

## **WINCHESTER COLLEGE**

### **CHILD PROTECTION & SAFEGUARDING**

Implementation Date	06 February 2011
Last Reviewed	09 March 2019
Author	Designated Safeguarding Lead (DSL)
Approved	This policy is reviewed annually by the Warden & Fellows.

*The DSL has authority to update the policy (to reflect changes in Guidance and Legislation) with approval from the SMC but without prior approval from the Governing Body.*

Child Protection at Winchester College must comply with the safeguarding requirements as given in:

- DfE document *Keeping Children Safe in Education* September 2018
- *Working Together to Safeguard Children* July 2018,
- *National Minimum Standards for Boarding Schools* April 2015,
- *Health and Safety Advice on Legal Duties and Powers for Local Authorities, Head Teachers, Staff and Governing Bodies* February 2014,
- *What to do if you're worried a child is being abused* March 2015,
- The *Abuse of Positions of Trust* legislation in the *Sexual Offences Act* 2003,
- *Sexual violence and sexual harassment between children in schools and colleges* May 2018
- *The Prevent Duty* June 2015,
- *Use of Reasonable Force* July 2013
- and advice from the Department for Education and the Local Safeguarding Children's Board in the document *Preventing and Tackling Bullying* July 2017.

**The School follows the locally-agreed inter-agency procedures of Hampshire County Council Children's Services.** This policy is intended to clarify how those standards are to be met by the School. It will be reviewed annually to ensure that it complies with current legislation and the review will include an update and review of the effectiveness of safeguarding procedures and their implementation. *This policy should be read in conjunction with the School policies in the Appendix as listed on the contents page overleaf.*

#### **Important contacts:**

1. Designated Safeguarding Lead (DSL): Mr C P Barnes  
Deputy Designated Safeguarding Lead: Miss R Poole  
01962 621179 (Office Hours) 07436 588321 (Out of Hours) [safeguarding@wincoll.ac.uk](mailto:safeguarding@wincoll.ac.uk)
2. Governor with specific responsibility for Child Protection : Dr Peggy Frith  
via her secretary 01962 621206 [jm1@wincoll.ac.uk](mailto:jm1@wincoll.ac.uk)
3. Winchester College Medical Centre: 01962 621228
4. Local Area Designated Officer (LADO): 01962 876364
5. Police, Ambulance, Fire: 999
6. Porters' Lodge (01962 621227) Porters' mobile (2300 to 0730): 07850 341682

## INDEX

- 1.0 Overview
- 2.0 Concerns about a Child
- 3.0 Concerns about an Employee
- 4.0 After a report is made
- 5.0 Managing allegations against other pupils
- 6.0 Confidentiality

APPENDIX 1: CODE OF PROFESSIONAL CONDUCT FOR ALL STAFF

APPENDIX 2: ROLE DESCRIPTION FOR PEOPLE WITH SPECIFIC RESPONSIBILITY FOR CHILD PROTECTION

APPENDIX 3: CHILD PROTECTION CONTACT INFORMATION FOR DISPLAY ON BOARDING HOUSE NOTICE BOARDS

APPENDIX 4: COUNTER BULLYING POLICY

APPENDIX 4a: COUNTER CYBER BULLYING POLICY

APPENDIX 4b: YOUTH PRODUCED SEXUAL IMAGERY POLICY

APPENDIX 4c: GENDER IDENTITY POLICY

APPENDIX 5: MISSING PUPIL POLICY

APPENDIX 6: SCHOOL RECRUITMENT AND SELECTION PROCEDURE

APPENDIX 7: POLICY ON THE USE OF CONTRACTORS AND SUPPLY STAFF

APPENDIX 8: POLICY ON THE RECRUITMENT OF EX-OFFENDERS

APPENDIX 9: DISCIPLINARY PROCEDURE FOR ALL STAFF

APPENDIX 10: WHISTLEBLOWING POLICY

APPENDIX 11: SAFEGUARDING & CHILD PROTECTION TRAINING

APPENDIX 12: RISK ASSESSMENT FOR VISITING SPEAKERS

APPENDIX 13: THRESHOLD CHARTS

APPENDIX 14: KEEPING CHILDREN SAFE IN EDUCATION 2018 (Part 1)

APPENDIX 15: KEEPING CHILDREN SAFE IN EDUCATION 2018 (Part 4)

### **Key:**

*BSA: Boarding Schools Association*

*DBS: Disclosure and Barring Service*

*DfE: Department for Education*

*DSL: Designated Safeguarding Lead*

*HANTSdirect: Hampshire Children's Services*

*ISI: Independent Schools Inspectorate*

*KCSIE: Keeping Children Safe in Education*

*LADO: Local Authority Designated Officer or Designated Officer*

*LSCB: Local Safeguarding Children Board*

*MASH: Multi Agency Safeguarding Hub*

*TRA: Teaching Regulation Agency*

*PSHEE: Personal Social Health and Economic Education*

## 1.0 Overview

Adults looking after children or young people must be aware of the risk of abuse by adults or other young people. Child abuse can occur in all walks of life and Winchester College should not be considered in some way immune. Pupils have the right to be safeguarded from harm and exploitation regardless of race, religion, ethnicity, age, gender, sexual orientation or disability.

*See Appendix 1 for the Code of Professional Conduct for Staff*

- Winchester College is dedicated to safeguarding and promoting the welfare of its boarding and day pupils, regardless of age, ability, race, culture, religion, sexuality or class.
- It is the duty of all members of staff, teaching and non-teaching, to play an active role in ensuring the safety and promoting the welfare of the children in the School's care as children in residential settings can be particularly vulnerable.
- It is the duty of the IT staff to ensure that Internet access and electronic communication is as safe as possible.
- All staff are expected to be aware of and follow the Child Protection/Safeguarding procedures. In particular they need to read Keeping Children Safe in Education Part 1, including Annex A, (Appendix 14) and this policy, as it outlines their duty to report concerns, the guidance for identifying child abuse, what to do if a child makes an allegation of child abuse and issues about confidentiality.
- All staff are issued with guidelines and undergo training as outlined in Appendix 11. Sixth Book pupils also receive guidelines on Child Protection/Safeguarding procedures as part of CoPrae (prefect) induction that is recorded on the central database, SIMS.
- We provide a structured Personal, Social, Health and Economic Education (PSHEE) programme within the curriculum Tutorial Time which aims at developing personal and inter-personal skills and deals specifically with safeguarding issues, e-safety and resilience to risks of radicalisation. This is overseen by the Head of PSHEE, Mrs C A Webster.
- There are protocols to ensure that all visitors are appropriately checked and supervised. Arrangements are specified in the Site Security policy. There are specific requirements for Visiting Speakers to ensure that the content of their presentation is appropriate for pupils. See Appendix 12 for details.
- Public tours are undertaken but are always accompanied and take place at confirmed times. School employees do not investigate serious allegations of child abuse themselves. All allegations will be reported to Children and Young People's Services (HANTSdirect) immediately. When a serious allegation is made against an employee, the School will report it to the Local Authority Designated Officer (LADO or Designated Officer). The LADO provides advice and presides over the investigation of any allegation or suspicion of abuse directed against any school employee. They will advise whether or not it is necessary to inform the Secretary of State for Education at the Department for Education, even if the School no longer employs the person in question.

- **Safeguarding and promoting the welfare of children is the responsibility of all employees** and anyone can make a referral to the Children and Young People's Service (HANTSdirect), as outlined in Section 2.4.
- Concerns regarding Quiristers should be referred to Mr Geoffrey Hammond, DSL of The Pilgrims' School, on 01962 854189.

Under the Governing Body's authority, the following persons have specific responsibility for Child Protection matters at the School:

**Dr T R Hands** (Headmaster)

**Mr C P Barnes** (Designated Safeguarding Lead)

**Miss R Poole** (Deputy Designated Safeguarding Lead)

**Dr P Frith** (Governing Body)

*See Appendix 2 for a description of their roles and Appendix 3 for their contact details.*

## **2.0 Concerns about a Child**

### *2.1 Definitions*

Safeguarding is everyone's responsibility. It involves protecting children from maltreatment, preventing impairment of children's health and development, ensuring that children grow up in circumstances consistent with the provision of safe and effective care and taking action to enable all children to have the best outcomes. Children includes everyone under the age of 18.

Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. A child may be abused by an adult or adults or another child or children known to them, or more rarely, by others (e.g. Online). Child Protection involves identifying and managing specific pupils who are at risk of significant harm due to:

- **Physical Abuse:** deliberately hurting a child causing injuries such as bruises, broken bones, burns or cuts. It isn't accidental - children who are physically abused suffer violence such as being hit, kicked, poisoned, burned, slapped or having objects thrown at them. Physical harm may also be caused when an adult fabricates the symptoms of, or deliberately induces, illness in a child.
- **Sexual Abuse:** children who are forced or persuaded to take part in sexual activities. This doesn't have to be physical contact, and it can happen online.
- **Emotional Abuse:** ongoing emotional maltreatment or emotional neglect of a child. This is sometimes called psychological abuse and can seriously damage a child's emotional health and development. Emotional abuse can involve deliberately trying to scare or humiliate a child or isolating or ignoring them.
- **Neglect:** Neglect is the ongoing failure to meet a child's basic needs. A child may be left hungry or dirty, without adequate clothing, shelter, supervision, medical or health care. A child may be put in danger or not protected from physical or emotional harm. They may not get the love, care and attention they need from their parents.
- **Child sexual exploitation (CSE):** 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.

- **Exposure to Extremism:** Under section 26 of the Counter-Terrorism and Security Act 2015 Winchester College has “due regard to the need to prevent people from being drawn into terrorism”. This duty is known as the Prevent Duty. The School builds pupils’ resilience to radicalisation by promoting fundamental British values and enabling them to challenge extremist views. It is important to emphasise that the Prevent duty is not intended to stop pupils debating controversial issues. On the contrary, the School is committed to providing a safe space in which pupils can debate controversial issues related to religion, culture, history, politics and civic responsibility. This discussion will allow them to understand the risks associated with terrorism and develop the knowledge and skills to be able to challenge extremist arguments.
- **Female Genital Mutilation:** Female Genital Mutilation (FGM) comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences. While it is acknowledged that this is unlikely to occur in the pupil population (boys only boarding), it is possible that siblings of pupils or other members of the School community may be affected and so it is important that you are aware of it as reporting of incidents of FGM are mandatory.
- **Other:** domestic violence, bullying (including cyber bullying), drugs, induced illness, youth violence, faith abuse, youth produced sexual imagery (sexting), children missing education (Appendix 5), teenage relationship abuse. For further information, visit NSPCC or TES website.

**Abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.**

*Details about specific forms of abuse can be found in Appendix 14: Keeping Children Safe in Education 2018 (Part 1).*

Safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside the school or college. All staff, but especially the designated safeguarding lead (or deputy) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding. Assessments of children should consider whether wider environmental factors are present in a child’s life that are a threat to their safety and/or welfare.

## 2.2 Indicators of abuse or neglect

The following is advice from the document *What to do if you're worried a child is being abused*, 2015. Some of the following signs might be indicators of abuse or neglect:

- Pupils whose behaviour changes – they may become aggressive, challenging, disruptive, withdrawn or clingy, or they might have difficulty sleeping;
- Pupils with consistently poor hygiene;
- Pupils who make strong efforts to avoid specific family members or friends, without an obvious reason;
- Pupils who don't want to change clothes in front of others or participate in physical activities;
- Pupils who are having problems at school, for example, a sudden lack of concentration and learning or they appear to be tired and hungry;
- Pupils who talk about being left home alone, with inappropriate carers or with strangers;
- Pupils who do not reach developmental milestones;
- Pupils who are reluctant to go home during school breaks;
- Parents who are dismissive and non-responsive to practitioners' concerns;
- Parents who collect their children from school when drunk, or under the influence of drugs;
- Pupils who drink alcohol regularly from an early age;
- Pupils who are concerned for younger siblings without explaining why;
- Pupils who talk about running away; and
- Pupils who shy away from being touched or flinch at sudden movements.

## 2.3 Receiving a disclosure

If you suspect abuse, a young person confides in you, or a complaint is made to you about any adult or about yourself, it is your duty to report the concern to the Designated Safeguarding Lead. If a young person tells you about abuse by someone else:

1. Always stop and listen straightaway. Ask open-ended, rather than leading, questions such as 'What happened?' and 'Who was involved?'
2. Write brief notes outlining the conversation either during or immediately after the disclosure. It is important that you try to record the pupil's words objectively and without judgement. Sign and date your notes.
3. Do not guarantee confidentiality. Explain that you will have to report the matter to Designated Safeguarding Lead so that they can offer help and guidance.
4. Report the matter to the DSL and give them a copy of your signed notes.
5. The DSL will inform you if you have any further obligations.

Child abuse to be reported includes abuse of a pupil by an employee or other adult, abuse at home which a pupil reports to staff, abuse by a stranger outside the School, and abuse of one pupil by another pupil (Peer on peer abuse).

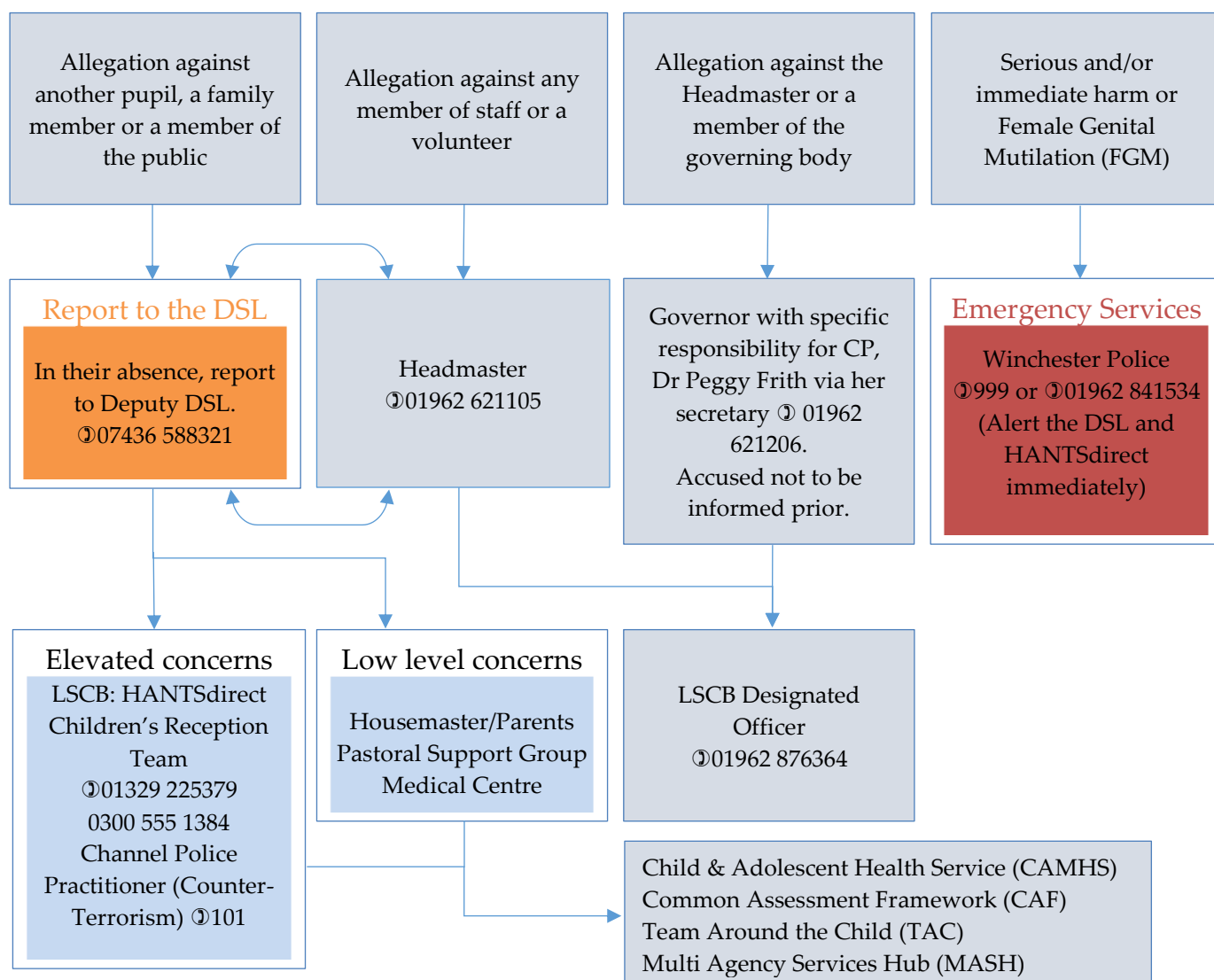
In the case of abuse by a pupil, or group of pupils, the key issue is identifying the problem as abuse (rather than an isolated instance of bullying or 'adolescent experimentation/banter'). If an incident is considered abuse rather than bullying it is because:

- of the frequency, nature and severity of the incident(s);
- of the ages and relative ages of the children involved;
- the victim was coerced by physical force, fear or by a pupil or group of pupils significantly older than them, or having power or authority over them;
- the incident involved a potentially criminal act, and whether if the same incident (or injury) had occurred to a member of staff or other adult, it would have been regarded as assault or otherwise actionable;
- the bullying involves a specific serious incident, such as a serious physical or sexual assault or it might persist despite attempts to intervene.
- Abuse will be reported to the Designated Safeguarding Lead who will contact HANTSdirect (Tel: 0300 555 1384) for guidance.

### *2.3 To whom do you report?*

Any employee who knows of, is told of, or strongly suspects, that a pupil is at significant risk of harm either in the School, at home or outside the School, they must report the information immediately to the **Designated Safeguarding Lead** (Mr C P Barnes, [safeguarding@wincoll.ac.uk](mailto:safeguarding@wincoll.ac.uk), Tel: 07436 588321/01962 621179) who will then refer the matter to the appropriate person as illustrated below. In the absence of the Designated Safeguarding Lead, the immediate report should be made to the **Deputy Designated Safeguarding Lead** (Miss R Poole, [rep@wincoll.ac.uk](mailto:rep@wincoll.ac.uk)).

When concerned about the welfare of a child, employees should always act in the best interests of the child. Notwithstanding the procedures below, anyone may make a referral to external agencies if necessary. If anyone other than the DSL makes a referral, they should inform the DSL as soon as possible.



**Reports should be made verbally or in person if possible. Please do not rely on leaving a message. See Appendix 3 for other useful contacts.**

## 2.4 Early Help

Depending on the nature of the concern, support may be managed internally with the cooperation of the Pastoral Support Group or an early help assessment may be conducted.

Early help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage years (Working together to safeguard children, 2018). In the first instance, staff should discuss early help requirements with the DSL, who will coordinate any referral. Staff may be required to support other agencies and professionals in an early help assessment.



All staff should be alert to the potential need of early help for a pupil who:

- is disabled and has specific additional needs;
- has special educational needs;
- is a young carer;
- is showing signs of being drawn in anti-social or criminal behaviour, including gang involvement and association with organised crime groups;
- is frequently missing/goes missing from care or from home;
- is misusing drugs or alcohol themselves;
- is at risk of modern slavery, trafficking or exploitation;
- is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems and domestic abuse;
- has returned home to their family from care; and/or
- is showing early signs of abuse and/or neglect.
- is at risk of being radicalised or exploited
- is a privately fostered child
- looked after and previously looked after children

Schools are often best placed to identify those in need of early help (Appendix 13). An Inter-agency assessment such as The Common Assessment Framework (CAF) may provide the best way of assessing the needs of pupils and their families where a range of agencies will be required. Team Around the Family (TAF) and Team Around the Child (TAC) are more specific assessment groups. Assessments should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed via a statutory assessment under the Children Act 1989

*Further details can found in Working together to safeguard children, 2018.*

### **3.0 Concerns about an Employee**

#### *3.1 Concerning behaviour*

The expectations of staff and the required standards of behaviour are address in *Appendix 1: The Code of Professional Conduct for all Staff*. Staff or volunteers who act contrary to the advice offered in this document should be reported to the Designated Safeguarding Lead.

#### *3.2 When an allegation of abuse is made against an employee or volunteer*

Any employee or volunteer to whom an allegation of any form of abuse is made should:

- Limit any questioning to the minimum necessary to seek clarification only, strictly avoiding 'leading' the pupil or adult who has approached them by making suggestions or asking questions that introduce their own ideas about what may have happened. (Do not ask questions like 'Did s/he do x to you?' using instead a minimum number of open-ended questions like 'Tell me what has happened', but never ask 'Why?' something has happened as it may infer the victim is to blame).

- Stop asking any more questions as soon as the pupil or adult has disclosed that he/she believes that something abusive has happened to them, or to someone else.
- Tell the informing pupil or adult that the staff member will now make sure that the appropriate people are brought in to follow the problem up (these will include the specialist social worker, and that worker may need to involve the police).
- Ask the informing pupil or adult what steps he/she would like to be taken to protect him/her now that an allegation has been made, and assure him/her that the School will try to follow those wishes.
- Refer the matter immediately, with all relevant details to the Headmaster.
- Make a handwritten record as soon as possible of what you have been told, using the child's words as far as possible, and make a copy of this available to the DSL and Headmaster.
- If the allegation is against the Headmaster, or a member of the governing body, report directly to the Fellow with specific responsibility for Child Protection, Dr Peggy Frith, via her secretary Tel: 01962 621206.
- Do not inform the accused prior to reporting.

#### **4.0 After a report is made**

##### *4.1 Elevated Concerns and the Local Safeguarding Children Board (LSCB)*

The School has a duty to refer allegations about a staff member to the Designated Officer (as per the flowchart in 2.4). If the accused staff member is dismissed, or would have been dismissed had they not resigned then a prohibition order may be appropriate because of unacceptable professional conduct, conduct that may bring the profession into disrepute or a conviction at any time for a relevant offence. In these circumstances, the matter is then reported to the Teaching Regulation Agency (TRA). If it is clear that the departed accused has harmed, or poses a risk of harm, to a child or vulnerable adult then the School will report the matter to the Disclosure and Barring Service (DBS). The School also agrees to supply information about individuals to the ISI as and when requested to do so.

The School also has a duty to refer information to Children and Young People's Service (HANTSdirect) if it is believed or suspected that a child is suffering or is likely to suffer Significant Harm. Any such referral must be made as soon as possible when any concern of Significant Harm becomes known – the greater the level of perceived risk, the more urgent the action should be. The suspicion or allegation may be based on information which comes from different sources. It may relate to a single incident or an accumulation of lower level concerns. When in doubt, concerns must be shared.

Investigations into Child Abuse are always externally managed. Employees do not investigate reports of physical or sexual abuse themselves. Alleged victims, perpetrators, those reporting abuse and others involved will not be interviewed by staff members beyond the point at which it is clear that there is an allegation of abuse. The interviewing of children and adults involved will be carried out by specially trained staff only, following procedures in line with government requirements and in the light of the recommendations of past inquiries into the handling of child abuse issues.

#### 4.2 'Low Level' Concerns and the Team Around the Child (TAC)

Where the School has 'low level' concerns that do not amount to allegations or suspicions of specific abuse, but which may indicate the possibility of abuse occurring, the Headmaster (or Designated Safeguarding Lead with the headmasters consent) will always liaise and/or seek advice from the LADO/Designated Officer or HANTSdirect as appropriate and use the Hampshire Child Protection Thresholds Chart to guide the discussion (Appendix 13). The Headmaster and the Designated Safeguarding Lead will not make their own decision about what appear to be borderline cases but will always take advice from appropriate authorities.

Where low level concerns have been raised but not evidenced then the School may deem it appropriate to conduct an initial investigation to clarify its course of action. Where there is found to be evidence of concerns, the School will report its findings to Children and Young People's Service (HANTSdirect).

Where low level concerns relate to staff conduct or behaviour, but do not amount to potential abuse, the School may choose to take appropriate disciplinary action.

The School will consider taking, and as necessary will take, disciplinary action against any employee or agent of the School, where it believes pupils are at risk of abuse from that person, even in cases where there is to be no criminal prosecution. Disciplinary proceedings and grounds for concern over pupils' welfare may be based on 'balance of probability', rather than 'beyond reasonable doubt'. The School will always seek advice and guidance from the LADO/Designated Officer in such cases. In cases where an employee resigns following an allegation, the investigation will nevertheless be concluded and any findings reported to the DBS.

The School acknowledges that its policy will inevitably lead to some investigations being triggered which do not substantiate the allegation made, as well as some that do. It is a basic assumption that it is better to endure some 'false alarms' than to fail to initiate specialist investigation of instances of real abuse.

Where concerns are not the result of abuse, but the result of poor mental or physical health, referrals will be made to the Medical Centre. Medical staff may then refer the pupil to a specialist for support. Details of medical referrals are explained in the Education and Well-being policy available on the School website

***If there is a risk of immediate or serious harm a report must be made immediately to HANTSdirect/Police; a report of this nature can be made by anybody and the Designated Safeguarding Lead must be informed afterwards.***

#### *4.3 When an allegation is passed on*

On receiving an allegation of physical or sexual abuse, the Designated Safeguarding Lead, the Headmaster and/or the Fellow with specific responsibility for Child Protection, will:

- Take any steps needed to protect any pupil involved from risk of immediate harm. (This may involve allocating an appropriate staff member, as far as possible a person chosen by the pupil themselves to stay with them. Similarly an inspector receiving an allegation of abuse at the School may stay with the pupil concerned until suitable arrangements for their protection are made.)
- Not interview or investigate the allegation further, but refer the matter immediately, or, to the authorities:
  - ✓ The District Officer Tel: 01962 876364, if the allegation involves an employee and ensure that all communication is recorded in writing
  - ✓ HANTSdirect Children's Reception Team if the allegation involves pupils or a pupil and their family Tel: 01329 225379 or 0300 555 1384
  - ✓ If the allegation involves serious and/or immediate harm, Winchester Police will also be informed Tel: 01962 841534 (Emergency Tel: 999)
- Reports should be communicated personally. Do not rely on leaving a message.
- Reports made to the Designated Safeguarding Lead that involve staff will be forwarded immediately to the Headmaster and the Governor with Specific Responsibility for Safeguarding.
- Consult the Designated Officer/HANTSdirect (the authorities) and follow the advice given about contacting parents, other staff, police, doctor or alleged perpetrator or witnesses direct. Agree with the authorities any necessary next steps in relation to:
  - Informing a pupil's parents (there are circumstances where it would be inappropriate to inform parents immediately when an allegation has been made)
  - Medical examination or treatment for the pupil (there are circumstances where medical evidence will be needed)
  - Immediate protection that may be needed for a pupil who has been the victim of abuse, a pupil who has given information about abuse, and a pupil against whom an allegation has been made (each of these may now be at risk)
  - Informing other appropriate people at the School (including any other staff members) of the allegation and its investigation. Care should be taken at this stage, as knowledge of an allegation or impending investigation can lead to a serious risk of the alleged perpetrator 'covering up' evidence that may be sought by police or putting pressure on others to remain silent.
  - Contacting the authorities will initiate an independent investigation if this proves to be necessary, and the authorities will arrange, within pre-set time limits, the involvement of the relevant specialist police personnel and if necessary a meeting of the agencies who may need to be involved, together with the School.
  - In cases involving a staff member, a School contact will be appointed to inform the accused of the progress of the investigation as agreed with local authorities and the accused should not initiate contact or conduct their own investigation.

- Inform the pupil or adult who made the initial allegation of what the next steps are to be, having agreed these with the authorities (as directed in Part 4 of KCSIE). (It may be helpful for the call to the authorities to be made while the pupil or adult is waiting, so that they can be told the likely next steps immediately after the call. If this is not possible the pupil or adult should be told the next step as soon as possible after the call).
- Inform the Headmaster (unless they are the subject of any of the allegations or suspicions) of the allegation and the action taken as above, and agree necessary further action in line with these standards.
- On the advice of the local authorities, The Headmaster makes the decision whether to suspend from duty, pending investigation, any employee alleged to have abused a pupil or pupils. (The decision to suspend will be based on firm grounds such as the possibility that the accused could impede an investigation, that there is a continued threat of harm or the allegations are so serious that they are likely to be grounds for dismissal).
- Where a member of boarding staff is suspended as a result of a Child Protection investigation, arrangements will be made to accommodate the staff member away from the boarding house to limit further risk of harm to pupils.
- The School will take any necessary steps for the longer term protection and support of each pupil who has made allegations of abuse, or is alleged to have suffered from abuse, taking their wishes fully into account. (This may involve the pupil's receiving continuing support and protection from a staff member chosen by them, or changing boarding accommodation, or returning to their parents temporarily.)
- Take any necessary steps to protect and support a pupil who is alleged to have abused another. (The allegation may not later be substantiated, but even if it is, the School continues to have a statutory welfare responsibility towards this pupil while they are at the School). Ensure that any pupil being interviewed by the police has available a supportive member of staff of their own choice to accompany them if this becomes necessary.
- Notify the authorities of the action taken, as soon as possible.
- Notify the Department for Education and the Independent Schools Inspector Contact, Daisy Madder ([daisy.madder@isi.net](mailto:daisy.madder@isi.net) or 020 7710 9900) of any allegation against a member of staff that is being investigated by the Children and Young People's Services and/or police.
- Ensure co-operation and information sharing by and with the School in any subsequent investigation by the Children and Young People's Services or police.
- Make arrangements where feasible for any pupil who has been the subject of abuse to receive any necessary continuing counselling and support, by agreement with their parents where appropriate.
- Note: If an employee resigns during an investigation, the investigation must still be completed and the appropriate referrals must still be made.

## 5.0 Managing allegations against other pupils (Peer on Peer abuse)

Although the conduct of pupils towards each other is covered by the School Rules and the Winchester Code, some allegations may raise safeguarding concerns. These allegations are most likely to include one or more of the following (definitions available in 2.1):

- physical abuse (eg. hitting, shaking, hair pulling.)
- emotional abuse
- sexual abuse (including sexual violence and sexual harassment)
- sexual exploitation
- Initiation/hazing type violence and rituals

It is also likely that incidents dealt with under this policy will involve older pupils and their behaviour towards younger or more vulnerable pupils (including but not limited to pupils with SEN/D). As with allegations against adults, it is the imbalance of power between pupils which is often the most significant factor. Gender, sexuality, race and levels of sexual knowledge can all be used to exert power.

**All peer on peer abuse is unacceptable and will be taken seriously.**

### *5.1 The safeguarding implications of sexual activity between young people*

Situations involving sexual activity between pupils require difficult professional judgment, and the intervention of external agencies is not always appropriate. It will not necessarily be appropriate to initiate safeguarding procedures where sexual activity involving children and young people below the age of legal consent (16 years) comes to notice. It is important to distinguish between consensual sexual activity between children of a similar age (where at least one is below the age of consent), and sexual activity involving an element of coercion or exploitation, or where there is an imbalance of power. It may also be difficult to be sure that what has alleged to have taken place definitely does have a sexual component. Sexting (Appendix 4b) involving under-18s is illegal, and could be a form of peer on peer abuse.

Decisions will be made on the basis of the best interests of the pupils concerned, and referrals under safeguarding arrangements will be determined by an assessment of the extent to which a pupil is suffering, or is likely to suffer, significant harm. Key considerations will include:

- The age, maturity and understanding of the pupils
- Any disability or special needs of the pupils
- Their social and family circumstances
- Any evidence in the behaviour or presentation of the children that might suggest they have been harmed
- Any evidence of coercion or exploitation

**At Winchester College we believe that all children have a right to learn in a safe environment.  
Pupils should be free from harm by adults in the school and other pupils.**

## *5.2 Prevention*

As a school, we will minimise the risk of allegations against other pupils by:

- Providing a developmentally appropriate PSHEE syllabus which develops pupils' understanding of acceptable behaviour
- Having systems in place for any pupil to raise concerns with staff
- Providing appropriate support to pupils identified as being at risk
- Developing robust risk assessments and providing clear targets for pupils identified as being a potential risk to other pupils.

## *5.3 Allegations against other pupils which are safeguarding issues*

Occasionally, allegations may be made against pupils by others in the school which raise safeguarding issues. These may include allegations:

- of abuse (as listed in 2.1)
- involving a pupil's behaviour to a younger, disabled or more vulnerable pupil
- referring to a criminal offence
- about behaviour that has the potential to put other pupils at risk or indicates that other pupils may have been affected
- indicating that young people outside the school may be affected

## *5.4 Procedures*

When an allegation is made by a pupil against another pupil, the member of staff to whom the disclosure is made should make a written note of the allegation and inform the Designated Safeguarding Lead (DSL) who will inform the pupils' Housemaster(s) and then make appropriate referrals.

- If there is an allegation of abuse, the DSL will inform HANTSdirect/Children's Services where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm.
- If the allegation indicates that a potential criminal offence has taken place, HANTSdirect will refer the case to the Multi-Agency Safeguarding Hub (MASH). Police, Health and The Local Safeguarding Authority/Children's Services are represented on MASH and the case will be allocated to the appropriate agency.
- Parents of both the accused pupil, with consent, and the alleged victim will be informed and kept updated on the progress of the referral. However, it is not necessary to gain parental consent prior to making a referral to a statutory agency.
- The DSL will make a record of the concern, the discussion and any outcome and keep a copy in both pupils' files.
- It may be appropriate to exclude the accused pupil for a period of time, either by keeping them at home or in the Medical Centre until there is an outcome so that they can be supervised.
- Where a member of MASH does not accept the complaint, a thorough school investigation will take place using the School's disciplinary procedures.
- In situations where the School considers a safeguarding risk is present, a risk assessment will be prepared along with a preventative supervision plan.

- The plan will be monitored and a date set for a follow-up evaluation with everyone concerned.

### *5.5 Victim and perpetrator support*

The school has a duty of care to both its employees and pupils. Access to both medical support and counselling is available to those that require it, regardless of any ongoing matter. A support group will be offered to the individuals involved formed of appropriate professionals in the case of pupils, and/or close colleagues when relating to an employee. A nominated person will be responsible for liaising with all parties.

## **6.0 Confidentiality**

Employees should never give absolute guarantees of confidentiality to pupils or adults wishing to tell them about something serious. They should, however, guarantee that they will only pass on information to the minimum number of people who must be told in order to ensure that the proper action is taken to resolve the problem, that they will never tell anyone who does not have a clear 'need to know', and that they will take whatever steps they can to protect the informing pupil or adult from any retaliation or unnecessary stress that might be feared after a disclosure of alleged abuse has been made. Every effort will be made to maintain confidentiality and guard against unwanted publicity for both the victim and the accused. These restrictions apply up to the point where the accused person is charged with an offence or the DfE/TRA publish information about an investigation or disciplinary case.

Where a safeguarding incident occurs the school will consider making a serious incident report to the Charity Commission.

This Safeguarding Policy is approved by the Warden:





## WINCHESTER COLLEGE

### CODE OF PROFESSIONAL CONDUCT FOR ALL STAFF

Implementation Date	06 February 2011
Review Date	23 June 2018
Next Review Date	June 2019
Author	2M/DSL
Approved	Governing Body 23 June 2018

Winchester College is a complex and talented community in which we should all feel able to thrive. A formal Code of Conduct cannot anticipate every eventuality, but what follows tries to set the tone and to describe the sort of behaviour we should adopt as we go about our busy lives. **This policy is addressed to all staff, academic and support.**

#### *Abuse of Positions of Trust*

It is an offence for a School employee, a temporary contractor or a volunteer to engage in intentional sexual activity with or in the presence of a pupil or to incite a pupil to engage in or watch a sexual activity. The School is a place of learning and it is understood that staff will ensure that they deliver appropriate ethical education.

Where pupils, or visiting pupils (including Quiristers), are engaged in close one-to-one teaching, particularly in specialist art, drama or music lessons, the following precautions should be observed: that another staff member is in reasonably close proximity within the building, lessons take place within normal working hours, where possible blinds and curtains are open and that physical touch is minimal, instructive or confined to necessity in order to avoid harm.

#### *What about physical contact with pupils?*

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force (using no more force than is needed), with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary:

- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

The Child Protection Policy and associated documents that appear in the appendix outline guidelines to all staff on the prevention of abuse covering:

- Staff supervision of high risk situations.
- Avoidance of inappropriate physical contact between staff and pupils.
- Avoidance of inappropriately spending time alone with individual pupils.
- The need for all staff to be vigilant in spotting and reporting clear suspicions that abuse may be occurring.

Staff are reminded to protect both themselves and their pupils by ensuring that:

- they are sensible when meeting a pupil alone (e.g. inform another staff member of the time and reason for the meeting, leave the door and blinds open during the meeting)
- they maintain integrity when communicating online (e.g. not befriending pupils on social networking sites and communicating using work rather than personal email accounts)
- any physical touch in sports/drama coaching or otherwise is in the presence of another person, minimal, instructive or necessary to avoid harm.

### *Courtesy and Confidentiality*

Colleagues should always be courteous to one another and should show special consideration to new colleagues, for whom the School's traditions, manners and routines can be confusing. People should feel included rather than excluded.

We have much to learn from one another. An atmosphere of mutual support should prevail among so many people with such diverse gifts. We should make a particular point of not discussing our colleagues with our pupils save in the briefest, most complimentary way.

### *Collegiality and Commitment*

We and our pupils benefit from our collegiality and unity. In an institution such as this, there will always be room for debate and disagreement, but divisiveness weakens us. The various sides of the School, while preserving their own identities, should do their best to understand each other and to co-operate diligently. Everyone should respect the wishes and instructions of those who manage them; and those who manage should keep in mind their duty of care to those who answer to them. When we receive requests for information or documentation, we should respond to them punctually.

Wherever possible, colleagues should try to see and appreciate what others are doing, and we should realise that the many activities we offer our pupils can flourish only with the active assistance of all concerned.

We are all guardians of the School's rules and routines. These are established through discussion and agreement. Once they are established, we are obliged to subscribe to them and to enforce them calmly and consistently. We cannot expect our pupils to adopt proper standards of behaviour and dress if we ourselves do not set a right and steady example.

We are guardians of our physical environment here. Just as we should expect to contribute to the description of our routines and to the development of our curriculum, so we should expect to play our part, wherever possible, in discussions about our grounds and buildings. Equally, we have a duty to take care of the School's property and to eschew the waste of its resources.

### *Communication and Complaints*

We prize the arts of conversation and discussion, and we should ensure that we do not, under the pressure of daily business, neglect these. One way to cultivate them is to make a point of attending the various social functions arranged for us.

**We should use e-mail and message services only for simple administrative purposes and for the sort of personal communication that would not normally suggest the use of an envelope. On no account should any colleague engage in informal or unseemly e-mail correspondence, texting or the like with any pupil. An employee with a Social networking accounts (such as Facebook) or accounts must not allow any current pupil any level of access to that account or accounts; nor must any employee make any contact with any current pupil via Social Networks. As to connect on a Social Network with former pupils, it is better to avoid it.**

**All computer systems are vulnerable to hacking. Therefore, if there is something sensitive to communicate or if there is a difficult issue to resolve or if there is likely to be a difference of opinion, it is better to speak directly to a colleague and to try to diminish any sense of rush. If a colleague comes to know of any misuse or abuse of the School's computer system, that colleague must at once report the matter to the Director of IT.**

All of us, including the Headmaster, are willing to receive letters expressing views about School matters. Any written communication between us should always be civil and must always be signed. We should consider our colleagues' arguments and observations sympathetically and always reply. Letters marked "confidential" will be treated as such and their contents will not be taken further without consultation between the correspondents.

Winchester is bound to attract the interest of the press. No one should talk to the press about the School, not even off the record, unless authorised to do so by the Headmaster. If approached by the press we should ask courteously what the call relates to and refer the matter to the Headmaster, via their Secretary.

Should a dispute arise between us as colleagues, we should try to settle matters through discussion. If this does not work, we may seek the help of a head of department or other senior figure; or we may have recourse to the Complaints Procedure; or we may need to invoke the Grievance Procedure. Before taking either of the last two very serious steps, we should take time to think and to consider whether we have already exhausted the informal, human means of resolving a problem.

*For further information please see: The IT AUP Policy, and the role description for people with specific responsibility for Child Protection in Appendix 2.*

## **WINCHESTER COLLEGE**

### **ROLE DESCRIPTION FOR PEOPLE WITH SPECIFIC RESPONSIBILITY FOR CHILD PROTECTION**

#### ***Headmaster:***

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

#### ***Designated Safeguarding Lead:***

The Governing Body ensures that the College designates an appropriate senior member of staff to take lead responsibility for safeguarding and child protection. This person should have the status and authority within the school to carry out the duties of the post including committing resources and, where appropriate, supporting and directing other staff. The DSL must sit on the Senior Management Committee and report directly to the Headmaster and the Governing Body.

The broad areas of responsibility for the Designated Safeguarding Lead are:

#### **Managing referrals**

Refer immediately all cases of suspected abuse to the local authority children's social care and:

- The designated officer(s) for child protection concerns (all cases which concern a staff member),
- Disclosure and Barring Service (cases where a person is dismissed or left due to risk/harm to a child); and/or
- Police (cases where a crime may have been committed).

Liaise with the Headmaster to inform them of issues especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations.

Act as a source of support, advice and expertise to staff on matters of, safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies. Act as support for staff who make referrals to the Channel programme.

#### **Training**

The Designated Safeguarding Lead should receive appropriate training carried out every two years, in addition to regular updates via e-bulletins and CPD events, in order to:

- Understand the assessment process for providing early help and intervention, for example through locally agreed common and shared assessment processes such as Early Help assessments.
- Have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so.

- Ensure each member of staff has access to and understands the College's Child Protection Policy and procedures, especially new and part time staff.
- Be alert to the specific needs of children in need, those with special educational needs and young carers.
- Be able to keep detailed, accurate, secure records of concerns and referrals.
- Understand and support the school or college with regards to the requirements of the Prevent Duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation.
- Understand the 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 online.
- Obtain access to resources and attend any relevant or refresher training courses.
- Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff.

### Raising Awareness

The Designated Safeguarding Lead should:

- Ensure the College's policies are known and used appropriately to:
- Ensure the College's Child Protection policy is reviewed annually and the procedures and implementation are updated and reviewed regularly, and work with the Governing Body regarding this.
- Ensure the Child Protection Policy is available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the college in this.
- Link with the local LSCB to make sure staff are aware of training opportunities and the latest local policies on safeguarding.
- Where children leave the college, ensure their child protection file is transferred to the new school or college as soon as possible. This should be transferred separately from the main pupil file, ensuring secure transit and confirmation of receipt should be obtained.
- All concerns, discussions and decisions and reasons for those decisions are to be recorded securely in writing, reviewed regularly and any patterns addressed.
- Contribute to the weekly Pastoral Support Group convened by the Second Master

### ***Deputy Designated Safeguarding Lead:***

The Deputy Designated Safeguarding Lead acts in the absence of the DSL, although the ultimate lead responsibility remains with the DSL and should not be delegated. They should:

- Attend weekly Pastoral Support Group meetings to ensure they are aware of current safeguarding issues.
- Organise file transfers for new pupils.
- Be on call and in possession of the duty mobile for two weekends a term.
- Oversee cases that involve internal support when there are a large number of Safeguarding cases that cannot be managed by the DSL alone.
- Manage cases where there is a conflict of interest for the DSL.
- Aid in the drafting and reviewing of policies.

***The Senior Management Committee is responsible for:***

- Meeting with the Designated Safeguarding Lead regularly (at least once per term) to discuss matters of mutual interest and to be briefed accordingly.
- Keeping up to date through training at least every two years.
- Supervising and implementing revisions that address weaknesses in Child Protection Policies and Procedures without delay.
- Undertaking an annual review of the effectiveness of the School's Child Protection/Safeguarding Policy and procedures (in conjunction with the Designated Safeguarding Lead).

***The Second Master:***

- Makes the Headmaster, Bursar and Governing Body aware of urgent or serious cases
- Chairs the Pastoral Support Group meetings
- Oversees all pastoral matters, including Child Protection
- Deals with pupil disciplinary matters
- Ensures the implementation of child protection requirements and boarding welfare regulations
- Conducts detailed house appraisals biennially with a pastoral focus
- Conducts termly house consultations with pupils

***The Fellow with specific responsibility for Child Protection matters is responsible for:***

- Meeting with the Designated Safeguarding Lead regularly (once a term) to discuss matters of mutual interest and to be briefed accordingly.
- Keeping up to date through training at least every two years.
- Supervising and implementing revisions that address weaknesses in Child Protection Policies and Procedures without delay.
- Undertaking an annual review of the effectiveness of the School's Child Protection/Safeguarding Policy and procedures (in conjunction with the Designated Safeguarding Lead).
- Taking the lead on behalf of all fellows in matters of Child Protection and Safeguarding, and of Health and Safety, where Fellows collectively have particular responsibility.

***The Governing Body:***

- Is overseen by the Warden who appoints a Fellow with specific responsibility for Child Protection and sets his/her terms of reference.

- Ensures the School complies fully with its obligations, both legal and moral, in Child Protection and Safeguarding.
- Reviews and approves Safeguarding Policies and Procedures annually to ensure that they comply with current guidance
- Monitors the effectiveness of the staff to whom they delegate safeguarding responsibilities
- Reviews records of serious cases and incidents in order to provide adequate evidence based on feedback in the annual safeguarding report and on the extent of compliance with the charity's policies
- Reviews and approves Safeguarding Policies and Procedures following major incidents to ensure that they are suitable for the particular needs of the pupils and staff
- Monitors the charity's compliance with its legal duty to refer to the Disclosure and Barring Service.

***The Pastoral Support Group:***

- Meets weekly to discuss matters of mutual interest.
- Is attended by the Second Master, DSL, Deputy DSL, Senior Housemaster, College Chaplain, Lead Nurse and School Counsellor
- Is a professional pupil-centred discussion that considers, at all times, what is in the best interests of our pupils
- Establishes a safe and confidential network to share information to best support pupils and colleagues.
- Reviews and assists in the drafting of Safeguarding Policies and Procedures

## WINCHESTER COLLEGE

### IMPORTANT PHONE NUMBERS

In addition to your Housemaster, Assistant Housemaster, Tutor, Matron, Div Don or any other adult, you may seek assistance at any time from:

- The **Revd Dr Simon Thorn**, Foundation Chaplain: 07714 194591 [sst@wincoll.ac.uk](mailto:sst@wincoll.ac.uk)
- The **Revd Justin White**, College Chaplain: 01962 658055 [jmw@wincoll.ac.uk](mailto:jmw@wincoll.ac.uk)
- **Mr Andrew Sparkes**, Senior Lay Chaplain: 07833 645514 [ajs@wincoll.ac.uk](mailto:ajs@wincoll.ac.uk)
- **Mr Liam Dunne**, Roman Catholic Lay Chaplain: 07530 763241 [lpfd@wincoll.ac.uk](mailto:lpfd@wincoll.ac.uk)
- Designated Safeguarding Lead (DSL), **Mr Callum Barnes**:  
01962 621179/07436 588321, [safeguarding@wincoll.ac.uk](mailto:safeguarding@wincoll.ac.uk)
- Deputy Designated Safeguarding Lead, **Miss Rachel Poole**:  
07718 141225, [rep@wincoll.ac.uk](mailto:rep@wincoll.ac.uk)
- Governor with specific responsibility for CP: **Dr Peggy Frith**  
via her secretary: 01962 621206, [jm1@wincoll.ac.uk](mailto:jm1@wincoll.ac.uk)
- Confidential Counsellor (Pupils), **Mrs Marta Shepherd**: 07872 561 932, [mzs@wincoll.ac.uk](mailto:mzs@wincoll.ac.uk)
- Independent Listeners (Pupils):  
**Mrs Janet Budd**: 07825 508996 or 01962 853769; [janet@beaufortbudd.plus.com](mailto:janet@beaufortbudd.plus.com)  
**Mr Derek Rutherford**: 07884 020772; [05derek@gmail.com](mailto:05derek@gmail.com)
- Children's Services Department – up to 18 years (0830 – 1700): 0300 555 1384
- Adult's Health and Care Services – over 18 years: 0300 555 1386
- Independent Schools Inspectorate: 0207 600 0100, [concerns@isi.net.org](mailto:concerns@isi.net.org)
- Local Area Designated Officer for Independent Schools: **Mrs Fiona Armfield** – 01962 876364

The Children's Commissioner for England – **Anne Longfield OBE** spends lots of time listening to what children and young people who live away from home, or who are receiving social care support, have to say about how they are looked after. If you would like to contact Anne, or any other member of her team, here's how to do it:

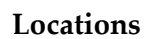
- The Office of the Children's Commissioner for England: 0207 783 8330,  
[www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)
- Or write to: Office of Children's Commissioner, Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT

We will not tell anyone it was you who contacted us about any problems unless you ask us to - but if you tell us something which makes us believe that you or another child or young person is in danger of being seriously harmed, then we will need to pass that information (and who you are) on to the right people to try to protect you or them. We will let you know if we do this.

- Department of Education Counter Extremist Helpline 020 7340 7264;  
[counter.extremism@education.gsi.gov.uk](mailto:counter.extremism@education.gsi.gov.uk)
- ChildLine: 0800 1111
- Samaritans: 0845 7909090
- Police, Ambulance, Fire (9)999
- Porters' Lodge: (0730 – 2300) 01962 621227, Porter's Mobile: (2300 – 0730) 07850 341682



Please note that there are two payphones for the use of all pupils. The map below shows their locations:



- 1: The foyer of Music School.  
2: Thule Passage.

## WINCHESTER COLLEGE

### COUNTER BULLYING POLICY

Implementation Date	06 February 2011
Review Date	20 November 2018
Next Review Date	June 2019
Author	2M/DSL
Approved	SMC 03 September 2018

This policy is directed by the DfE advice Preventing and Tackling Bullying, July 2017. Winchester College aims to be a caring community where individual and collective responsibilities are paramount. We aim to create a culture and environment where pupils and staff are treated equitably regardless of race, ethnic origin, nationality, gender, disability, age, religion, sexual orientation, marital/parental status, political belief and social/economic group.

We aim to be a community that is truly inclusive; that understands, appreciates and values the equality and diversity of each individual and creates an environment that makes people feel valued and able to participate and achieve their full potential. In this context bullying will not be tolerated. It is everyone's responsibility to prevent it happening and with this in mind this Countering-Bullying Policy Document lays down certain guidelines.

#### ***Definition of Bullying***

Bullying is defined as any repeated behaviour - spoken, psychological, electronic or physical - directed towards another which intentionally physically or emotionally hurts another pupil and prevents them from living at ease with other members of the School. It is often prejudiced against particular groups on the grounds of race, religion, culture, gender, homophobia, special educational needs and disability or because a child is adopted or is a carer.

*For example it can be:-*

- Name calling.
- Making fun of someone in an unpleasant way.
- Stealing, breaking or hiding someone's possessions.
- Storing or sending inappropriate material or messages electronically (defined as cyber bullying and including social websites, mobile 'phones, text messages, photographs and email). For more information about this, refer to the Cyber-Bullying Policy.
- Pushing or hitting someone.
- Frightening someone into doing things they do not want to do.
- Intimidation to prevent someone doing something they want.

- Excluding another from a game, conversation or information, knowing that it will cause that person distress.

*It is not Bullying, for example when:*

- Two people have the occasional dispute;
- Senior pupils are given responsibilities to supervise others, carrying out daily routines to ensure the smooth running of House and School;
- When senior pupils administer accepted sanctions fairly, openly and appropriately.

*Bullying can occur between:*

- Staff to staff. See Staff Code of Conduct document and Whistle-Blowing Policy.
- Staff to pupil. See pp.3-10 Child Protection & Safeguarding Policy and the Complaints Procedure Policy.
- Pupil to pupil. See below.
- Pupil to staff. The Second Master will investigate and then refer the matter to the Headmaster. A record of the incident and the response will be kept by the Second Master.

Bullying behaviour is demeaning and frightening and can cause psychological damage and even suicide. At Winchester we aim to provide a safe and stimulating environment, including within the electronic network, in which every pupil can reach their full potential in all areas. The essence of this experience is that each person will gain self-esteem and be uniquely valued by others. We, as a staff, have a responsibility to help both the bully and the victim.

### ***The Long Term prevention of bullying***

We are Pro-active and Aim to Provide:

- Staff who are aware that they act as role models in terms of communication and respect for each other and their pupils.
- An atmosphere which builds positive self-images among pupils and commends appropriate behaviour in all areas.
- One-to-one contact with personal tutors for every pupil on a regular basis.
- Reassurance that all senior pupils with some responsibility for younger pupils are sensitively prepared for this role and receive regular support.
- INSET days for staff on how to react to and deal with instances of bullying or possible bullying. Staff are trained so that the principles of the School policies are understood and the needs of their pupils are acknowledged.
- Proper Internet security, filtering and ICT education.
- A structured PSHEE programme within the curriculum Tutorial Time which aims at developing personal and inter-personal skills and deals specifically with the issue of bullying, including instances of bullying that result from prejudice against pupils who

are gay, bisexual or transgender, or pupils with learning difficulties, special needs, or pupils from different cultures.

### *Monitoring bullying*

- Bullying will be monitored in School through:
- Staff vigilance (and good pupil/staff and good pupil/tutor relationships).
- Making bullying an item on the agenda of all Pastoral Support Group Meetings at which, if necessary, any bullies or pupils at risk are discussed.
- PSHEE discussions.
- Awareness raising and surveys amongst pupils and staff.
- The Designated Safeguarding Lead, Headmaster and Second Master who regularly report to the Senior Management Committee about bullying, monitor bullying records and update and amend relevant policies and procedures as required.

### *What happens when bullying occurs?*

The School will react firmly and promptly where bullying is identified. There is a range of follow-up steps available to the staff depending on the perceived seriousness of the situation.

Some of these steps include:-

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| • Discussion with staff and pupil. | • A record of the incident on file. |
| • Withdrawal of privileges.        | • A good behaviour contract.        |
| • Referral to senior staff.        | • Suspension from the School.       |
| • Letter home to parents.          | • Expulsion from the School.        |

Sometimes bullying involves a specific serious incident, such as a serious physical or sexual assault or it might persist despite attempts to intervene. In this kind of situation, a different response may be required, but the goals of the intervention remain the same: to make the victim safe and to stop the bullying behaviour. In these cases, the Designated Safeguarding Lead will contact HANTSdirect Tel: 0300 555 1381 for guidance.

**A bully incident should be treated as a child protection concern when there is reasonable cause to believe that a child is suffering or likely to suffer significant harm.**

### *The 'mediation' approach*

There is no quick or easy way to change the ways of children who use bullying tactics. Educating and raising awareness are key to success: talking to bullies, getting them to see that their behaviour is upsetting to others and getting them to suggest better ways of behaving are often more effective than punishing and reduce the likelihood of the 'revenge' factor. Punishment, however, should be used where appropriate, as part of the wider strategy if mediation has failed and ultimately, bullies who do not mend their ways will be asked to leave the School.

### *What can all staff members do?*

- Always be alert wherever you are on the School site or outside School with pupils.
- Reinforce good practice in electronic communication at all times.
- Respond immediately, swiftly and unambiguously to individual incidents of bullying and inform relevant Tutors and Housemasters who will provide support, investigate and mediate/invoke the disciplinary process as appropriate.
- Use the House pastoral network to raise awareness and identify ways of reducing the risk of bullying at times and in places where it is most likely.
- Support and protect children who are being bullied and help them develop positive strategies and assertion. They need a balance between protection and empowerment. Keep a special watch on those involved.
- Help bullies to change their behaviour.
- Inform parents at an early stage.
- Record incidents for file using CPOMS and send the CPOMS alert to Housemasters/the Designated Safeguarding Lead/Second Master as appropriate.
- Inform colleagues and ask them to be vigilant.
- Address areas where bullying might be more likely to happen.
- Encourage all pupils to break the silence about bullying behaviour. Emphasise that those who watch bullying and do nothing about it are encouraging and endorsing bullying behaviour.

**INSET training on countering bullying will be given to staff on a regular basis.**

#### *Advice given to pupils*

- Try not to show that you are upset - this is difficult but remember that bullies are looking for a reaction.
- Try being assertive e.g. walk quickly and confidently even if you feel upset inside.
- Do not fight back.
- Stay close to your friends who are supportive of you.
- If you are different in any way be proud of it.
- Avoid being alone in places where bullying might happen.

**It is always best to talk to an adult you can trust such as:**

	Your parents
<b>In the House:</b>	your Housemaster
	your Assistant Housemaster
	your House Tutor
	your Matron
<b>In the School:</b>	a Don
	a senior pupil
	a doctor or nurse at the Medical Centre
	the counsellor, Mrs Marta Shepherd 07872 561932
	a chaplain
	the Headmaster or Second Master

the Designated Safeguarding Lead,  
Mr C P Barnes (07436 588321)  
the Deputy Designated Safeguarding Lead,  
Miss R Poole (07436 588321)

**Outside the School:** an independent listener  
Mrs Janet Budd (01962 853769)  
Mr Derek Rutherford (07884 020772)

Note the lists of additional people you can talk to on your house notice board including ChildLine 0800 1111 the Children's Commissioner Dr Anne Longfield 0800 529 0731 and the Independent Schools Inspector Contact: Daisy Madder ([daisy.madder@isi.net](mailto:daisy.madder@isi.net) or 020 7710 9900).

If you are being bullied, it is always better to tell someone, because:

- sharing what is happening will help you to deal with your feelings;
- bullying thrives on secrecy – it is best dealt with by being brought into the open;
- it may save other people from becoming victims of the same bully.

**REMEMBER do not stand by and watch someone being bullied. It is everyone's responsibility to prevent it happening.**

### *What happens next?*

Any of these people will be able to advise and support you and to help you take this matter further. In most cases the action taken in the first instance will not be disciplinary – a bully will be asked to talk about their behaviour and encouraged to find ways to change it. It may sometimes be the case that the bully genuinely has not recognised the distress caused to the victim by their behaviour. If those responsible for the bullying behaviour repeat it, sanctions may be applied. Ultimately a bully who will not change their behaviour may have to leave the School.

When bullying has been reported and action to prevent it has been taken, the situation will be monitored carefully by staff to prevent it recurring. Everyone involved has responsibility for helping the bully to change their behaviour. In addition, the victim may need to deal with his/her feelings and to understand and overcome his/her vulnerability.

In some cases victims of bullying do not want anyone else to know what is happening, because they:

- do not want to tell tales;
- do not want the bully to be punished;
- are afraid of what the bully will do;
- have become demoralised and feel they do not deserve any better.

## WINCHESTER COLLEGE

### COUNTER CYBER BULLYING

Implementation Date	06 February 2011
Review Date	23 June 2018
Next Review Date	June 2019
Author	2M/DSL
Approved	Governing Body 23 June 2018

**This policy must be read in conjunction with the School's Counter Bullying Policy, the E-Safety Guide, Social Networking Policy (Employees) and Acceptable User Policy.**

The School is committed to protecting pupils and staff from potential harm deriving from their use of the internet, mobile telephones and other electronic and digital technology or systems. The School Network is subject to continuous monitoring in the interests of safeguarding the wellbeing of all members of the School community. The School takes reasonable steps to control and monitor the use of the internet and other electronic means of communication without disproportionately compromising pupils' privacy or their ability to communicate with their parents/carers or outside agencies.

Pupils are made aware of the role that they have in keeping themselves safe online; the PSHEE Programme involves talks and discussions about safe use of the internet. The School is particularly alert to the way in which extremist groups use the internet for recruitment and so it has robust IT filtering systems to keep pupils safe when using the School Network.

Further information about this can be found in the Traditional Values Policy, the e-Safety Guide and the IT Acceptable Use Policy (for pupils).

The School's pupil IT Acceptable Use Policy aims to ensure that pupils are responsible in their use of IT, making sure that they safeguard their own wellbeing, do nothing that adversely affects others, adopt good practice to enable the efficient operation of the School network and do not waste time. The pupil IT Acceptable Use Policy:

- defines what constitutes safe and acceptable use of the internet and any other electronic and digital services to which pupils have access whether or not provided by the School
- identifies clearly what pupils are and are not allowed to do in the digital environment
- provides clear information and guidance about how to be safe in the digital environment
- pupils are expected to confirm their agreement to adhere to the policy online on a regular basis.

## *Cyber bullying*

Cyber bullying can be defined as 'the use of IT, particularly mobile phones and the internet, deliberately to upset someone else'. It can be an extension of face-to-face bullying, with technology providing the bully with another route to harass their target. However it differs in several significant ways:

- a far more extreme invasion of personal space;
- the potential for anonymity on the part of the bully;
- the potential for the bully to play to a larger audience;
- the difficulty in controlling electronically circulated messages.

Cyber bullying takes different forms: threats and intimidation, harassment or 'cyber-stalking' (e.g. repeatedly sending unwanted texts or instant messages), vilification/defamation, exclusion/peer rejection, impersonation, unauthorised publication of private information/images and manipulation. pupils are educated on the subject of cyber bullying via the PHSEE programme and through pastoral support in Houses from Housemasters and Tutors and they are encouraged to report instances of this or any other dangerous or suspicious online behaviour to be dealt with in accordance with the procedures laid down in the School's Countering Bullying Policy.

*All staff have a responsibility to safeguard the welfare of pupils online by educating them, supporting them and reporting any instances of cyber bullying or other dangerous or suspicious online activity in line with School procedures.*



## WINCHESTER COLLEGE

### **YOUTH PRODUCED SEXUAL IMAGERY (SEXTING)**

Implementation Date	24 June 2017
Review Date	23 June 2018
Next Review Date	June 2019
Author	DSL
Approved	Governing Body 23 June 2018

Creating and sharing sexual photos and videos of under-18s is illegal. If an incident in which a pupil under the age of 18:

- creates and shares sexual imagery of themselves with a peer under the age of 18;
- shares sexual imagery created by another person under the age of 18 with another person; or
- is in possession of sexual imagery created by another person under the age of 18

comes to your attention, it should be referred to the DSL as soon as possible. You should not view youth produced sexual imagery unless there is good and clear reason to do so.

Along with our own Safeguarding and Child Protection procedures, the school will follow the advice given in *Sexting in schools and colleges: Responding to incidents and safeguarding young people*, 2016 (UK Council for Child Internet Safety, UKCCIS), in which it states:

- The DSL will hold an initial review meeting with appropriate school staff
- subsequent interviews with the young people involved (if appropriate)
- Parents will be informed at an early stage and involved in the process unless there is good reason to believe that involving parents would put the young person at risk of harm
- At any point in the process if there is a concern a young person has been harmed or is at risk of harm a referral should be made to children's social care and/or the police immediately.

The decision to respond to the incident without involving the police or children's social care would be made in cases when the DSL is confident that they have enough information to assess the risks to pupils involved and the risks can be managed within the school's pastoral support and disciplinary framework and if appropriate local network of support.

## **WINCHESTER COLLEGE**

### **GENDER IDENTITY POLICY**

Implementation date:	29 November 2017
Review date:	29 November 2018
Next review date:	29 November 2019
Author:	HM, Nominated Safeguarding Governor, UM
Approved:	SMC T November 2018

[https://www.equalityhumanrights.com/sites/default/files/technical\\_guidance\\_for\\_schools\\_england.pdf](https://www.equalityhumanrights.com/sites/default/files/technical_guidance_for_schools_england.pdf)

#### **Introduction**

We aim to be a happy, open, trusting and well-ordered community at Winchester College, free from teasing, harassment, bullying or abuse. We aim to provide a safe, friendly and supportive environment in which each pupil knows they are valued as an individual, and we aim to meet their pastoral, social and academic needs in an atmosphere of respect and toleration.

This policy describes measures in relation to a change in a pupil's gender identity, providing guidance to pupils, parents and staff about how the school will offer support. It also serves to raise awareness of questions about gender, as part of all pupils' preparation for their future, within and beyond the school.

#### **Principles**

Gender reassignment is included in the 2010 Equality Act, which states: 'A person has the protected characteristic of gender reassignment if the person is proposing to undergo, or is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.'

Legally, a birth certificate can only be changed through a gender recognition certificate, which can only be made from 18 years of age, except under specific circumstances usually of a medical nature. This means that in certain situations such as census information or examination certificates the school will need to continue to use the gender and birth name stated in the pupil's birth certificate.

We recognise a pupil may be considering or preparing for, and possibly starting, gender reassignment during their time at school. The emphasis of this policy is on pastoral support, though it refers also to practical matters.

## **Support and the process of Gender Transition**

In the early stages gender transition may not involve a change in physical appearance. The school needs to be notified to ensure appropriate support and reasonable practical arrangements associated with the decision. We might be informed by the pupil - via a member of staff or the medical team - by parents or guardians, or when the pupil joins the school.

A small panel of staff supervised by the Second Master will assess the individual case. The pupil [and under normal circumstances their parents] will be consulted, to allow them to reflect on the decision and how the school can best support them. The age and circumstances of the pupil, as well as the advice of outside agencies, are likely to be important in determining ongoing pastoral support, which may also include outside agencies. Pastoral support will include [though not be limited to] how the pupil is to be addressed with respect to personal pronouns, understanding of their decision by the wider community, and considering sensitive aspects of the curriculum, in particular PSHEE.

The panel and the pupil, normally with their parents, will clarify the reasonable practical arrangements necessary. These might include boarding, sleeping and toilet arrangements, sports options and changing facilities, and arrangements on trips involving overnight stay.

All gender identity matters are individual - the support we describe is designed to allow flexibility of approach, and so consultation and discussion with the individual pupil remain crucial.

## **Support of Pupils**

We seek to give support which is well-informed, flexible and clear, expecting to engage with a pupil considering the question of their gender identity.

We expect information to be treated sensitively and confidentially by all members of the school community. The pupil will be consulted and their agreement obtained if the school sees the need to share information, unless the pupil's safety and vital interests would otherwise be compromised.

The school would expect parents to be aware of gender identity dilemmas and, ideally, fully involved in providing support, since, in general, the school's experience is that shared understanding and concerted action between the three parties of pupil, parents, and school provides the most effective way forward in almost all pastoral situations. The school will also engage, where appropriate, with outside agencies in order to provide the best possible support, though support in the first instance will be provided via the pastoral team, including [not exclusively] the Housemaster, Matron, House Tutors, Counselling Service and Medical Centre, at all times and by all parties within the framework of the Gillick ruling\*.

The school does not tolerate any kind of harassment, and transphobic harassment would be dealt with in the same way as other forms of bullying, as detailed in the school's clear counter-bullying policy [found as Appendix 4 (Counter Bullying) of The Child Protection and Safeguarding policy].

*\* 'The Gillick ruling holds particularly significant implications for the legal rights of minor children in England in that it is broader in scope than merely medical consent. It lays down that the authority of parents to make decisions for their minor children is not absolute, but diminishes with the child's evolving maturity. The result of Gillick is that in England today, except in situations that are regulated otherwise by law, the legal right to make a decision on any particular matter concerning the child shifts from the parent to the child when the child reaches sufficient maturity to be capable of making up his or her own mind on the matter requiring decision'.*

## WINCHESTER COLLEGE

### MISSING PUPIL POLICY

Implementation Date	06 February 2011
Review Date	14 March 2019
Next Review Date	14 March 2019
Author	2M/DSL
Approved	SMC 14 March 2019

The Procedure for Missing Pupils at Winchester College is guided by the Independent Schools' Bursars Association 'Guidance on Missing Child Policy & Procedures when a Child is Not Collected on Time' which is aligned with DfE, ISI and OFSTED guidance, in addition to the DfE document *Children missing education* September 2016.

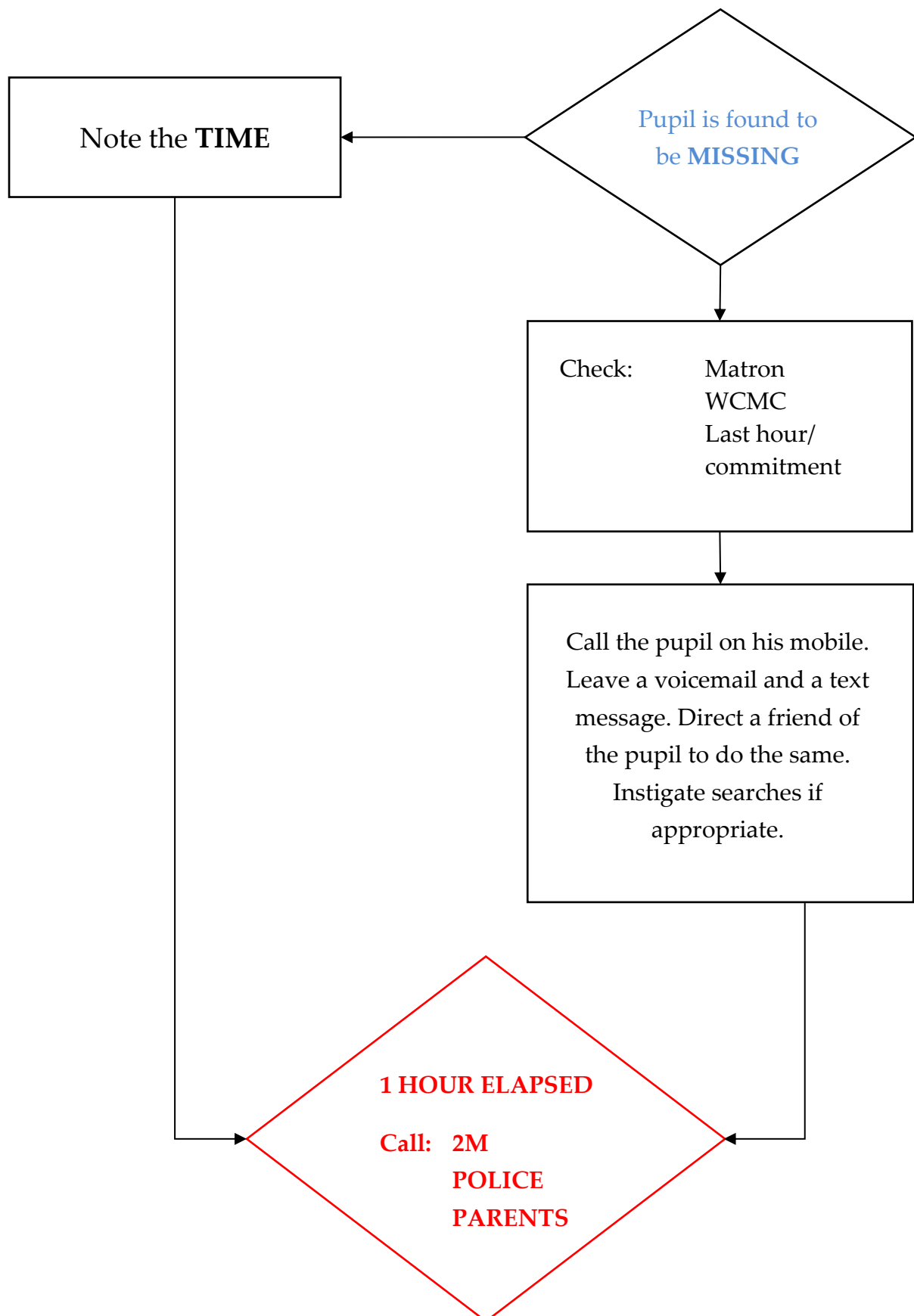
The welfare of all of our pupils is our paramount responsibility. Every adult who works at the School is aware that he/she has a responsibility for helping to keep all pupils safe at all times. Our staffing ratios are generous and are designed to ensure that all pupils are appropriately safeguarded.

#### ***Procedures to Prevent Missing Pupils***

- All pupils are registered in their Boarding Houses at meal times. Matrons record absences for pastoral reasons on the central computer system, SIMS. The administration office records absences for academic reasons on the same system.
- The register is taken during each lesson during the day and absences are registered on SIMS.
- The SIMS register is checked by the Second Master's office.
- The register is taken during extra-curricular sporting activities for JP and MP. Absences are recorded by the Sports department on SIMS.
- In the evenings, the register is taken before Toytime (prep), at Preces (notices at 2100/2115) and again before bed.
- In unscheduled hours such as weekends pupils must inform their Housemaster, or his representative, of the reason for their absence and sign out on the register. They must sign in again on their return. Parents should use the AdPortas system for Sunday sign-out.
- Unauthorised absences are reported to the School Office during the academic day and Housemasters at other times.
- Parents needing to take a pupil out of school during scheduled hours must seek and obtain permission in writing from the Second Master.

## MISSING PUPIL PROCEDURE

*Procedures to be followed if a pupil is missing*



Actions on return, full debrief of pupil then:

- If absent minded/first offence – strong admonition
- If second offence or deliberate absconding refer to Second Master with full account
- Consider referral to other agencies and drawing up an Individual Welfare Plan if absence caused by distress

***Procedures to be followed if a pupil is not collected on time***

Prior to School breaks, Housemasters make contact with parents or legal guardians and ensure that they are familiar with the travel arrangements for each pupil. If a pupil is not collected within an hour of the agreed collection time, the Housemaster will telephone the parents or legal guardians. If there is no answer, the Housemaster will phone the emergency numbers for that pupil.

During this time, the pupil will be cared for in his Boarding House.

If there is no response from the parents' or guardians' contact numbers or the emergency numbers within a 3 hour period, or when the premises are closing, the Housemaster will contact the Designated Safeguarding Lead who will inform HANTSdirect who will make emergency arrangements for the pupil. The School will make a written report of the incident and submit it to HANTSdirect.

During this time, the School will ensure that the pupil is safely cared for.

## **PUPILS MISSING FROM EDUCATION**

The Registrar's Office will inform the Local Authority of pupils that join the school at JP (Year 9). The Designated Safeguarding Lead (DSL) will inform the Local Authority of pupils who are of compulsory school age that join outside of this regular transition time.

- The Headmaster will inform the DSL if a pupil leaves the School.
- The Designated Safeguarding Lead will then inform the 'Children Missing Education' team of any pupil who is going to be deleted from the admission register where they:
- have been taken out of school by their parents and are being educated outside the school system e.g. home education;
- have ceased to attend school and no longer live within reasonable distance of the school at which they are registered;
- have been certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he/she nor his/her parent has indicated the intention to continue to attend the school after ceasing to be of compulsory school age;

- are in custody for a period of more than four months due to a final court order and the proprietor does not reasonably believe they will be returning to the school at the end of that period;
- have not returned to school for ten days after an authorised absence or are absent from school without authorisation for twenty consecutive school days, having made reasonable enquiries to establish the whereabouts of the child. This only applies if the school does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or unavoidable cause;
- have been permanently excluded.

***Children Missing Education Team:***

**Email:** Via the generic address: [cme@hants.gov.uk](mailto:cme@hants.gov.uk)    **Phone:** 01962 845363.

## WINCHESTER COLLEGE

### **SCHOOL RECRUITMENT, SELECTION & DISCLOSURE POLICY & PROCEDURE FOR ALL STAFF – (Appendix 6 Child and Safeguarding Policy)**

Implementation Date                      February 2015

Review Date                                August 2018

Next Review Date                        August 2019

Author                                        RAC

Approved                                    SMC

#### **1.0        Introduction**

The school is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The school is also committed to providing a supportive and flexible working environment to all its members of staff. The school recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who shares this commitment.

The aims of the school's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, relationship status, maternity or paternity, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**) *Keeping Children Safe in Education* (September 2018) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**), the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); the current Independent School Inspectorate Handbook (ISI); and the National Minimum Standards (NMS) for Boarding Schools;
- to ensure that the school meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.



## 2.0 Recruitment Process – Application to interview

When a post becomes vacant, the Head of Department (HoD) should discuss the vacancy with the Human Resources Director (HRD) to decide whether or not the post is to be filled. Guidance will be taken from either the Headmaster (for academic vacancies) or Bursar (non-teaching vacancies) as to whether recruitment is justified. Usually the decision will be made to fill the vacancy. However, in some circumstances the vacancy may not be filled (e.g. restructuring, redeployment etc.).

Once the vacancy is agreed, the HRD will review the job description and person specification before placing appropriate advertising. The relevant HoD should draw up with the HRD an agreed timetable setting out interview questions and selection methods. All permanent vacancies, where possible, will be advertised on the school website, and may also be advertised on third party websites, in local media, etc. These advertisements will be coordinated by the HR Office.

All vacancies will have both a **job description\*** and a **person specification\*\*** which will be published online with the vacancy. These will, in the main, appear as a combined document, entitled 'job description'. The Child Protection Policy is part of the online, and paper if required, application process and it is a condition of applicants that they sign to acknowledge receipt; it is also published on the school's website, and is also available by request from [recruitment@wincoll.ac.uk](mailto:recruitment@wincoll.ac.uk).

All applicants for employment will be required to complete an **online application form** containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided.. A 'curriculum vitae' cannot be accepted in place of the completed application form.

Applications may be considered as they arrive. The school reserves the right to make an appointment prior to any closing date.

At the closing date, HR will send a complete set of applicants' forms and their details to the HoD (or an alternative coordinator, as specified by the HRD, after consulting with the Headmaster or Bursar).

Shortlisting should be made on the basis of the person specification criteria and must be objective, i.e. based on evidence of how candidates meet the criteria. Depending on the vacancy, shortlisting may be conducted either by an appropriate individual or by an appropriate shortlisting panel. The shortlisting individual or panel will decide, on the evidence given in the application form, which applicants best meet the criteria. Not all applicants who meet the minimum criteria are guaranteed an interview.

Telephone sift interviews maybe used in the selection of candidates at any stage in the process. Specifically in academic selection, the Deputy Head (Academic) may use the telephone interview to ascertain candidate's suitability and availability.

On confirmation of the shortlist, HR will write to all unsuccessful candidates.

Applicants may then be invited to attend a **formal interview**<sup>†</sup> at which relevant skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children.

If a candidate requires adjustments to be made in order to attend and participate in the interview, he/she must request these when accepting the school's invitation to attend. There is an opportunity for this request to be made on the application form. Every effort will be made to meet the identified need.

In academic interviews, unless candidates specify otherwise, the school will, where possible, write for references after a candidate has been shortlisted. Ideally, all references will be available to the interview panel at the time of the interview. Candidates will also be expected to bring to the interview the original certificates of their relevant qualification(s) and also proof of identity, preferably in the form of a passport. A copy will be taken and retained with the candidate's application.

Candidates are required to present documentation to demonstrate their right to work in the UK before the interview may commence.

### **3.0 Pre-Interview Process**

HR will communicate with all candidates as soon as possible after the closing date in the advertisement if they are to be invited for an interview.

The candidate will be interviewed by a series of managers using both one to one and panels with skills and expertise relevant to the post. If appropriate, these will include members of the Governing Body and/or external consultants.

- 3.1 Shortlisted candidates may be given details of the selection methods the school will be using. In normal circumstances this will include the following:
  - 3.1.1 a tour of the school site;
  - 3.1.2 a series of interviews, including panels of up to four managers, with preset questions for all candidates;
  - 3.1.3 in academic recruitment, a lesson designated by the Head of Department and marked by a teacher on the appropriate mark sheet; sufficient notice will be given of age and ability range of pupils and expected content of lesson via the appropriate form;
  - 3.1.4 in support departments, skills tests if applicable, set and agreed beforehand with the HRD;
  - 3.1.5 if applicable, psychometric tests to measure the competencies of candidates;
  - 3.1.6 if appropriate, an interview with the Headmaster or Bursar;
  - 3.1.7 all candidates will be asked the same core questions, with supplementary questions asked by managers as they see fit;
  - 3.1.8 every candidate will be assessed for their capability/fitness to work with children/young people;
  - 3.1.9 All interviewers will take notes during the interview. These notes will be kept with the candidate's application form.

## 4.0 Practical Assessments

4.1 Where practical assessments are used as part of the selection process they should aim to provide the following:

- 4.1.1 additional information about a candidate's knowledge, skills and aptitude; extra information for the selection process.
- 4.1.2 Appointments will not be made solely on the basis of practical assessment.
- 4.1.3 Candidates will be given the opportunity to receive professional feedback on their performance in assessments.

## 5.0 Other Information

The decision of the interview panel is made on the basis of information given during the process.

## 6.0 Recruitment and selection procedure

In accordance with the recommendations set out in the Guidance, KCSIE and the requirements of the Education (Independent School Standards) (England) Regulations 2010 and the NMS for Boarding Schools the school carries out a number of pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the **formal interview**, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the school's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- verification of the applicant's employment history
- the receipt of two references (one of which must be from the applicant's most recent employer) which the school considers to be satisfactory;
- for teaching positions, confirmation from the Teaching Regulation Agency that the applicant is not subject to a prohibition order, has not failed their induction or probation or have a sanction imposed;
- the receipt of an enhanced disclosure from the DBS which the school considers to be satisfactory;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School.
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School

- where the position amounts to 'regulated activity' confirmation that the applicant is not named on the Children's Barred List administered by the DBS\*;
- verification of the applicant's medical fitness for the role (see section 7 below);
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and )
- verification of professional qualifications which the school deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

**\* The School is not permitted to check the Children's Barred list unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e roles which would amount to the regulated activity if carried out more frequently.**

**A check of the Children's Barred List is not permitted if an individual will not be undertaking 'regulated activity'. Whether a position amounts to 'regulated activity' must therefore be considered by the school in order to decide which DBS checks are appropriate. It is however likely that in nearly all cases a Children's Barred List check will be carried out.**

## **7.0 Medical fitness**

The school is legally required to verify the medical fitness of anyone to be appointed to a post at the school. Applicants will be asked to state that they are capable of fulfilling the job as outlined in the job description at application stage. In addition, a health screening questionnaire will be completed **after** an offer of employment has been made but **before** the appointment can be confirmed. The school will arrange for the information contained in the Health Questionnaire to be reviewed by the school's medical advisor, if applicable.

This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed timetable, extra-curricular activities, and layout of the School etc. If the school's medical advisor has any doubts about an applicant's fitness, the school will consider reasonable adjustments in consultation with the applicant. The school may also seek a further medical opinion from a specialist, or request that the applicant undertakes a full medical assessment.

The school is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

## Pre-employment checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 [\* and the *Boarding schools: national minimum standards*] the School carries out a number of pre-employment checks in respect of all prospective employees.

In addition to the checks set out below the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. This may include internet and social media searches.

In fulfilling its obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

### 8.0 Verification of identity and address

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines). Candidates are required to provide the following:

- one document from Group 1 as listed in Appendix 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which **must** verify the applicant's current address as listed in Appendix 1;
- a document confirming the applicant's Right to Work in the UK, as listed in Appendix 2 (this may be the same document as being used as a Group 1 or Group 2 document for DBS purposes);
- original documents confirming any **relevant** educational and professional qualifications referred to in their application form.

Where an applicant claims to have changed his/her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change.

The school asks for the date of birth of all applicants (and proof of this) to assist with the vetting of applicants. Proof of date of birth is necessary so that the school may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The school does not discriminate on the grounds of age.

### 9.0 References

In the case of teaching appointments, where possible, references will be taken up on short-listed candidates prior to interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the school. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment

does/did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of 'Extremism' (see the definition of "extremism" at section 8 below). All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness\* and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious;
- whether the applicant could be considered to be involved in 'extremism' (see the definition of 'extremism' at section 8 below)

(\*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

The school will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

The school will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the School. The applicant may be asked to provide further information or clarifications before an appointment can be confirmed.

If factual references are received i.e those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although an additional references may be sought before an appointment can be confirmed.

[\* The School may at its discretion make telephone contact with any referee to verify the details of the written reference provided.]

All internal candidates who apply for a new role at the School will have their application assessed in accordance with this procedure. References will be taken up on all internal candidates as part of the application process but can be provided by colleagues as the School will be the most recent employer.

The NMS for Boarding Schools recommends that direct contact be made with the referees of any person applying for a position working with boarders. The school goes beyond those standards by making direct inquiries with referees of applicants for all positions where possible.

The application form requires all applicants to supply a full employment history. Applicants should understand that the school may approach any previous employer for information.

Wherever feasible, before appointment, the school will contact each previous employer involving work with children or vulnerable adults to check the reasons the employment ended.

The school will require an explanation of any gaps in an applicant's CV and the HRD will make a written record that explanations for any gaps in the CV of a successful applicant have been sought and are satisfactory.

## **10. Prohibition Checks**

### **10.1 Prohibition from teaching check**

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School uses the Teaching Regulation Agency Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the Teaching Regulation Agency.

In addition the School asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.

It is the School's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Head. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK the School will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the Teaching Regulation Agency Teacher Services system.

## **10.2 Prohibition from management check**

The School is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school (a **section 128 direction**).

This check applies to appointments to the following positions made on or after 12 August 2015:

- Head
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role; and
- support staff posts on the senior leadership team.

It also applies to appointments to the governing body.

The relevant information is contained in the enhanced DBS disclosure certificate (which the School obtains for all posts at the School that amount to regulated activity). It can also be obtained through the Teaching Regulation Agency Teacher Services system. The School will use either, or both, methods to obtain this information.

In addition the School asks all applicants for management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

It is the School's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or



hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

## **11.0 Criminal Records Check**

**Due to the nature of the work, the school applies for an enhanced disclosure from the DBS in respect of all prospective staff members, governors and volunteers.**

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as 'spent' under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the school.

As of 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions, details can be found in the school's policy on the recruitment of ex-offenders.

The school applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the school which amount to 'regulated activity' as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of, the school (whether paid or unpaid), will amount to 'regulated activity' if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the 'period condition', meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

This definition will cover nearly all posts at the school. Limited exceptions could include an administrative post undertaken on a temporary basis in the school office outside of term time.

It is for the school to decide whether a role amounts to 'regulated activity' taking into account all the relevant circumstances.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the school. It is a condition of employment with the school that the **original** disclosure

certificate is provided to the school, in person, within two weeks of it being received by the applicant. A convenient time and date for doing so should be arranged with the HR Office as soon as the certificate has been received. Original certificates should not be sent by post. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within [\* two weeks] of the original disclosure certificate being received. Certified copies must be sent to the HR Department. Where a certified copy is sent, the original disclosure certificate must still be provided [\*prior to the first day of work/on the first working day].

Employment will always remain conditional upon the original certificate being provided and it being considered satisfactory by the school before starting work.

If there is a delay in receiving a DBS disclosure the Headmaster, Bursar, or HRD has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The School will take into account the "DBS unusual addresses guide" in such circumstances. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s) if this is practically possible.

The School takes into account the guidance issued by the NSPCC when deciding whether to request overseas information from applicants, which recommends that such information should be sought on those who have lived overseas for periods of three months or more in the last five years. However, the School recognises that Education (Independent School Standards) Regulations 2014 do not specify that a minimum period of overseas residence is required. The School therefore assesses each applicant's situation on its individual facts.

Where applicants are provide further overseas information this will include a criminal records check from the relevant jurisdiction(s) or a certificate of good conduct (as appropriate) and/or references from any employment held.

Work can only commence once sufficient overseas information has been received and only if the School has considered that information and confirmed that the applicant is suitable to commence work at the School.

## **12.0 Volunteers**

The school will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the school (the definition of regulated activity set out in section 10.0 above will be applied to all volunteers).

The school will request an enhanced DBS disclosure without Children's Barred List information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the school has deemed appropriate to supervise and ensure the safety of those pupils in their care.

Under no circumstances will the school permit an unchecked volunteer to have unsupervised contact with pupils.

It is the school's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the school for three consecutive months or more. Those volunteers who are likely to be involved in activities with the school on a regular basis may be required to sign up to the DBS update service as this permits the school to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition the school will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source;
- an informal safer recruitment interview.

### **13.0 Visiting speakers and the Prevent Duty**

The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

The school is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the school.

All visiting speakers will be subject to the School's usual visitors protocol in the Visitors and Security Policy. This will include signing in and out at Reception, the wearing of a visitors badge at all times and being escorted by a fully vetted member of staff between appointments.

The school will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the school. In doing so the school will always have regard to the Visitors and Security Policy, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

*"Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."*

In fulfilling its Prevent Duty obligations the school does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

#### **14.0 Contractors and Agency Staff (Supply Staff)**

Agencies and Contractors who supply staff to the school must also complete the pre-employment checks which the school would otherwise complete for its staff. The school requires confirmation that these checks have been completed before an individual can commence work at the school.

The school will independently verify the identity of staff supplied by contractors or an agency in accordance with Section 8 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

More detailed Policy Guidance can be found in the school's policy on the use of contractors and supply staff.

#### **15.0 Whistleblowing and exit interviews**

All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the whistleblowing policy, the safeguarding policy and the Staff code of conduct). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which may be held with leavers.

The school's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information, but is under no obligation to do so.

#### **Referrals to the DBS and Teaching Regulation Agency**

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the School also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the School despite being barred from working with children; or
- has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the Teaching Regulation Agency.

#### **16.0 Queries**

If an applicant has any queries on how to complete the application form or any other matter he/she should contact the HR Office via [recruitment@wincoll.ac.uk](mailto:recruitment@wincoll.ac.uk).

## 17.0 Policy Review

This policy will be reviewed annually to ensure it complies with current legislation. It may be reviewed more frequently, upon the updating of relevant legislation.

\* The **job description** describes the post in detail and is a guide to the level and range of responsibilities the post holder will be expected to undertake initially. It is not exhaustive and may be changed from time to time to meet changing circumstances and demands. It will not form part of the post holder's contract of employment.

\*\* The **person specification** is a list of criteria identifying the skills, knowledge, abilities, aptitudes and qualifications or experience required to carry out the duties of the job effectively. The criteria must be clear, fair and justifiable, but not directly or indirectly discriminatory. The criteria must also be job-related, reasonable and focussed on skills rather than personality. Specific headings are:

- Qualifications and experience – what qualifications or equivalent (where there is a specific requirement for the job) and experience the candidate needs;
- Knowledge, skills, aptitude and abilities – the other qualities the candidate will need in order to do the job.

The person specification should identify which criteria are essential and which desirable.

† The **formal interview** may be either a one-to-one interview or a panel interview. It may involve more than one stage. The nature and complexity of the interview will depend on the nature and complexity of the role being applied for. Candidates will be informed of the nature of the interview when they are invited to interview.

## Appendix 1 List of valid identity documents

### Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photocard - full or provisional (UK / Isle of Man / Channel Islands and EEA)
- birth certificate - issued within 12 months of birth (UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

### Group 2a: trusted government documents

- current driving licence (photocard - full or provisional (all countries outside the EEA excluding Isle of Man and Channel Islands)
- current driving licence (paper version; UK / Isle of Man / Channel Islands and EEA; full or provisional)
- birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)
- marriage / civil partnership certificate (UK and Channel Islands)
- immigration document, visa or work permit (issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non EEA country in which the role is based)
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

All driving licences must be valid.

### **Group 2b: Financial and social history documents**

- mortgage statement (UK or EEA)\*\*
- bank / building society statement (UK and Channel Islands or EEA)\*
- bank / building society statement (countries outside the EEA)\*
- bank / building society account opening confirmation letter (UK)\*
- credit card statement (UK or EEA)\*
- financial statement - e.g. pension, endowment, ISA (UK)\*\*
- P45 / P60 statement \*\*(UK and Channel Islands)
- council tax statement (UK and Channel Islands)\*\*
  
- letter of sponsorship from future employment provider (non UK / non EEA only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)\*
- benefit statement - e.g. child benefit, pension (UK)\*
- a document from central or local government/ government agency / local council giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs, Jobcentre, Jobcentre Plus, Social Security (UK and Channel Islands) \*
- EU national ID card (must be valid at time of application)
- cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)
- letter from Head or College Principal (for 16-19 year olds in full-time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

### **Note**

If a document in the list of valid identity documents is:

denoted with \* - it should be less than three months old

denoted with \*\* - it should be less than 12 months old

## **WINCHESTER COLLEGE**

### **POLICY ON THE USE OF SUPPLY STAFF AND CONTRACTORS (Appendix 7- Child Protection and Safeguarding Policy)**

Implementation Date	February 2015
Review Date	August 2018
Next Review Date	August 2021
Author	RAC
Approved	SMC

#### **1.0 The Use of Supply Staff**

Winchester College recognises that all departments may, from time to time, have a requirement to employ temporary staff when permanent staff are not available.

Authorisation should be sought from the HR Director (HRD) in all instances and only approved agencies used. At present the recognised employment agencies are 1-1 Recruitment and Blue Arrow. These suppliers have been approved by the HRD and have confirmed that they are able to carry out the required level of safeguarding checks on their staff (see section 6 of the Recruitment Policy).

All agency staff must adhere to the Standards as set out in the School Policy on Recruitment and Selection. This includes proof of identity, reference checks, a satisfactory enhanced DBS check and not being barred from working with children. All the relevant checks will have been verified by the employment agency and it will be their responsibility to ensure that all details are sent to the HR Administrator at [temps@wincoll.co.uk](mailto:temps@wincoll.co.uk) before any person commences work.

If the enhanced DBS check done by the agency has disclosed anything, this must be shared by the agency with the HRD, in order that a decision can be made regarding the supply staff and a risk assessment completed if necessary.

Upon arrival at the School, the agency staff member will have their identity checked by their HoD/Line Manager. The HoD/Line Manager will ask to see the supply staff member's passport and DBS, in the instance that the agency have not provided scans of this documentation prior to the agency staff worker commencing their first shift, the line manager will take a copy of the original paperwork and forward this to the HR Department. In the absence of a passport, or if the member of supply staff has a non EEA issued passport, the HoD/Line Manager will liaise with the HoD to establish what appropriate documentation may be seen. In any instance photographic ID will be required to establish identity.



All agency staff will begin their period of employment with an induction. This induction includes health and safety training and, importantly, familiarisation with the School's Child Protection and Safeguarding Policy.

Upon completion of the employment it is the Line Manager's responsibility to complete the necessary paperwork for the employment agency. It is also the Line Manager's responsibility to ensure all property belonging to the School is returned, and to ensure any personal property belonging to the employee is removed from the premises.

To avoid confusion, this process is to be repeated each time a supply member of staff is required, even if they have worked for the School before.

On the occasions that supply staff might become permanent employees for the School, the School will take up their own checks in addition to those already carried out by the agency.

## **2.0 The Use of Contractors within the School**

Winchester College recognises that the following will occur from time to time:

- a) **Emergencies.** There is not an expectation for a tradesperson, making repairs, on a 'one off' basis, to have undertaken all National Minimum Standard (NMS) checks which includes an enhanced DBS when coming onto the site. However, this person would need to sign in and out, obtain a visitors badge from the Works Department, Porters' Lodge or Bursary and to be supervised at all times.
- b) **Deliveries.** Will occur to all areas of the site during an average working day and all employees should not give access to any area except when fully supervised and for the actual passing on of the goods. Considered a 'low risk' activity, as there would be no unsupervised access.
- c) **Contractors providing regular or unsupervised services.** No contractor should begin unsupervised regular work at the school until the HR Office has received written confirmation that the regulated recruitment checks have been carried out by either the Agency for a Supply Staff worker or the HR Department for contractors employed directly by the School.
  - i) All Heads of Departments should notify the HR Office of any contractors they wish to bring into the school for regular and/or unsupervised services. As much notice as possible should be given in order to undertake necessary Contractor checks (e.g. enhanced DBS checks, Right to Work and references) prior to commencing work at the School.
  - ii) Contact details should be provided to HR along with:
    - (1) A description of the work the contractor will be undertaking;
    - (2) The anticipated frequency that the contract personnel will visit the School.

- iii) The HR Office will then contact the contractors to arrange an appointment for the Contractor and any contracting staff within the firm who may attend the site to undertake the appropriate safeguarding checks prior to commencement of work. The following regulatory checks will be undertaken for each individual:
      - (1) The person's identity;
      - (2) Right to work in the UK.
      - (3) Medical fitness for the role (where appropriate);
      - (4) Qualifications (as appropriate to the role);
      - (5) Complete work history, exploring any gaps;
      - (6) That the person is not barred from working with children;
      - (7) An Enhanced criminal record check is undertaken with the DBS along with the date that DBS clearance was received;
      - (8) A certificate of good conduct (or similar) obtained for contractors/agency staff who have lived or worked outside of the UK within the last 5 years;
      - (9) A copy of any information disclosed by the DBS **must** be forwarded to the school.
    - iv) Once all the regulatory checks have been successfully confirmed with the HR Office, the relevant HoD/Line Manager will be notified and the named individual(s) can commence work, following the relevant induction, ID check and work permit has been issued. No further checks are required.
  - d) **Contractors employed on a project basis.** Project work for the school can vary in timeframes, but often involves a number of contractors working either simultaneously or sequentially for the school. All personnel are required to report to the relevant department they have been contracted to on their first visit to the school to complete an induction and the issuing of a visitors badge.
    - i) Where the work undertaken is less than four times in a 30 day period, the contractors will be supervised to ensure the safeguarding of pupils, unless either the Contractor has completed all NMS check or work is undertaken on a closed site. Supervision: the supervisor should know where the contractor is at all times and the contractor should be aware that the supervisor is in the vicinity. The contractor should have had the boundaries of their operation clearly defined.
    - ii) Where the work undertaken is four times or more in a 30 day period, the contractors will be supervised to ensure the safeguarding of pupils, with agreement from the HRD, unless the Contractor has completed the full recruitment checks or work is undertaken on a closed site.
    - iii) Where there is a closed site which is defined by the school as an area that is fenced or zoned off and cannot be accessed by pupils or unauthorised members of staff. Access to a closed site should generally be away from pupil areas wherever physically possible to minimise any opportunity for Contractors to interact with pupils. There is no requirement to check Contractor's staff accessing closed site locations. An overview of safeguarding supervision will be discussed and agreed by the Project Manager with the Contractor. All contract personnel

will be required to sign in and out of the closed site for Health and Safety regulations.

- iv) An Open site is where a contractor has potential access to pupils and/or pupil boarding or common areas. Unless contract personnel have completed all the recruitment checks, contract personnel will display visible work permits and be under close supervision of the Project Manager or an alternative nominated member of staff who have completed all the Safeguarding checks.
- v) The HR Office will maintain the validity of the Contractor records by way of a yearly audit in which they will contact the Contracting company and request information of any employee no longer working for the company, and arrange checks for anyone new that the Contractor may wish to visit the site.

### **3.0 During School Holiday Periods**

Maintenance work is often carried out during periods when the pupils are not present at the school especially during holidays. Contractors and Agency staff used throughout these periods are not usually required to undertake DBS checks as they should have no access to pupils, however the employing department must liaise closely with Enterprises to ensure that any work carried out by unchecked staff does not conflict with any restrictions to access due to the lettings of facilities for children, young persons or people at risk and are protected. In the event that the school has let out its facilities, restrictions (as stated above) will apply to people accessing areas of the school.

RAC  
01/08/2018

## **WINCHESTER COLLEGE**

### **POLICY ON THE RECRUITMENT OF EX-OFFENDERS**

Implementation Date	April 2015
Review Date	April 2018
Next Review Date	April 2021
Author	RAC
Approved	SMC

#### **1.0 Introduction**

The school will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The school makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record, this will not automatically bar him/her from employment within the school. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 2.0 below.

All positions within the school are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except for those to which the DBS filtering rules apply (see section 4.0 below). A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the school to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the school. The school will make a report to the Police and/or the DBS if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of an applicant's application;
- it has serious concerns about an applicant's suitability to work with children.

#### **2.0 Assessment Criteria**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the school will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- The circumstances surrounding the offence and the explanation(s) offered by the applicant.

If the post involves regular contact with children, it is the school's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the school's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the school's normal policy to consider it a high risk to employ anyone who has been convicted of a serious motoring offence (i.e Drink Driving) within the last ten years.

### **3.0 Assessment Procedure**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the school will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Headmaster, Bursar or the HRD before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he/she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the school will, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### **4.0 DBS Filtering Rules**

Since 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records

disclosures. The DBS and Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

### **For those aged 18 or over at the time of an offence**

An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it is the person's only offence;
- it did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received for an offence committed in the United Kingdom when a person was aged 18 or over will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

### **5.0 For those aged under 18 at the time of an offence**

A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- five and a half years have elapsed since the date of conviction;
- it is the person's only offence;
- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

### **6.0 The list of "specified offences" which must always be disclosed**

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

## **7.0 Retention and security of disclosure information**

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

RAC

August 2018

## WINCHESTER COLLEGE

### **DISCIPLINARY RULES AND PROCEDURE FOR ALL STAFF (Appendix 9 Child Protection and Safeguarding Policy)**

Implementation Date	March 2019
Review Date	March 2019
Next Review Date	September 2021
Author	RAC
Approved	SMC Support

#### **Disciplinary rules**

- 1 **Introduction:** These rules should be read in accordance with the School's disciplinary procedure. It is the contractual duty of every member of staff to observe the rules set out below.
- 2 **Safeguarding:** The welfare of children is placed at the centre of the School and its culture and School's policies are designed to ensure that all those who work in the School and may have contact with children are clear on the rules of conduct and the expectations of the School. Children place trust in those connected to the School creating obligations which we must all meet to ensure the successful outcomes achieved by the children in our care.
- 3 **Rules of conduct:** Whilst employed by the School, you should at all times maintain professional and responsible standards of conduct. In particular, you should:
  - 3.1 observe the terms and conditions of your contract of employment;
  - 3.2 ensure that every pupil feels safe and protected from any form of abuse and actively commit to safeguarding and promoting the welfare of children and young people;
  - 3.3 ensure that you understand and follow the School's Code of Conduct for all Staff (Appendix 1, Child Protection and Safeguarding Policy);
  - 3.4 observe all other policies and procedures included in the Staff Handbook or otherwise notified to you from time to time;
  - 3.5 comply with all reasonable advice given by staff who are senior to you;
  - 3.6 act at all times in good faith and in the best interests of the School, its pupils, parents, guardians or carers and staff;
  - 3.7 uphold public trust in the School and maintain high standards of ethics and behaviour; and



- 3.8 have an understanding of, and always act within, the statutory frameworks which set out your professional duties and responsibilities.
- 4 **Instances of misconduct:** The following is a non-exhaustive list of offences which amount to misconduct falling short of gross misconduct:
- 4.1 lateness;
  - 4.2 unauthorised absence from work;
  - 4.3 inappropriate standard of dress;
  - 4.4 smoking on School premises;
  - 4.5 contravention of minor safety regulations; or
  - 4.6 disruptive behaviour.
- 5 **Gross misconduct:** You must not commit any act of gross misconduct. Any such act may result in your dismissal without notice. Gross misconduct includes but is not limited to the examples set out below, offences of a similar nature and attempts to commit such offences.

Examples of gross misconduct (whether committed at or outside work):

- 5.1 failure to comply with the School's child protection and safeguarding policy and procedures and a failure to commit to safeguarding and promoting the welfare of children and young people;
- 5.2 failure to immediately notify the School of any child protection investigation of you or any member of your household;
- 5.3 failure to immediately notify the School of any investigation, arrest, charge or conviction of any criminal offence brought against you during your employment;
- 5.4 failure to immediately notify the School of any investigation for any allegation of a disciplinary nature at any other employer or organisation at which you are a volunteer;
- 5.5 failure to comply with any of the School's policies and procedures in the Staff Handbook the School's IT acceptable use policy or the School's social media policy;
- 5.6 accepting or giving bribes or other secret payments or other breach of the School's anti-bribery and corruption policy;
- 5.7 failure to immediately notify the School if you are or become the subject of a referral to or a sanction, restriction or prohibition issued by the Teaching Regulation Agency (previously known as the National College of Teaching and Leadership) or any successor body, or by a regulator of the teaching profession in any other country;

- 5.8 failure to immediately notify the School of any change in circumstances which may or will result in you being disqualified from providing childcare in connection with early or later years provision or from being directly involved in its management;
- 5.9 indecent, violent or offensive behaviour;
- 5.10 inappropriate conduct or communications with a pupil of the School, or a pupil of another school;
- 5.11 misuse of or deliberate damage to School property;
- 5.12 fraud, theft or dishonesty to include giving false information or representations before or during your employment;
- 5.13 failure to obey a lawful order;
- 5.14 gross dereliction of duty;
- 5.15 gross negligence;
- 5.16 being on duty whilst under the influence of drugs and / or alcohol;
- 5.17 possession, use, supply or attempted supply of controlled substances or the sale of any drug or substance (prescribed or not);
- 5.18 actions that could be interpreted as glorifying or supporting terrorism, extremism or organisations promoting terrorist or extremist views, or encouraging others to do so;
- 5.19 bullying or harassment;
- 5.20 conduct which is likely to damage the School's reputation or bring it into disrepute;
- 5.21 discrimination (including harassment or victimisation) and the use of discriminatory language on grounds of sex, sexual orientation, marriage and civil partnership status, gender reassignment, race, religion or belief, pregnancy and maternity, disability or age;
- 5.22 disregarding health and safety rules / requirements (including the School's Health and Safety at Work Rules) and endangering yourself or others;
- 5.23 wilful neglect or refusal of duty;
- 5.24 misuse of information including breach of confidence, misuse of private or confidential information or breach of data protection law. This includes information that is confidential to the School (such as financial information) as well as information about individuals. Such misuse may include accessing or attempting to access information, or sharing or attempting to share it;

- 5.25 viewing, retrieving or downloading of pornographic material, or any other material which the School believes is unsuitable at any time when on School premises or otherwise in the course of your employment;
- 5.26 causing loss, damage or injury through serious negligence;
- 5.27 making a disclosure of false or misleading information under the School's whistleblowing policy for personal gain, or which is not in the public interest;  
or
- 5.28 making untrue allegations in bad faith against a colleague.

## Disciplinary procedure

### Introduction

- 1     **Flexibility:** The School will follow a fair procedure in the event that disciplinary action is necessary but this procedure does not have contractual effect. There may be occasions when the School considers it appropriate to change or omit parts of this procedure.
- 2     **Amendments:** The School may revise this procedure from time to time and will publish any amendments on the Portal.
- 3     **Capability:** This procedure does not apply to incompetence, incapability or other poor performance unless this is attributable to misconduct.
- 4     **Record of proceedings:** The School may, at its sole discretion, appoint someone to take notes of any interview or hearing under this procedure. No recordings shall be made without the express approval of all those present at the interview or hearing.

### The investigation stage

- 5     **Investigation:** As a first step any disciplinary issue will be investigated. If, after investigating the matter, it appears that there are no reasonable grounds for concern, you will be informed of this in writing and, if relevant, allowed to return to work as normal.
- 6     **Suspension:** If the matter to be investigated is thought at any stage of the investigation to involve gross misconduct, or if it is in the interests of the School, a pupil, an employee or you, the Headmaster, Bursar or HR Director may immediately suspend you from work on full pay and benefits whilst the investigation proceeds.
- 7     **Support and guidance:** The School will notify you of a person to contact during any period of suspension or investigation. You may also wish to seek the advice of your union representative where available.
- 8     **Separation of roles:** The School will appoint a member of staff or an external consultant to carry out the investigation (**Investigating Officer**).
- 9     **Interview:** As part of the investigation the Investigating Officer may (if considered appropriate) undertake an interview with you.
- 10    **Next stage:** If on completion of the investigation the Investigating Officer considers that it is necessary, a disciplinary hearing will be arranged and you will be invited to attend. You must take all reasonable steps to attend the disciplinary hearing.
- 11    **Information:** You will be given advance reasonable notice of the timing and the location of the hearing. You will be informed in writing of the purpose of the hearing and the allegations against you. You will be provided with a copy of any

documents which may be referred to at the Disciplinary Hearing and invited to submit any relevant documents. You will be given a reasonable opportunity, normally 7 calendar days, to consider your response to this information. If your dismissal is a possible outcome of the hearing, you will be informed of this possibility in advance.

- 12 **Right to be accompanied:** You may be accompanied to the disciplinary hearing by a colleague or a qualified trade union official.
- 13 **Witnesses:** You may ask relevant witnesses to attend the disciplinary hearing, provided it is reasonable to do so and you give the School sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Disciplinary Meeting decides a fair hearing could not be held otherwise.
- 14 **Witness statements:** If statements have been obtained from witnesses during the course of the investigation you will be given a copy of them. In certain circumstances it may be necessary to preserve the anonymity of a witness.
- 15 **Disciplinary Officer:** The School will appoint a Disciplinary Officer to hear the matter. The Investigating Officer shall not be a member of the final Disciplinary decision.
- 16 **The disciplinary hearing:** The hearing will be conducted by the Disciplinary Officer. The Investigating Officer will be asked to report on his / her investigation. Both you, or the person accompanying you, and the Disciplinary Officer may question the Investigating Officer and witnesses on prior agreement. You will be entitled to give your explanation and may be questioned by the Investigating Officer as well as by the Disciplinary Officer. You or the person accompanying you and the Investigating Officer will be given the opportunity to address the Disciplinary Officer. The person accompanying you will not be permitted to respond to questions which are addressed to you.
- 17 **Adjournment:** The Disciplinary Officer may adjourn the proceedings at any stage if this appears necessary or desirable. You may request an adjournment if you need to consult the person accompanying you. If adjourning for the purpose of enabling further information to be obtained, the Disciplinary Officer will specify the nature of that information. Any adjournment will normally be for a specified period of time.
- 18 **Decision making:** On completion of the hearing, the Disciplinary Officer will retire to consider the decision. Neither you, the person accompanying you nor the Investigating Officer will be allowed to take part in nor be present during the Disciplinary Officer's deliberations.
- 19 **Communication of decision:** The decision of the Disciplinary Officer will be communicated to you in writing as soon as reasonably practicable. If the complaint is upheld you will be informed of the action to be taken and your right of appeal.

## Disciplinary action

- 20     **Sanctions:** Depending upon the nature of any misconduct found to have been committed, any explanation given by you and any mitigating circumstances, the Disciplinary Officer may impose any of the following sanctions which need not be in the sequence below:
- 20.1     a written verbal warning;
  - 20.2     a written warning;
  - 20.3     a final written warning;
  - 20.4     suspension without pay for a defined period;
  - 20.5     demotion;
  - 20.6     dismissal with or without notice.
- 21     **Currency of warnings:** A written warning will be recorded on your file but will be considered spent for disciplinary purposes after a period of 12 months from the date the warning is given. A final written warning will be recorded on your file but will be considered spent for disciplinary purposes after a period of 24 months from the date the warning is given.
- 22     **Gross misconduct:** Where there has been gross misconduct the Disciplinary Officer may impose dismissal without notice. Examples of what the School considers to be gross misconduct are set out in the Disciplinary Rules section of this Employment Manual.

## Appeal

- 23     **Right of appeal:** If an employee wishes to appeal against any disciplinary action, he/she should notify the HR Director in writing giving the full and detailed grounds for the appeal within seven calendar days of the disciplinary action being communicated to him/her.
- 24     **Appeal Meeting :** The Appeal Meeting shall not include any member of the first Disciplinary Meeting nor the initial Investigatory Officer and may comprise one or more persons. As far as reasonably practicable the person chairing the Appeal Meeting will be someone holding a more senior position than the person chairing the Disciplinary Meeting.
- 25     **Appeal procedure:** The procedure at the appeal hearing shall be the same as that for the disciplinary hearing save that there will be no right of appeal from the decision of the Appeal Meeting. You must take all reasonable steps to attend the appeal hearing. The Appeal Meeting will be entitled to reach a different conclusion and impose a different sanction (although not greater) than that imposed by the Disciplinary

Meeting. You will be informed of the Appeal Meeting's decision in writing as soon as reasonably practicable.

- 26 **Right to be accompanied:** You may be accompanied to the appeal hearing by a colleague or trade union official.
- 27 **Employment status:** If an appeal is made against a dismissal decision, that dismissal decision will have immediate effect so that, if the dismissal is by notice, the period of notice will have begun at the date given in the dismissal decision. If summary dismissal without notice has been imposed, you will not be entitled to be paid for the period between that decision and the decision of your appeal unless you have been reinstated on appeal. If having been dismissed you are reinstated on appeal, your continuity of employment will be unaffected.

### **Termination of employment**

- 28 All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the whistleblowing policy, the child protection and safeguarding policy and procedures and the Staff Code of Conduct). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at exit interviews which are held with leavers.
- 29 **Termination of employment:** If the School ceases to use your services because you are unsuitable to work with children, a settlement agreement (formerly known as a compromise agreement) will not be used and a referral to the Disclosure and Barring Service will be made promptly if the criteria for a referral are met. Any such incidents will be followed by a review of the safeguarding procedures within the School, with a report being presented to the Governors without delay. The School may also need to consider a referral to the Disclosure and Barring Service if a member of Staff is suspended, or deployed to another area of work that is not regulated activity.
- 30 **Resignation:** If you tender your resignation, or cease to provide your services to the School at a time when child protection concerns exist in relation to you, those concerns will still be investigated in full by the School and a referral to the Disclosure and Barring Service will be made promptly if the criteria for a referral are met.
- 31 **Teaching Regulation Agency (TRA) (previously known as the National College for Teaching and Leadership):** Separate consideration will also be given to making a referral to the TRA where a teacher has been dismissed (or would have been dismissed had he or she not resigned) because of unacceptable professional conduct, conduct that may bring the profession into disrepute, or a conviction at any time for a relevant offence. An interim referral to the TRA may also be considered and made if appropriate.

*RAC – March 2019*

## **WINCHESTER COLLEGE**

### **WHISTLEBLOWING POLICY- (Appendix 10 Child Protection and Safeguarding Policy)**

Implementation	February 2011
Review Date	August 2018
Next Review Date	August 2021
Author	RAC
Approved	SMC

The Whistleblowing policy is guided by Lord Nolan's Second Report of the Committee on Standards in Public Life, or the Public Interest Disclosure Act 1998. Employees desiring external advice on whistleblowing should contact the charity Public Concern at Work on Telephone Number: 0207 4046609, [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk).

Staff who do not feel able to raise concerns regarding child protection failures internally may contact the NSPCC whistleblowing helpline Tel: 0800 028 0285 [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

#### **1.0 Introduction & Purpose**

1.1 Winchester College is committed to the highest standards of professional conduct. All staff, including temporary, agency and contract staff, who have serious concerns about any aspect of their work, have a right and duty to come forward and express those concerns without fear of reprisal, victimisation or harassment. In most cases, concerns or complaints will be dealt with through other procedures, such as those for resolving grievances, disciplinary matters or concerns relating to discrimination. However in some cases, it is recognised that staff will want to come forward on a *confidential* basis (whistleblowing). This policy makes it clear that this can be done without fear of reprisal, victimisation or harassment. Disclosures should be made in the public interest.

#### **2.0 Consultation and information**

2.1 The school will ensure that every new member of staff, temporary or permanent, is made aware of all requirements and expectations encoded in the Staff Handbook.

2.2 Staff are protected when they make a disclosure of information which they reasonably believe indicates one or more of the following matters. This list is not exhaustive:

- a criminal offence has been committed, is being committed or likely to be committed;



- a colleague has failed, is failing, or is likely to fail to comply with any legal obligation to which he/she is subject;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health and safety of any individual has been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged;
- any of these matters has been, is being or is likely to be deliberately concealed.

It should be noted that in making a disclosure the member of staff must have a reasonable belief that the information disclosed shows one or more of the matters listed above. The belief need not be correct but the member of staff must show that he/she held the belief and that it was a reasonable belief in the circumstances at the time of the disclosure.

The only additional requirement on the member of staff is that he/she should act in good faith. The school will not tolerate malicious or vindictive disclosures and if such a disclosure is made the individual(s) involved will be subject to action under disciplinary procedure.

2.3 In addition to the above, the school expects and encourages staff to come forward with disclosures if they suspect:

- fraud, corruption or malpractice;
- failure to deliver approved standards of Child Protection;
- damaging personal conflicts at senior level;
- bullying, discrimination, harassment or victimisation in the workplace;
- serious breaches of the standards set out in the Dons' Handbook or other Code.

2.4 Senior Management notified of a concern will:

- ensure that concerns raised are taken seriously;
- where appropriate, investigate properly and make an objective assessment of the concern;
- keep the member of staff advised of progress;
- ensure that necessary action is taken.

### **3.0 Confidential reporting**

The law protects employees against unfair dismissal or being subjected to detriment as a result of a protected disclosure. If anyone tries to prevent a member of staff from coming forward to express a concern, this may be treated as a disciplinary offence.

Workers who 'blow the whistle' on wrongdoing in the workplace can claim unfair dismissal if they are dismissed or victimised for doing so. An employee's dismissal (or selection for

redundancy) is automatically considered 'unfair' if it is wholly or mainly for making a protected disclosure. From 25th June 2013 if a case goes to a tribunal and the tribunal thinks the disclosure was made in bad faith, it will have the power to reduce compensation by up to 25%.

A worker will have to show three things to claim PIDA protection:

1. that he or she made a disclosure
2. that they followed the correct disclosure procedure
3. that they were dismissed or suffered a detriment as a result of making the disclosure.

#### **4.0 Whom to contact**

- In most cases, the member of staff should be able to raise any concerns with his/her Head of Department or other Senior Manager. If for some reason this is not possible, an approach should be made directly to the Director of HR. If necessary, the member of staff should ask for a confidential meeting.
- A member of staff may also in the first instance report a concern to the Director of HR. These concerns should be put in writing and include, if possible, some background, relevant dates and the reason why the situation has caused concern. The recipient of the information will acknowledge the concern within 48 hours. If a meeting or interview is held to discuss the concern, this will usually be done within 14 days. At this meeting, the member of staff raising the matter may be accompanied by a work colleague or a qualified trade union official.
- If staff do not feel able to go to their employer with the disclosure first they should contact a prescribed person or body first. (Guidance is available from [Whistleblowing: list of prescribed people and bodies - GOV.UK](#))

#### **5.0 Annual Review**

This Policy will be reviewed annually by The Human Resources Director and the Senior Management Committee and updated as appropriate.

RAC

August 2018

## **WINCHESTER COLLEGE**

### **CHILD PROTECTION AND SAFEGUARDING TRAINING**

Winchester College is committed to ensuring that their staff are familiar with Safeguarding and Child Protection Procedures and are able to implement them in an effective and empathetic manner.

All staff should:

- Understand their role and responsibilities with regard to safeguarding children
- Be familiar with the legal framework that relates to safeguarding children
- Understand the concepts of confidentiality and disclosure
- Be familiar with key policies and procedures
- Be familiar with key definitions, signs and indicators of abuse
- Be familiar with factors that may increase risk to children and families
- Read Part 1 of Keeping Children Safe in Education (Sept 2018) and Annex A

### **RESOURCES**

Documentation of the Safeguarding and Child Protection policy is available on the School's Portal for teaching staff and the external website for non-teaching staff. In addition to the School's policies, there are links to national and local documents and online resources available in the same place. Hard copies of the Child Protection and Safeguarding Policy, and its associated policies, are stored in the:

- Porters' Lodge
- Works Department
- Sports Department
- Dons Common Room
- Boarding Houses
- Music School

A summary of Child Protection contacts and procedures is carried by all members of staff - it appears on p.94 of Short Roll, which is carried by all teaching staff, and it is issued as a card that can be stored in a wallet or handbag to all staff.

### **RECORD KEEPING**

Copies of all Child Protection Training attendance records are kept in the Bursary and on iTrent, a database managed by the Human Resources Department.

## TRAINING SCHEDULE

### Induction Training for all staff covers:

- ✓ Child Protection & Safeguarding Policy
- ✓ Duty to report and to whom
- ✓ Definitions and signs of abuse
- ✓ Staff Code of Conduct
- ✓ Behaviour Policy
- ✓ Missing from Education
- ✓ Whistle-blowing procedures
- ✓ Identity of DSL
- ✓ KCSIE Part 1
- ✓ KCSIE Annex A
- ✓ Risks of Radicalisation

### Designated Safeguarding Lead & Deputy DSL

- *Initially:* DSL initial training provided by Hampshire County Council covers:
  - ✓ Interagency working
  - ✓ Child Protection Conferences
  - ✓ Supporting Children in Need
  - ✓ Children at risk of radicalisation
  - ✓ Record keeping
  - ✓ Promoting a culture of listening
- *Bi-ennially:* refresher training provided by Hampshire County Council or accredited body
- *As required:* Training courses on relevant issues or issues arising including

### Headmaster & Governing Body Representative:

- *Initially:* Training provided by the DSL during orientation
- *Triennially:* Comprehensive Training provided by an external provider
- *Annually (and as required):* DSL to brief on changes to policy, practices and legislation.

NB: DSL briefs whole GoBo annually and as required on changes to policy, practices and legislation.

### Dons:

- *Initially:* Training provided by the DSL during orientation
- *Triennially:* Training provided by an external provider
- *Annually (and as required):* DSL provides regular updates in line with LSCB advice to include Prevent and on-line safety, plus informal updates.

### Housemasters, Matrons, Assistant Housemasters, Nursing Staff:

- *Initially:* Training provided by the DSL during orientation
- *Triennially:* Comprehensive Training provided by an external provider
- *Annually (and as required):* DSL provides regular updates in line with LSCB advice to include Prevent and on-line safety, plus informal updates.

### Administrative & Support Staff, Peripatetic Music Teachers, Sports Staff, Volunteers and Temporary Staff:

- *Initially:* Training provided by the DSL or line manager during orientation
- *Triennially:* Training provided by the DSL
- *Annually (and as required):* DSL provides regular updates in line with LSCB advice to include Prevent and on-line safety, plus informal updates.

**RISK ASSESSMENT FOR VISITING SPEAKERS**

No	Prevent Vulnerability/Risk Area	Risk Y/N	Action taken/already in place to mitigate/address risk	Owner	When
1	<p><b>Speakers and Events</b></p> <p>Is there an effective policy/framework for managing speaker requests?</p> <p>Is it well communicated to staff/students and complied with?</p> <p>Is there an effective policy/framework for assessing the risks of radicalisation by speakers?</p>	N	<p>The event is approved by the Events Committee the term before the date of the event is published in the School Calendar.</p> <p>Details of the lecture/s are circulated to all dons and pupils prior to the event. Dons with concerns about the speaker or the content of the speech are asked during a Common Room meeting to alert the organising don, who will act accordingly.</p> <p>There is a supervising staff member who has received Child Protection Training at each lecture. That don will remain for the duration of the presentation and intervene if there is inappropriate action or content. Staff are particularly alert to whether visiting speakers express fundamentalist views, as outlined in the 'Prevent Duty (July 2015)'.</p>	ECM  Reviewed CPB	Sept 2015  June 2018
2	<p><b>Unsupervised Access</b></p> <p>Do visiting speakers have independent access to pupils?</p>	N	<p>Visiting speakers sign in and out of the Porters' Lodge and can be identified as they wear a Visitor's Badge.</p> <p>There is a supervising staff member who has received Child Protection Training at each lecture. That person will escort the speaker to and from the presentation. Speakers are given a 'Visitor's Brochure' that outlines the School's Child Protection Policy.</p>	ECM  Reviewed CPB	Sept 2015  June 2018

Hampshire Safeguarding Children Board and Children's Trust Thresholds Chart				
Threshold:	1. Universal	2. Early Help	3. Targeted Early Help	4. Children's Social Care
The child or young person (including unborn):	Has needs met within universal provision. May need limited intervention within the setting to avoid needs arising.	Has additional needs identified within the setting that can be met within identified resources through a single agency response and partnership working.	Has multiple needs requiring a multi-agency coordinated response.	Has a high level of unmet and complex needs or is in need of protection.
Circumstances and Key Features	<p><b>Developmental Needs</b></p> <ul style="list-style-type: none"> <li>Achieving learning targets</li> <li>Good attendance</li> <li>Meeting developmental milestones</li> <li>Has psychological well-being</li> <li>Socially interactive and skilled</li> <li>Ability to protect self and be protected</li> </ul> <p><b>Family and environment</b></p> <ul style="list-style-type: none"> <li>Supportive relationships</li> <li>Housed, good diet and kept healthy</li> <li>Supportive networks</li> <li>Access to positive activities</li> </ul> <p><b>Parents and carers</b></p> <ul style="list-style-type: none"> <li>Protected by carers</li> <li>Secure and caring home</li> <li>Receive and act on information, advice and guidance</li> <li>Appropriate boundaries maintained</li> </ul>	<p><b>Developmental Needs</b></p> <ul style="list-style-type: none"> <li>Absence / truancy from school</li> <li>Incidence of absence / missing from home</li> <li>Use of fixed term exclusions</li> <li>Risk of social exclusion</li> <li>Poor attachments</li> <li>Language and communication difficulties</li> <li>Reduced access to core needs</li> <li>Disability or additional special need</li> <li>Potential for becoming NEET</li> <li>Potential not to attain</li> <li>Slow in meeting developmental milestones</li> <li>Missing health checks/immunisations</li> <li>Minor health problems</li> <li>Early signs of offending / anti-social behaviour</li> <li>Underage sexual activity</li> <li>Early signs of drug/alcohol misuse</li> <li>Poor self-esteem</li> <li>Low level emotional/mental health issues</li> </ul> <p><b>Family and environment</b></p> <ul style="list-style-type: none"> <li>Poor parent/child relationships</li> <li>Children of prisoners / parents subject to community orders</li> <li>Bullying</li> <li>Poor housing and poor home environment impacting on child's health</li> <li>Community harassment / discrimination</li> <li>Low income affects achievement</li> <li>Parenting advice needed to prevent needs escalating</li> <li>Poor access to core services</li> <li>Risk of relationship breakdown</li> <li>Concerns about possible domestic abuse</li> </ul> <p><b>Parents and carers</b></p> <ul style="list-style-type: none"> <li>Inconsistent care arrangements</li> <li>Poor supervision by parent/carer</li> <li>Inconsistent parenting</li> <li>Poor response to emerging needs</li> <li>Historic context of parents/carers own childhood</li> </ul>	<p><b>Developmental Needs</b></p> <ul style="list-style-type: none"> <li>Persistent absence from school</li> <li>Missing from school / home regularly with no explanation</li> <li>Permanent exclusions/no school place</li> <li>Social exclusion</li> <li>Poor attachments</li> <li>No access to core services</li> <li>Significant disabilities</li> <li>NEET</li> <li>Developmental milestones not being met due to persistent parental failure/inability</li> <li>Chronic/recurring health problems</li> <li>Regular missed appointments affecting developmental progress</li> <li>Teenage pregnancy</li> <li>Drug/alcohol misuse impacting negatively</li> <li>Risky sexual behaviour (e.g. unprotected sex)</li> <li>Offending / anti-social behaviour resulting in risk of entering Youth Justice System</li> <li>Emotional / mental health issues</li> </ul> <p><b>Family and Environment</b></p> <ul style="list-style-type: none"> <li>Housing tenancy at risk</li> <li>Community harassment / discrimination</li> <li>Domestic abuse</li> <li>Relationship breakdown</li> <li>Transient families</li> </ul> <p><b>Parents and Carers</b></p> <ul style="list-style-type: none"> <li>Parental learning or physical disability, substance misuse or mental health impacts on parenting</li> <li>Inconsistent care arrangements</li> <li>Poor supervision by parent/carer</li> <li>Inconsistent parenting</li> <li>Poor response to identified needs</li> <li>Historic context of parents/carers own childhood</li> </ul>	<p><b>Developmental Needs</b></p> <ul style="list-style-type: none"> <li>Chronic persistent absence, permanent exclusions or no school place that risks entry to the care system</li> <li>Persistent social exclusion</li> <li>Poor attachments</li> <li>Complex / multiple disabilities</li> <li>Complex mental health issues affecting developmental needs, including self-harm</li> <li>High level emotional health issues and very low self-esteem</li> <li>Non-organic failure to thrive</li> <li>Sexually inappropriate behaviour</li> <li>Sexually aggressive behaviour</li> <li>Teenage parent/pregnancy under the age of 13</li> <li>Sexual exploitation / abuse</li> <li>Drug/alcohol use severely impairing development</li> <li>Frequently missing from home resulting in self-neglect</li> <li>Relationship breakdown</li> <li>Offending and in the criminal justice system</li> <li>Unaccompanied minors</li> </ul> <p><b>Family and environment</b></p> <ul style="list-style-type: none"> <li>Suspicion of physical, emotional or sexual abuse or neglect</li> <li>Domestic abuse resulting in child being at risk of significant harm</li> <li>Homeless child/young person</li> <li>Family intentionally homeless</li> <li>Community harassment/discrimination</li> <li>Extreme poverty affecting child well-being</li> <li>Forced marriage, Honour Based Violence, Female Genital Mutilation</li> </ul> <p><b>Parents and carers</b></p> <ul style="list-style-type: none"> <li>Edge of care</li> <li>Parental encouragement of abusive/offending behaviour</li> <li>Continuing poor supervision in the home</li> <li>Parental non-compliance / disguised non-compliance or co-operation</li> <li>Inconsistent parenting affects child's developmental progress</li> <li>Private fostering</li> </ul>
The following circumstances and key features are for guidance and should always be considered in respect of the impact on the child or young person				
Despite intervention at 2, evidence of continuing:				
Persistent/continued/severe				
What do I do next?	Go direct to service or search the <a href="http://www3.hants.gov.uk/supportingfamilies.htm">http://www3.hants.gov.uk/supportingfamilies.htm</a>	Consider Early Help checklist and commencement of early help assessment Referral to agency for support to meet identified need. For further advice or guidance in respect of early help, contact your locality team.	Early Help assessment. If you require advice or guidance in respect of the child or young person's needs, telephone Children's Reception team on 0300 555 1384	Contact Children's Reception team on 0300 555 1384 or Police 999 if at immediate risk.
Level of Assessment	No formal assessment	Early help checklist / commencement of Early help assessment	Early help assessment and plan	Child and Family assessment and plan
Children's Reception Team: 0300 555 1384			Out of Hours: 0300 555 1373	
			Emergencies: 999	

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Department  
for Education

# **Keeping children safe in education**

**Statutory guidance for schools and  
colleges**

**Part 1: Information for all school and  
college staff**

**September 2018**

# Contents

Summary	3
Part one: Safeguarding information for all staff	4
What school and college staff should know and do	4
A child centred and coordinated approach to safeguarding	4
The role of school and college staff	4
What school and college staff need to know	5
What school and college staff should look out for	6
What school and college staff should do if they have concerns about a child	7
Female Genital Mutilation mandatory reporting duty for teachers	10
Record keeping	10
Why is all of this important?	10
What school and college staff should do if they have concerns about another staff member who may pose a risk of harm to children	11
What school or college staff should do if they have concerns about safeguarding practices within the school or college	11
Indicators of abuse and neglect	13
Specific safeguarding issues	14
Annex A: Further information	15
Children and the court system	16
Children missing from education	16
Children with family members in prison	16
Child sexual exploitation	16
Child criminal exploitation: county lines	17
Domestic abuse	18
Homelessness	19
So-called 'honour-based' violence	19
Preventing radicalisation	21
Peer on peer abuse	23
Sexual violence and sexual harassment between children in schools and colleges	23
What is Sexual violence and sexual harassment?	24
Additional advice and support	26



## Summary

Keeping Children Safe in Education is statutory guidance that schools and colleges in England must have regard to it when carrying out their duties to safeguard and promote the welfare of children.

- Governing bodies of maintained schools (including maintained nursery schools) and colleges;
- Proprietors of independent schools (including academies, free schools and alternative provision academies) and non-maintained special schools. In the case of academies, free schools and alternative provision academies, the proprietor will be the academy trust; and
- Management committees of pupil referral units (PRUs)

are asked to ensure that **all staff** in their school or college **read** at least Part one of the guidance.

For ease of reference Part one is set out here as a standalone document.

# Part one: Safeguarding information for all staff

## What school and college staff should know and do

### A child centred and coordinated approach to safeguarding

1. Schools and colleges and their staff are an important part of the wider safeguarding system for children. This system is described in statutory guidance [Working Together to Safeguard Children](#).
2. Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners 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.
3. No single practitioner 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.
4. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:
  - protecting children from maltreatment
  - preventing impairment of children's health or development
  - ensuring that children grow up in circumstances consistent with the provision of safe and effective care
  - taking action to enable all children to have the best outcomes
5. Children includes everyone under the age of 18.

### The role of school and college staff

6. School and college staff are particularly important as they are in a position to identify concerns early, provide help for children, and prevent concerns from escalating.
7. **All** staff have a responsibility to provide a safe environment in which children can learn and **all** staff should be prepared to identify children who may benefit from early

help.<sup>1</sup> Early help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage years.

8. **Any staff member** who has a concern about a child's welfare should follow the referral processes set out in paragraphs 22-33. Staff should expect to support social workers and other agencies following any referral.

9. Every school and college should have a designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children's social care.

10. The designated safeguarding lead (and any deputies) are most likely to have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns.

11. The Teachers' Standards 2012 state that teachers (which includes headteachers) should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.<sup>2</sup>

## **What school and college staff need to know**

12. **All** staff should be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction. This should include:

- the child protection policy;
- the behaviour policy;<sup>3</sup>
- the staff behaviour policy (sometimes called a code of conduct);
- the safeguarding response to children who go missing from education; and
- the role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).

Copies of policies and a copy of Part one of this document should be provided to staff at induction.

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<sup>1</sup> Detailed information on early help can be found in Chapter 1 of [Working Together to Safeguard Children](#).

<sup>2</sup> The [Teachers' Standards](#) apply to: trainees working towards QTS; all teachers completing their statutory induction period (newly qualified teachers [NQTs]); and teachers in maintained schools, including maintained special schools, who are subject to the Education (School Teachers' Appraisal) (England) Regulations 2012.

<sup>3</sup> All schools are required to have a behaviour policy (full details are [here](#)). If a college chooses to have a behaviour policy it should be provided to staff as described above.

13. **All** staff should receive appropriate safeguarding and child protection training which is regularly updated. In addition, all staff should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

14. **All** staff should be aware of their local early help<sup>4</sup> process and understand their role in it.

15. **All** staff should be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments.<sup>5</sup>

16. **All** staff should know what to do if a child tells them he/she is being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need to be involved, such as the designated safeguarding lead (or a deputy) and children's social care. Staff should never promise a child that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child.

## **What school and college staff should look out for**

17. **Any** child may benefit from early help, but all school and college staff should be particularly alert to the potential need for early help for a child who:

- is disabled and has specific additional needs
- has special educational needs (whether or not they have a statutory Education, Health and Care Plan)
- is a young carer
- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home
- is at risk of modern slavery, trafficking or exploitation
- is at risk of being radicalised or exploited
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing drugs or alcohol themselves

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<sup>4</sup> Detailed information on early help can be found in Chapter 1 of [Working Together to Safeguard Children](#).

<sup>5</sup> More information on statutory assessments is included at paragraph 28. Detailed information on statutory assessments can be found in Chapter 1 of [Working Together to Safeguard Children](#).

- has returned home to their family from care
- is a privately fostered child

18. **All** staff should be aware of indicators of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Indicators of abuse and neglect, and examples of safeguarding issues are described in paragraphs 41-51.

19. Departmental advice [What to Do if You Are Worried a Child is Being Abused - Advice for Practitioners](#) provides more information on understanding and identifying abuse and neglect. Examples of potential indicators of abuse and neglect are highlighted throughout the advice and will be particularly helpful for school and college staff. The [NSPCC](#) website also provides useful additional information on abuse and neglect and what to look out for.

20. Staff working with children are advised to maintain an attitude of '**it could happen here**' where safeguarding is concerned. When concerned about the welfare of a child, staff should always act in the **best** interests of the child.

21. Knowing what to look for is vital to the early identification of abuse and neglect. If staff are unsure, they should **always** speak to the designated safeguarding lead (or deputy).

## **What school and college staff should do if they have concerns about a child**

22. If staff have **any concerns** about a child's welfare, they should act on them immediately. See page 13 for a flow chart setting out the process for staff when they have concerns about a child.

23. If staff have a concern, they should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).

24. Options will then include:

- managing any support for the child internally via the school's or college's own pastoral support processes;
- an early help assessment;<sup>6</sup> or

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<sup>6</sup> Further information on early help assessments, provision of early help services and accessing services is in Chapter 1 of [Working Together to Safeguard Children](#).

- a referral for statutory services,<sup>7</sup> for example as the child might be in need, is in need or suffering or likely to suffer harm.

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

26. Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. [Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#) supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 and General Data Protection Regulation (GDPR). If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy. Fears about sharing information **must not** be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children.

## Early help

27. If early help is appropriate, the designated safeguarding lead (or deputy) will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. Staff may be required to support other agencies and professionals in an early help assessment, in some cases acting as the lead practitioner. Any such cases should be kept under constant review and consideration given to a referral to children's social care for assessment for statutory services, if the child's situation does not appear to be improving or is getting worse.

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<sup>7</sup> Chapter 1 of [Working Together to Safeguard Children](#) sets out that the safeguarding partners should publish a threshold document that should include the criteria, including the level of need, for when a case should be referred to local authority children's social care for assessment and for statutory services under section 17 and 47.

Local authorities, with their partners, should develop and publish local protocols for assessment. A local protocol should set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care.

## Statutory assessments

28. **Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and if appropriate the police) is made immediately.** Referrals should follow the local referral process.

## Children in need

A child in need is defined under the Children Act 1989 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. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989.

## Children suffering or likely to suffer significant harm

Local authorities, with the help of other organisations as appropriate, have a duty to make enquires under section 47 of the Children Act 1989 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 violence, and extra-familial threats like radicalisation and sexual exploitation.

29. The online tool [Report Child Abuse to Your Local Council](#) directs to the relevant local children's social care contact number.

## What will the local authority do?

30. Within one working day of a referral being made, a local authority social worker should acknowledge receipt to the referrer and make a decision about the next steps and the type of response that is required This will include determining whether:

- the child requires immediate protection and urgent action is required
- the child is in need, and should be assessed under section 17 of the Children Act 1989
- there is reasonable cause to suspect the child is suffering or likely to suffer significant harm, and whether enquiries must be made and the child assessed under section 47 of the Children Act 1989
- any services are required by the child and family and what type of services
- further specialist assessments are required to help the local authority to decide what further action to take
- to see the child as soon as possible if the decision is taken that the referral requires further assessment.

31. The referrer should follow up if this information is not forthcoming.
32. If social workers decide to carry out a statutory assessment, staff should do everything they can to support that assessment (supported by the designated safeguarding lead (or deputy) as required).
33. If, after a referral, the child's situation does not appear to be improving, the referrer should consider following local escalation procedures to ensure their concerns have been addressed and, most importantly, that the child's situation improves.

## Female Genital Mutilation mandatory reporting duty for teachers

34. Whilst all staff should speak to the designated safeguarding lead (or deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific **legal** duty on **teachers**.<sup>8</sup> 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 police. **See Annex A** for further details.

## Record keeping

35. All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

## Why is all of this important?

36. It is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action.<sup>9</sup> Examples of poor practice include:

- failing to act on and refer the early signs of abuse and neglect;
- poor record keeping;
- failing to listen to the views of the child;
- failing to re-assess concerns when situations do not improve;
- not sharing information;
- sharing information too slowly; and
- a lack of challenge to those who appear not to be taking action.

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<sup>8</sup> Under Section 5B(11) (a) of the Female Genital Mutilation Act 2003, "teacher" means, in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).

<sup>9</sup> An analysis of serious case reviews can be found at [Serious case reviews, 2011 to 2014](#).



## **What school and college staff should do if they have concerns about another staff member who may pose a risk of harm to children**

37. If staff have safeguarding concerns, or an allegation is made about another member of staff (including volunteers) posing a risk of harm to children, then:

- this should be referred to the headteacher or principal;
- where there are concerns/allegations about the headteacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school; and
- in the event of concerns/allegations about the headteacher, where the headteacher is also the sole proprietor of an independent school, allegations should be reported directly to the designated officer(s) at the local authority. (Further details can be found in Part four of this guidance).

## **What school or college staff should do if they have concerns about safeguarding practices within the school or college**

38. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's or college's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.

39. Appropriate whistleblowing procedures, should be put in place for such concerns to be raised with the school's or college's senior leadership team.

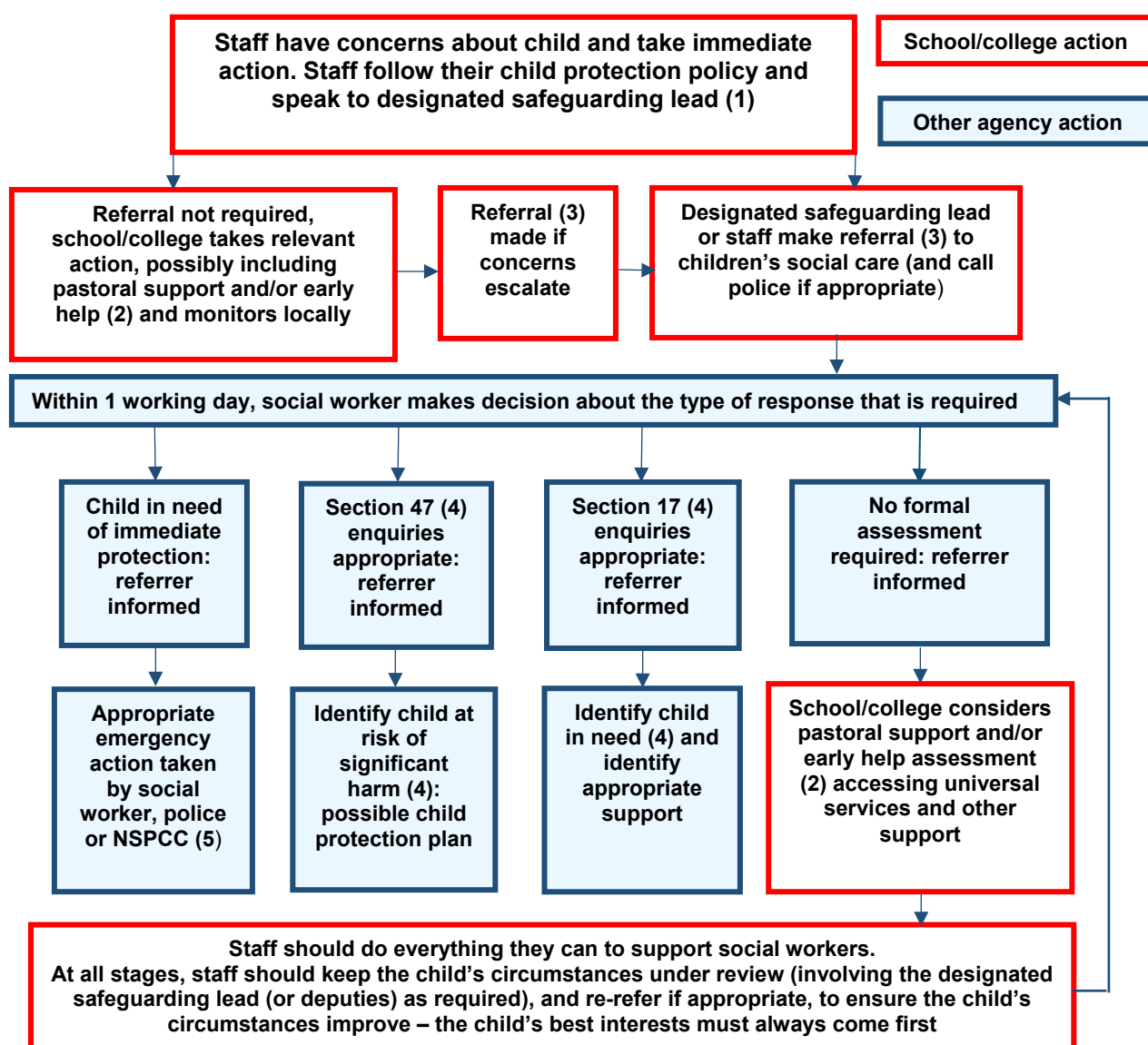
40. Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance on whistleblowing can be found via: [Advice on Whistleblowing](#).
- The [NSPCC whistleblowing helpline](#) is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)<sup>10</sup>

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<sup>10</sup> Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.

## Actions where there are concerns about a child



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

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

(3) Referrals should follow the process set out in the local threshold document and local protocol for assessment. Chapter one of [Working Together to Safeguard Children](#).

(4) Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989. Under section 47 of the Children Act 1989, where a local authority has reasonable cause to suspect that a child is suffering or likely to suffer significant harm, it has a duty to make enquiries to decide whether to take action to safeguard or promote the child's welfare. Full details are in Chapter one of [Working Together to Safeguard Children](#).

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

## Indicators of abuse and neglect

41. All school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.
42. **Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.
43. **Physical abuse:** a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.
44. **Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.
45. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education (see paragraph 48).

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

### Specific safeguarding issues

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

48. **All** staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to:

- bullying (including cyberbullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment;
- sexting (also known as youth produced sexual imagery); and
- initiation/hazing type violence and rituals.

49. **All** staff should be clear as to the school's or college's policy and procedures with regards to peer on peer abuse.

50. Safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside the school or college. All staff, but especially the designated safeguarding lead (and deputies) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare. Children's social care assessments should consider such factors so it is important that schools and colleges provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and the full context of any abuse. Additional information regarding contextual safeguarding is available here: [Contextual Safeguarding](#).

51. **Annex A** contains important additional information about specific forms of abuse and safeguarding issues. School and college leaders and those staff who work directly with children should read the annex.

## Annex A: Further information

Annex A contains important additional information about specific forms of abuse and safeguarding issues. School and college leaders and those staff who work directly with children should read this annex.

As per Part 1 of this guidance, if staff have any concerns about a child's welfare, they should act on them immediately. They should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).

**Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and if appropriate the police) is made immediately.**

Annex A Index	
Abuse/Safeguarding Issues	Page
Children and the court system	16
Children missing from education	16
Children with family members in prison	16
Child sexual exploitation	16
Child criminal exploitation: county lines	17
Domestic abuse	18
Homelessness	18
So-called 'honour-based' violence	19
Preventing radicalisation	21
Peer on peer abuse	23
Sexual violence and sexual harassment between children in schools and colleges	23
Additional advice and support	26

## Children and the court system

Children are sometimes required to give evidence in criminal courts, either for crimes committed against them or for crimes they have witnessed. There are two age appropriate guides to support children [5-11-year olds](#) and [12-17 year olds](#).

The guides explain each step of the process and support and special measures that are available. There are diagrams illustrating the courtroom structure and the use of video links is explained.

Making child arrangements via the family courts following separation can be stressful and entrench conflict in families. This can be stressful for children. The Ministry of Justice has launched an online [child arrangements information tool](#) with clear and concise information on the dispute resolution service. This may be useful for some parents and carers.

## Children missing from education

All staff should be aware that children going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and child criminal exploitation. It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future. Staff should be aware of their school's or college's unauthorised absence and children missing from education procedures.

## Children with family members in prison

Approximately 200,000 children have a parent sent to prison each year. These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health. [NICCO](#) provides information designed to support professionals working with offenders and their children, to help mitigate negative consequences for those children.

## 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. Like all forms of child sex abuse, child sexual exploitation:

- 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;
- can still be abuse even if the sexual activity appears consensual;
- can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity;
- can take place in person or via technology, or a combination of both;
- can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence;
- 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);
- 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; and
- is typified by some form of power imbalance in favour of those perpetrating the abuse. 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.

Some of the following signs may be indicators of child sexual exploitation:

- children who appear with unexplained gifts or new possessions;
- children who associate with other young people involved in exploitation;
- children who have older boyfriends or girlfriends;
- children who suffer from sexually transmitted infections or become pregnant;
- children who suffer from changes in emotional well-being;
- children who misuse drugs and alcohol;
- children who go missing for periods of time or regularly come home late; and
- children who regularly miss school or education or do not take part in education.

## **Child criminal exploitation: county lines**

Criminal exploitation of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity: drug networks or gangs groom and exploit children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns. Key to identifying potential involvement in county lines are missing episodes, when the victim may have been trafficked for the purpose of

transporting drugs and a referral to the National Referral Mechanism<sup>11</sup> should be considered. Like other forms of abuse and exploitation, county lines exploitation:

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

## Domestic abuse

The cross-government definition of domestic violence and abuse is:

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

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

Exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result. Domestic abuse affecting young people can also occur within their personal relationships, as well as in the context of their home life.

Advice on identifying children who are affected by domestic abuse and how they can be helped is available at:

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<sup>11</sup> [national crime agency human-trafficking](#)



[NSPCC- UK domestic-abuse Signs Symptoms Effects](#)

[Refuge what is domestic violence/effects of domestic violence on children](#)

[Safelives: young people and domestic abuse](#)

## Homelessness

Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare. The designated safeguarding lead (and any deputies) should be aware of contact details and referral routes in to the Local Housing Authority so they can raise/progress concerns at the earliest opportunity. Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour, as well as the family being asked to leave a property. Whilst referrals and or discussion with the Local Housing Authority should be progressed as appropriate, and in accordance with local procedures, this does not, and should not, replace a referral into children's social care where a child has been harmed or is at risk of harm.

The Homelessness Reduction Act 2017 places a new legal duty on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help including an assessment of their needs and circumstances, the development of a personalised housing plan, and work to help them retain their accommodation or find a new place to live. The following factsheets usefully summarise the new duties: [Homeless Reduction Act Factsheets](#). The new duties shift focus to early intervention and encourage those at risk to seek support as soon as possible, before they are facing a homelessness crisis.

In most cases school and college staff will be considering homelessness in the context of children who live with their families, and intervention will be on that basis. However, it should also be recognised in some cases 16 and 17 year olds could be living independently from their parents or guardians, for example through their exclusion from the family home, and will require a different level of intervention and support. Children's services will be the lead agency for these young people and the designated safeguarding lead (or a deputy) should ensure appropriate referrals are made based on the child's circumstances. The department and the Ministry of Housing, Communities and Local Government have published joint statutory guidance on the provision of accommodation for 16 and 17 year olds who may be homeless and/ or require accommodation: [here](#).

## So-called 'honour-based' violence

So-called 'honour-based' violence (HBV) encompasses incidents or crimes which have been committed to protect or defend the honour of the family and/or the community, including female genital mutilation (FGM), forced marriage, and practices such as breast ironing. Abuse committed in the context of preserving "honour" often involves a

wider network of family or community pressure and can include multiple perpetrators. It is important to be aware of this dynamic and additional risk factors when deciding what form of safeguarding action to take. All forms of HBV are abuse (regardless of the motivation) and should be handled and escalated as such. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a child being at risk of HBV, or already having suffered HBV.

## Actions

If staff have a concern regarding a child that might be at risk of HBV or who has suffered from HBV, they should speak to the designated safeguarding lead (or deputy). As appropriate, they will activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with police and children's social care. Where FGM has taken place, since 31 October 2015 there has been a mandatory reporting duty placed on **teachers**<sup>12</sup> that requires a different approach (see following section).

## FGM

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

### FGM mandatory reporting duty for teachers

Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon **teachers** along with regulated health and social care professionals in England and Wales, to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18. Those failing to report such cases will face disciplinary sanctions. It will be rare for teachers to see visual evidence, and they should **not** be examining pupils or students, but the same definition of what is meant by "to discover that an act of FGM appears to have been carried out" is used for all professionals to whom this mandatory reporting duty applies. Information on when and how to make a report can be found at: [Mandatory reporting of female genital mutilation procedural information](#).

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<sup>12</sup> Under Section 5B(11)(a) of the Female Genital Mutilation Act 2003, "teacher" means, in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).

Teachers **must** personally report to the police cases where they discover that an act of FGM appears to have been carried out.<sup>13</sup> Unless the teacher has good reason not to, they should still consider and discuss any such case with the school's or college's designated safeguarding lead (or deputy) and involve children's social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. where the teacher does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, teachers should follow local safeguarding procedures. The following is a useful summary of the FGM mandatory reporting duty: [FGM Fact Sheet](#).

## Forced marriage

Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter into a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some communities use religion and culture as a way to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage.

The Forced Marriage Unit has published [statutory guidance](#) and [Multi-agency guidelines](#), with pages 35-36 of which focus on the role of schools and colleges. School and college staff can contact the Forced Marriage Unit if they need advice or information: Contact: 020 7008 0151 or email [fmfco.gov.uk](mailto:fmfco.gov.uk).

## Preventing radicalisation

Children are vulnerable to extremist ideology and radicalisation. Similar to protecting children from other forms of harms and abuse, protecting children from this risk should be a part of a schools' or colleges' safeguarding approach.

[Extremism](#)<sup>14</sup> is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the

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<sup>13</sup> Section 5B(6) of the Female Genital Mutilation Act 2003 states teachers need not report a case to the police if they have reason to believe that another teacher has already reported the case.

<sup>14</sup> As defined in the Government's Counter Extremism Strategy.

armed forces. [Radicalisation](#)<sup>15</sup> refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media) and settings (such as the internet).

However, it is possible to protect vulnerable people from extremist ideology and intervene to prevent those at risk of radicalisation being radicalised. 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. Staff should use their judgement in identifying children who might be at risk of radicalisation and act proportionately which may include the designated safeguarding lead (or deputy) making a referral to the Channel programme.

### **The Prevent duty**

All schools and colleges are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have "due regard"<sup>16</sup> to the need to prevent people from being drawn into terrorism".<sup>17</sup> This duty is known as the Prevent duty.

The Prevent duty should be seen as part of schools' and colleges' wider safeguarding obligations. Designated safeguarding leads and other senior leaders should familiarise themselves with the revised [Prevent duty guidance: for England and Wales](#), especially paragraphs 57-76 which are specifically concerned with schools (and also covers childcare). The guidance is set out in terms of four general themes: Risk assessment, working in partnership, staff training, and IT policies.

### **Additional support**

The department has published advice for schools on the [Prevent duty](#). The advice is intended to complement the Prevent guidance and signposts other sources of advice and support.

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<sup>15</sup> As defined in the Revised Prevent Duty Guidance for England and Wales.

<sup>16</sup> According to the Prevent duty guidance 'having due regard' means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions.

<sup>17</sup> "Terrorism" for these purposes has the same meaning as for the Terrorism Act 2000 (section 1(1) to (4) of that Act).

There is additional guidance: [Prevent duty guidance: for further education institutions in England and Wales](#) that applies to colleges.

[Educate Against Hate](#), a website launched by the Her Majesty's Government has been developed to support and equip school and college leaders, teachers, and parents with information, tools and resources (including on the promotion of fundamental British values) to help recognise and address extremism and radicalisation in young people. The platform provides information on and access to training resources for teachers, staff and school and college leaders, some of which are free such as Prevent e-learning, via the Prevent Training catalogue.

## **Channel**

Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. It provides a mechanism for schools to make referrals if they are concerned that an individual might be vulnerable to radicalisation. An individual's engagement with the programme is entirely voluntary at all stages. Guidance on Channel is available at: [Channel guidance](#), and a Channel awareness e-learning programme is available for staff at: [Channel General Awareness](#).

The school's or college's designated safeguarding lead (and any deputies) should be aware of local procedures for making a Channel referral. As a Channel partner, the school or college may be asked to attend a Channel panel to discuss the individual referred to determine whether they are vulnerable to being drawn into terrorism and consider the appropriate support required.

## **Peer on peer abuse**

Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals.

## **Sexual violence and sexual harassment between children in schools and colleges**

### **Context**

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

Children who are victims of sexual violence and sexual harassment will likely find the

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

Staff should be aware of the importance of:

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

## What is Sexual violence and sexual harassment?

### Sexual violence

It is important that school and college staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003<sup>18</sup> as described below:

**Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

**Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

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<sup>18</sup> [Legislation.gov.uk](https://legislation.gov.uk)

**What is consent?**<sup>19</sup> Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.<sup>20</sup>

## Sexual harassment

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

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

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual “jokes” or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes (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) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.<sup>21</sup> It may include:
  - non-consensual sharing of sexual images and videos;
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media; and
  - sexual exploitation; coercion and threats

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

The initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by

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<sup>19</sup> It is important school and college staff (and especially designated safeguarding leads and their deputies) understand consent. This will be especially important if a child is reporting they have been raped. More information: [here](#)

<sup>20</sup> [PSHE Teaching about consent](#) from the PSHE association provides advice and lesson plans to teach consent at Key stage 3 and 4.

<sup>21</sup> [Project deSHAME](#) from Childnet provides useful research, advice and resources regarding online sexual harassment.

reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

If staff have a concern about a child or a child makes a report to them, they should follow the referral process as set out from paragraph 22 in Part 1 of this guidance. As is always the case, if staff are in any doubt as to what to do they should speak to the designated safeguarding lead (or a deputy).

## Additional advice and support

Abuse or Safeguarding issue	Link to Guidance/Advice	Source
Abuse	<a href="#">What to do if you're worried a child is being abused</a>	DfE advice
	<a href="#">Domestic abuse: Various Information/Guidance</a>	Home Office
	<a href="#">Faith based abuse: National Action Plan</a>	DfE advice
	<a href="#">Relationship abuse: disrespect nobody</a>	Home Office website
Bullying	<a href="#">Preventing bullying including cyberbullying</a>	DfE advice
Children and the courts	<a href="#">Advice for 5-11-year olds witnesses in criminal courts</a>	MoJ advice
	<a href="#">Advice for 12-17 year old witnesses in criminal courts</a>	MoJ advice
Children missing from education, home or care	<a href="#">Children missing education</a>	DfE statutory guidance
	<a href="#">Child missing from home or care</a>	DfE statutory guidance
	<a href="#">Children and adults missing strategy</a>	Home Office strategy
Children with family members in prison	<a href="#">National Information Centre on Children of Offenders</a>	Barnardo's in partnership with Her Majesty's Prison and Probation Service (HMPPS) advice
Child Exploitation	<a href="#">County Lines: criminal exploitation of children and vulnerable adults</a>	Home Office guidance
	<a href="#">Child sexual exploitation: guide for practitioners</a>	DfE
	<a href="#">Trafficking: safeguarding children</a>	DfE and HO guidance
Drugs	<a href="#">Drugs: advice for schools</a>	DfE and ACPO advice
	<a href="#">Drug strategy 2017</a>	Home Office strategy
	<a href="#">Information and advice on drugs</a>	Talk to Frank website



Abuse or Safeguarding issue	Link to Guidance/Advice	Source
	<a href="#">ADEPIS platform sharing information and resources for schools: covering drug (&amp; alcohol) prevention</a>	Website developed by Mentor UK
“Honour Based Violence”  (so called)	<a href="#">Female genital mutilation: information and resources</a>	Home Office
	<a href="#">Female genital mutilation: multi agency statutory guidance</a>	DfE, DH, and HO statutory guidance
	<a href="#">Forced marriage: information and practice guidelines</a>	Foreign Commonwealth Office and Home Office
Health and Well-being	<a href="#">Fabricated or induced illness: safeguarding children</a>	DfE, Department for Health and Home Office
	<a href="#">Rise Above: Free PSHE resources on health, wellbeing and resilience</a>	Public Health England resources
	<a href="#">Medical-conditions: supporting pupils at school</a>	DfE statutory guidance
	<a href="#">Mental health and behaviour</a>	DfE advice
Homelessness	<a href="#">Homelessness: How local authorities should exercise their functions</a>	HCLG
Online	<a href="#">Sexting: responding to incidents and safeguarding children</a>	UK Council for Child Internet Safety
Private fostering	<a href="#">Private fostering: local authorities</a>	DfE - statutory guidance
Radicalisation	<a href="#">Prevent duty guidance</a>	Home Office guidance
	<a href="#">Prevent duty advice for schools</a>	DfE advice
	<a href="#">Educate Against Hate Website</a>	DfE and Home Office
Violence	<a href="#">Gangs and youth violence: for schools and colleges</a>	Home Office advice
	<a href="#">Ending violence against women and girls 2016-2020 strategy</a>	Home Office strategy
	<a href="#">Violence against women and girls: national statement of expectations for victims</a>	Home Office guidance
	<a href="#">Sexual violence and sexual harassment between children in schools and colleges</a>	DfE advice
	<a href="#">Serious violence strategy</a>	Home Office Strategy



Department  
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## Part four: Allegations of abuse made against teachers and other staff

### Duties as an employer and an employee

188. This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm<sup>90</sup> if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

189. This part of the guidance relates to members of staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

190. Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college 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.

### Initial considerations

191. 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 local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

192. Some rare allegations will be so serious they require immediate intervention by

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<sup>90</sup> The harm test is explained on the Disclosure and Barring service website on [GOV.UK](https://www.gov.uk).

children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to a school's or college's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

193. The following definitions should be used when determining the outcome of allegation investigations:

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

194. The headteacher or principal or (where the headteacher or principal is the subject of an allegation) the chair of governors, or the chair of the management committee or proprietor of an independent school (the 'case manager'), should discuss the allegation immediately with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action. The designated officer(s) 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 immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the designated officer(s) in order to help determine whether police involvement is necessary.

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

196. The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time.

However, where a strategy discussion<sup>91</sup> is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step (see paragraphs 223-229 for information about suspension).

197. If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance [Working Together to Safeguard Children](#). If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

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

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

200. However, in other circumstances, such as lack of appropriate resource within the school or college, or the nature or complexity of the allegation, the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that maintained schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges have access to an affordable facility for independent investigation where that is appropriate.

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<sup>91</sup> The purpose of a strategy discussion and those likely to be involved is described in [Working Together to Safeguard Children](#).

## Supporting those involved

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

202. The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. For staff in maintained schools and colleges, that may include support via the local authority occupational health or employee welfare arrangements. 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.

203. Parents or carers of the child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed but the parents or carers of the child should be told the outcome in confidence.<sup>92</sup>

204. Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraphs 206-207). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

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

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<sup>92</sup> In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.

consider what support the child or children involved may need.

## Confidentiality

206. It is extremely important that when an allegation is made, the school or college make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State<sup>93</sup> or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

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

208. In accordance with the [Authorised Professional Practice](#) published by the College of Policing in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted.)

209. The case manager should take advice from the designated officer(s), police and children’s social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;

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<sup>93</sup> Carried out by the Teaching Regulation Agency.

- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when, it should arise.

## Managing the situation and exit arrangements

### Resignations and ‘settlement agreements’

210. If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. **A referral to the DBS *must* be made, if the criteria are met - see paragraphs 157-158.** Schools and sixth form colleges must also consider whether a referral to the Secretary of State is appropriate - see paragraph 160. 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 a school or college from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the school or college would not be complying with its legal duty to make the referral.

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

212. ‘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 where that is appropriate.

### Record keeping

213. Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up



and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

214. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

215. Schools and colleges have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the [IICSA website](#)). All other records should 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.

216. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.<sup>94</sup>

## References

217. Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference. See paragraphs 139-142 for further information on references.

## Timescales

218. It is in everyone's interest to resolve cases as quickly as possible and is consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

219. For those cases where it is clear immediately that the allegation is

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<sup>94</sup> Information Commissioner's Office – [Guidance on employment records in its Employment Practices Code and supplementary guidance](#).

unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should instigate appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

## **Oversight and monitoring**

220. The designated officer(s) has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the three safeguarding partners. The designated officer(s) will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

221. Police forces should also identify officers who will be responsible for:

- liaising with the designated officer(s);
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

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

## **Suspension**

223. The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in

the community or the teacher's family, those concerns should be reported to the designated officer(s), children's social care or the police as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.

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

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

- redeployment within the school or college 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 or college 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; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

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

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

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

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

## **Information sharing**

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

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

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

## Specific actions

### Following a criminal investigation or a prosecution

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

### On conclusion of a case

234. If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the designated officer(s) should discuss with the case manager and their personnel adviser whether the school or college will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required;<sup>95</sup> and, in the case of a member of teaching staff at a school or sixth form college, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

235. **There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. See paragraph 157.**

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

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<sup>95</sup> Disclosure and Barring Service – guidance on [Referrals to the DBS](#).

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

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

## **Learning lessons**

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

## **Further information**

239. See the [College of Policing: Engagement, Communication and Media relations](#).



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