a decision about how to proceed. The Authorities will discuss with the school case manager how and by whom the school investigation will be undertaken. The role of the Authorities in this case is not to investigate the allegation, but to ensure that an appropriate investigation is carried out by the school.

In straightforward cases, an internal school investigation will normally be undertaken by a senior member of school staff. Where necessary, due to lack of resources or conflict of interest, the investigation may be undertaken by a senior leader from another Dukes school. Where a safeguarding concern or allegation triggers another procedure, such as grievance or disciplinary, that procedure shall only be followed once the immediate safeguarding concern or allegation has been fully investigated.

Suspension of an employee

Dukes will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation or concern is resolved.

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, this 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

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concerns should be reported to the Authorities as requi y to be justified based on such concerns alone.

Suspension will be considered only in a case where there is cause to suspect a child or other children at the school 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 will consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved.

The case manager will 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 Authorities have no objections to the member of staff continuing to work during the investigation, the case manager will aim to be as inventive as possible to avoid suspension.

Based on assessment of risk, the following alternatives will 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
- Temporarily redeploying the member of staff to another role in a different location, for example to an alternative school

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 will 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.

Within Dukes, suspension requires the authorisation of the Dukes Spain Managing Director. In discussion with the case manager, Head of HR and Dukes Spain Managing Director a considered decision will be reached about whether suspension is the correct course of action. If immediate suspension is considered necessary, the case manager must record the rationale and justification for such a course of action. This should also include what alternatives to suspension have been considered and why they were rejected.

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Where it has been deemed appropriate to suspend the pe l within one working day, giving as much detail as appropriate for the reasons for the suspension. Dukes will make clear to the suspended employee where they can obtain support.

Social Services or the Police cannot require the case manager to suspend a member of staff or a volunteer, although the case manager will give appropriate weight to their advice. The power to suspend is vested in Dukes as proprietor of the school.

Where a strategy discussion or initial evaluation concludes that there should be enquiries by Authorities, they should coordinate and decide whether the accused member of staff needs to be suspended from contact with children in order to inform the school consideration of suspension. The Authorities involvement does not make it mandatory to suspend a member of staff; this decision will be taken on a case-by-case basis having undertaken a risk assessment.

Support for employees

Dukes has a duty of care to their employees. Dukes will provide effective support for anyone facing an allegation and will act to manage and minimise the stress inherent in the allegations process. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer 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.

Support for the accused individual is vital to fulfilling this duty. Individuals will 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 Authorities.

The case manager will 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.

Oversight and monitoring

The Authorities have overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues. Authorities will provide advice and guidance to the case manager 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 specific Authorities (e.g., Ministerio Fiscal, Social Services, etc.)

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- Taking part in the strategy discussion or initial evaluation
- Subsequently reviewing the progress of those cases in which there is a police investigation
- 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 Ministerio Fiscal about whether to charge the individual continue to investigate; or close the investigation. Dates for subsequent reviews should be set at the meeting if the investigation continues.

Information sharing

In a strategy discussion or the initial evaluation of the case, the agencies involved will 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 employer will ask the Police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This will 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.

Social Services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation need 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 employer without delay.

Following a criminal investigation or a prosecution

The Police and/or Courts should inform the employer 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 the person has been charged. In those circumstances,

Authorities 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 Authorities 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.

Outcome of the investigation into an allegation

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

- **Substantiated**: there is sufficient evidence to prove the allegation.
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence,

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- **False**: there is sufficient evidence to disprove the allegation.
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive

It should be noted that Malicious and False allegations are rare. However, if an allegation is determined to be unsubstantiated or malicious, Authorities will 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 Headteacher and proprietor will consider whether any disciplinary action is appropriate if it were a pupil who made the allegation, or whether the Police should be asked to consider if action might be appropriate against the person responsible, whether or not they were a pupil.

At the conclusion of a case in which an allegation is substantiated, the Authorities may review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school or college's procedures or practice to help prevent similar events in the future. This will include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether suspension was justified. Lessons will also be learnt from the use of suspension when the individual is subsequently reinstated. The Authorities and case manager will consider how future investigations of a similar nature could be carried out without suspending the individual.

Resignations and 'settlement agreements'

If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up in accordance with Spanish Criminal Law.

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. Any settlement/compromise agreement that would prevent the proprietor from making a referral to the Authorities even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the proprietor would not be complying with its legal duty to make the referral to the competent Authorities.

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 will 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, will continue

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even if that cannot be done or the accused does not coc ısion 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.

'Settlement agreements' (sometimes referred to as 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 from taking place.

Details of allegations that are found to have been malicious will 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.

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 authorities in the future will need to check information about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

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