Child Protection and Safeguarding Policy

Reviewed: June 2021

Next Review: June 2022

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 2021
- *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* September 2021
- *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.

Important contacts:

1. Designated Safeguarding Lead (DSL): **Mr Callum Barnes**
   
   Deputy Designated Safeguarding Leads: **Mr Nicholas Wilks, Mrs Ali Harber & Mrs Belén Lopez**
   
   01962 621179 (Office Hours) 07436 588321 (Out of Hours) safeguarding@wincoll.ac.uk

2. Governor with specific responsibility for Child Protection: **Mrs Alison Mayne** via her secretary
   
   01962 621206, jm1@wincoll.ac.uk

3. Winchester College Medical Centre: 01962 621228

4. Local Authority Designated Officer (LADO): 01962 876364

5. Porters’ Lodge: 01962 621227. Porters’ mobile (2300 to 0730): 07850 341682
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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
HSCP: Hampshire Safeguarding Children Partnership
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, sexual orientation 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 and safeguarding procedures. In particular they need to read Keeping Children Safe in Education Part 1, (or Annex A only if not working directly with children) (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 and 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, Relationships and Sex Education (RSE), e-safety and resilience to risks of radicalisation. This is overseen by the Head of PSHEE, Mr Tom Quayle.
- 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). 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 Thomas Rainer, 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)
Mr N Wilks (Second Master & Deputy Designated Safeguarding Lead)
Mrs A Harber (Deputy Head Pastoral & Deputy Designated Safeguarding Lead)
Mrs M B Lopez (Deputy Designated Safeguarding Lead)
Mrs A Mayne (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. 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) & Child Criminal Exploitation (CCE)**: are forms of child abuse that occur 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 or criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator(s) or facilitator (e.g. transporting drugs/money). 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 (e.g.: forcing children to look at sexual images or watch sexual activities).
• **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.

• **‘Exposure to Manipulation, Indoctrination and Exploitation**
Manipulation, indoctrination and exploitation (whether verbal, psychological or physical) refer to the strategies whereby an individual (child or adult) may be encouraged or coerced into unsafe behaviours or allegiances. Winchester College builds pupils’ resilience to manipulation, indoctrination and exploitation by promoting fundamental British values and making clear in lessons and in policies what is acceptable and not acceptable behaviour. The School’s Code, Rules and Principles of Boarding require all individuals (regardless of race, religion, ethnicity, age, gender, sexual orientation or disability) are treated equally and with respect, free from abuse, teasing, harassment, bullying, discriminatory language or any other kind of anti-social behaviour. Discussions around these matters enable pupils to understand the risks associated with potential manipulation, indoctrination and exploitation and allow them to resist such strategies.’

• **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, Honour based abuse (such as FGM), bullying (including cyber bullying), drugs, induced illness, youth violence, faith abuse, youth produced sexual imagery (sexting), serious violence/gangs, 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 Keeping Children Safe in Education, Annex B.*

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 consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual exploitation, criminal exploitation, and serious youth violence. 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’ or ‘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, 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 a Deputy Designated Safeguarding Lead.

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;
- has mental health 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 or county lines;
• 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, or honour-based abuse;
• 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
• is looked after and previously looked after children
• is persistently absent from education

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 be found in Working Together to Safeguard Children, 2018.

2.5 Additional Support (Child in Need and Child Protection Plans)

Children may need a social worker due to safeguarding or welfare needs. A child’s experiences of adversity and trauma can leave them vulnerable to further harm, as well as educationally disadvantaged in facing barriers to attendance, learning, behaviour and mental health. When the school is informed of a social worker’s involvement, the Designated Safeguarding Lead will hold and use this information so that decisions can be made in the best interest of the child’s safety, welfare and educational outcomes.

Mental health referrals will be made to the Medical Centre. Medical staff may then refer the pupil to a specialist for support. The school uses its own Mental Healthcare Pathway procedure, the Pastoral Support Groups and DfE ‘Mental health and behaviour in schools’ guidance to signpost appropriate support.

3.0 Concerns about an Employee

3.1 Concerning behaviour

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

Any concerns about a staff member’s behaviour that indicates they may not be suitable to work with children should be referred 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, Mrs Alison Mayne, via her secretary: 01962 621206.
- Do not inform the accused prior to reporting.

4.0 After a report is made

4.1 Elevated Concerns and the Hampshire Safeguarding Children Partnership (HSCP)

The School has a duty to refer allegations about a staff member to the LADO (as per the flowchart in 2.3). 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 victim(s), perpetrator(s), 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 headmaster’s consent) will always liaise and/or seek advice from the LADO 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) and LADO. All rumours and unsubstantiated claims about an employee’s or volunteer’s professional conduct must be reported to the Designated Safeguarding Lead. This includes, but is not limited to, possible unhealthy relations, grooming and their appropriateness to work with children.

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. Where a pupil has been directly or indirectly implicated in the dealing of a lower level concern, whether substantiated or not, the child’s parents will be informed at the earliest opportunity. This is imperative when handing back parental responsibility during school breaks. Careful consideration must be given to the extent of information shared, especially in the event on unsubstantiated claims about an employee.

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 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.

Poor mental or physical health can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Mental 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 themself 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 LADO 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 LADO/HANTSdirect (the authorities) and follow the advice given about contacting parents, other staff, police, doctor or alleged perpetrator(s) 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(s) ‘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 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, upskirting)
• 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.

A victim should never be given the impression that they are creating a problem by reporting abuse, harassment of any kind. Nor should a victim ever be made to feel ashamed for making a report.
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.

The Data Protection Act 2018 and GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.

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

This Child Protection and Safeguarding Policy is approved by the Warden:
Code of Professional Conduct for All Staff

Reviewed: June 2021
Next Review: June 2022
Author: DSL/2M
Approved: Governing Body 26 June 2021

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.

The building of a relationship, trust and an emotional connection with a young person with the intention of manipulating, exploiting or abusing them is a criminal offence. Staff must remain professional at all times and not engage in inappropriate conversation or behaviour with pupils. Forming emotional attachments are more common in boarding environments and whilst staff are encouraged to form healthy working relationships, they must not cross the limit of acceptable professional conduct.

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.

Refer to 4.2 of the Child Protection and Safeguarding Policy for low level concern reporting procedures.

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 befriend ing 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 email 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 email correspondence, texting or the like with any pupil. An employee with a Social networking account (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.
Use of reasonable force

Next Review: June 2022

Author: DSL/JPC

This policy refers to and complies with the guidance outlined in Section 550A of the Education Act 1996, and is in line with the Department for Education Guidance ‘Use of Reasonable Force’ in schools. Reporting and recording guidance is also included.

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.

A. What is reasonable force?

Force is usually used either to control or restrain. Control means either passive physical contact, such as standing between pupils or blocking a pupil’s path, or active physical contact such as leading a pupil by the arm out of a classroom. Restraint means to hold back physically, using intentional force to restrict a child’s movement against his or her will. “Reasonable in circumstance” means using no more force than is needed.

Physical restraint/control does not include the use of gentle physical prompting or guidance where the child is happy to comply and the aim is to assist him or her to participate appropriately in activities.

There are other situations where physical contact may be necessary e.g. demonstrating exercises in PE lessons; administering first aid; or offering comfort to a distressed pupil. This does not constitute restraint but staff should be conscious of pupil perceptions and recognise that for some pupils touching may be unwelcome and misinterpreted despite good intentions.

• It can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
• It must not be used as a form of punishment and must not be used when a less severe response might have effectively resolved the situation.
• Deliberate use of physical contact to punish a pupil, cause pain or injury or humiliation is unlawful, regardless of the severity of the pupil’s behaviour or the degree of provocation.
• Reasonable force can be used to search for “prohibited items” but may not be used to search for items banned under school rules.
• Parents should have access to the School’s policy on behaviour, discipline and force procedures so that they are fully aware of the actions that may be taken if their child is involved in an incident.

B. Types of Restraint

Partial Restraint covers a wide range of techniques which can be applied in degrees to meet particular circumstances. It may involve:

a. Physically moving a pupil from a situation where there is an imminent risk of a violent incident and where the pupil has refused to respond to a reasonable verbal request.

b. Holding pupils to restrict their movements. Retaining a pupil in a confined area in order to prevent individuals or property being damaged. (It is illegal to lock a pupil in a room or cupboard which they cannot leave of their own volition).
**Total Restraint** is where pupils are held in such a way which prevents them from moving. This could mean a pupil being held on the floor. This is an extreme form of restraint and would be used only when an assault was being thought a serious risk to others.

Staff should be aware that for some pupils the use of physical restraint may act negatively as reinforcement for their aggressive behaviour.

**C. The use of reasonable force**
Physical force must never be used as a punishment. On rare occasions, reasonable force may be necessary: to prevent injury to himself or others; to prevent serious damage to property; or to prevent disruption to important activities. In such circumstances, any member of staff may use reasonable force to control or restrain a pupil, but the force used must be reasonable, and applied for the minimum necessary time. In determining what is reasonable, any disability or SEN must be considered. Reasonable force may be used where the member of staff is lawfully in charge of the pupil, and this includes whist on school trips.

**D. Reporting use of reasonable force/control**
Where force has been required, the don/s involved must immediately inform the Headmaster, or in his absence the Second Master, and the Designated Safeguarding Lead. The don must also record the details of the incident in writing as soon as possible after the incident and forward these to the Headmaster. The report form at the end of this document may be used if desired. The Headmaster will determine how the incident is recorded and whether it should be reported to parents. All incidents will be recorded on CPOMS as a matter of course.
Reasonable force/control – incident report form

1. Basic information
Name of Pupil:______________________ DOB:______ Yr:_____ House:____________

2. Events leading to this incident
2.1 Where did the incident occur?__________________________________________
2.2 When did the incident occur? Time:________________ Day/Date:______________
2.3 How did the incident begin?____________________________________________

3. Describe the incident
3.1 What was happening at the time?

________________________________________________________________________

________________________________________________________________________

3.2 Was anyone else involved? ______________________________________________
3.3 Did anyone else see what happened? (give details) __________________________

________________________________________________________________________

3.4 What behaviour was the pupil presenting that warranted restraint/control?

________________________________________________________________________

3.5 Was there damage to property or an assault on a pupil or staff during the incident?

________________________________________________________________________

3.6 What did you do to try to defuse the situation before using restraint/control?

________________________________________________________________________

3.7 (i) How was the pupil restrained/controlled? (describe)
e.g. two people escort; one person wrap; supine control
(ii) For how long?_________________________________________________________
(iii) By how many staff members?__________________________________________

4. Injuries sustained
4.1 Was anyone injured? YES / NO
If yes, give details _______________________________________________________

________________________________________________________________________

4.2 Was this recorded in the accident book? YES / NO
4.3 Was the pupil checked for injuries by a member of staff who was not involved in the incident? YES / NO
If yes, by whom? _________________________________________________________

5. Follow up Action
5.1 The incident was reported by to the Head Master by:_______________________
Incident form completed by:_____________________________ Post held: ____________

Appendix 1a – Child Protection and Safeguarding Policy
E. Telling parents when force has been used on their child
The College will speak to parents about serious incidents involving the use of force and discuss how best to record such serious incidents. In deciding what a serious incident is, the College will consider the:

- pupil’s behaviour and level of risk presented at the time of the incident;
- degree of force used;
- effect on the pupil or member of staff; and
- the child’s age.

Note: Parental consent is not required to use reasonable force on a pupil.

F. What happens if a pupil complains when force is used on them?
All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. The College should refer to the “Allegations of abuse made against teachers and other staff” guidance1 where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a member of staff, the school should ensure that the member of staff has access to a named contact who can provide support.
- Governing bodies should always consider whether a member of staff has acted within the law when reaching a decision on whether or not to take disciplinary action against the member of staff.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.
- A complaint must be made in accordance with the Complaints Policy available on the School’s website.

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1 Part 4 of KCSIE, see Appendix 15 of the Child Protection and Safeguarding Policy: https://www.winchestercollege.org/explore/governance-and-our-policies/policies
Role Description for People with Specific Responsibility for Child Protection

Reviewed: June 2021
Next Review: June 2022
Author: DSL

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 and Safeguarding 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.
• Ensure all staff have received appropriate up-to-date training. Training records are maintained in the HR Department.

Raising Awareness

The Designated Safeguarding Lead should:

• Ensure the College’s policies are known and used appropriately to:
• Ensure the College’s Child Protection and Safeguarding 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 and Safeguarding 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 Safeguarding Partnerships 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 Committees are responsible for:
• Ensure Safeguarding is on the agenda of all meetings.
• Meeting with the Designated Safeguarding Lead regularly 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 and 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, Deputy Head (Pastoral), DSL, Deputy DSL, Director of Studies, 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
## Important Phone Numbers

**Reviewed: August 2021**

**Author:** DSL

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

### Chaplaincy

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Contact Information</th>
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<tbody>
<tr>
<td>The Revd Justin White</td>
<td>Dean of Chapel</td>
<td>07951 224029, <a href="mailto:jmw@wincoll.ac.uk">jmw@wincoll.ac.uk</a></td>
</tr>
<tr>
<td>The Revd Ross Maidment</td>
<td>Chaplain:</td>
<td>07498 210383, <a href="mailto:rjm2@wincoll.ac.uk">rjm2@wincoll.ac.uk</a></td>
</tr>
<tr>
<td>Mr Andrew Sparkes</td>
<td>Senior Lay Chaplain:</td>
<td>07833 645514, <a href="mailto:ais@wincoll.ac.uk">ais@wincoll.ac.uk</a></td>
</tr>
<tr>
<td>Mr Liam Dunne</td>
<td>Roman Catholic Lay Chaplain:</td>
<td>07568 541924, <a href="mailto:kl@wincoll.ac.uk">kl@wincoll.ac.uk</a></td>
</tr>
<tr>
<td>Dr John Cullerne</td>
<td>Master in Charge of Faith Circles</td>
<td>07796 792624, <a href="mailto:ipc@wincoll.ac.uk">ipc@wincoll.ac.uk</a></td>
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### Designated Safeguarding Lead (DSL)

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Designated Safeguarding Lead, Mr Callum Barnes</td>
<td>01962 621179, <a href="mailto:cpb@wincoll.ac.uk">cpb@wincoll.ac.uk</a></td>
</tr>
<tr>
<td>Deputy DSL &amp; Second Master, Mr Nicholas Wilks</td>
<td>01962 621142, <a href="mailto:2m@wincoll.ac.uk">2m@wincoll.ac.uk</a></td>
</tr>
<tr>
<td>Deputy DSL &amp; Deputy Head (Pastoral), Mrs Ali Harber</td>
<td>01962 621127, <a href="mailto:aeh@wincoll.ac.uk">aeh@wincoll.ac.uk</a></td>
</tr>
<tr>
<td>Deputy DSL, Mrs Belén Lopez</td>
<td>01962 621179, <a href="mailto:mbl@wincoll.ac.uk">mbl@wincoll.ac.uk</a></td>
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### Governor with specific responsibility for Child Protection, Mrs Alison Mayne (via her secretary)

<table>
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<tr>
<th>Contact Information</th>
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<tbody>
<tr>
<td>01962 621206, <a href="mailto:jm1@wincoll.ac.uk">jm1@wincoll.ac.uk</a></td>
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### Confidential Pupil Counsellor

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Mrs Catherine Llewellyn</td>
<td>07735 796895, <a href="mailto:pupilcounsellor@wincoll.ac.uk">pupilcounsellor@wincoll.ac.uk</a></td>
</tr>
<tr>
<td>Mrs Sara Holland</td>
<td></td>
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<td>Mr Edward Magee</td>
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### Independent Listener

<table>
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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Mrs Elizabeth Webster</td>
<td>07793 076006, <a href="mailto:elizwebster99@gmail.com">elizwebster99@gmail.com</a></td>
</tr>
<tr>
<td>Mr Mark Horner</td>
<td>07870 417991, <a href="mailto:mjhorner50@outlook.com">mjhorner50@outlook.com</a></td>
</tr>
</tbody>
</table>

### Winchester College Medical Centre

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Nurse, Mrs Karlene Cullen &amp; Nursing Team</td>
<td>01962 621228, <a href="mailto:wcme@wincoll.ac.uk">wcme@wincoll.ac.uk</a></td>
</tr>
<tr>
<td>School Doctors, Dr Suzie Burns, Dr Sudip Nandy, Dr John Robinson, Dr Celia Belk &amp; Dr Daisy Baker</td>
<td></td>
</tr>
</tbody>
</table>

### Local Agencies

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s Services Department - up to 18 years</td>
<td>0300 555 1384, <a href="mailto:childrens.services@hants.gov.uk">childrens.services@hants.gov.uk</a></td>
</tr>
</tbody>
</table>

Appendix 3 – Child Protection and Safeguarding Policy
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, info.request@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.

**Payphones**

Please note that there are two payphones for the use of all pupils. These can be located:

1. The foyer of Music School.
2. Thule Passage, Chamber Court.
Counter Bullying Policy

Reviewed: June 2021
Next Review: June 2022
Author: DSL/2M
Approved: Governing Body 26 June 2021

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 Counter 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 individual 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 networks, mobile phones, text messages, photographs and email). For more information about this, refer to the Counter 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 Professional Conduct document and Whistleblowing Policy.
- Staff to pupil. See Sections 1-5, 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 polices are understood and the needs of their pupils are acknowledged.
- Proper Internet security, filtering and IT 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.
• Withdrawal of privileges.
• Referral to senior staff.
• Letter home to parents.
• A record of the incident on file.
• A good behaviour contract.
• Suspension from the School.
• 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 Hampshire Children’s Services (Tel: 0300 555 1381) for guidance.

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

In the House:
- your Housemaster
- your Assistant Housemaster
- your House Tutor
- your Matron

In the School:
- a Don
- a senior pupil
- a doctor or nurse at the Medical Centre
- a counsellor, pupilcounsellor@wincoll.ac.uk
- a chaplain
- the Headmaster or Second Master
- the Designated Safeguarding Lead, Mr Callum Barnes (07436 588321)
- a Deputy Designated Safeguarding Lead, Mrs Ali Harber, Mr Nicholas Wilks or Mrs Belén Lopez (07436 588321)

Outside the School:
- an independent listener
  - Mrs Elizabeth Webster (07793 076006)
  - Mr Mark Horner (07870 417991)

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 (0207 783 8330) and the Independent Schools Inspector (concerns@isi.net.org or 0207 600 0100).

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.
Counter Cyber Bullying Policy

Reviewed: June 2021
Next Review: June 2022
Author: DSL/2M
Approved: Governing Body 26 June 2021

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.

The Online Monitoring Group, comprising of the Director of IT, Director of Studies, Designated Safeguarding Lead, Head of PSHEE, Second Master and a Housemaster Representative meet termly to discuss the effectiveness of the IT arrangements.
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.

Children are at risk of abuse online as well as face to face. In many cases abuse will take place concurrently via online channels and in daily life. 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 Counter 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.

Appendix 4a – Child Protection and Safeguarding Policy
Youth Produced Sexual Imagery (Sexting)

Reviewed: June 2021
Next Review: June 2022
Author: DSL
Approved: Governing Body 26 June 2021

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 nudes and semi-nudes of themselves with a peer under the age of 18;
- shares nudes and semi-nudes created by another person under the age of 18 with another person; or
- is in possession of nudes and semi-nudes 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 *Sharing nudes and semi-nudes: advice for education settings working with children and young people*’ 2020 (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. For example, where an incident can be defined as ‘experimental’ and there is no evidence of abusive or aggravating elements.

If managed internally, pupils will be instructed to delete the imagery and to confirm that they have done so on all devices, online storage or social media sites within an agreed timeframe. Failure to do so is a criminal offence and the matter will be referred to the police.

The sharing of nudes and semi-nudes of under 18s by adults is illegal and should always be reported to the police.
Gender Identity Policy

Reviewed: June 2021
Next Review: June 2022
Author: HM, Nominated Safeguarding Governor, UM
Approved: Governing Body 26 June 2021


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 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’.
Missing Pupil Policy

Reviewed: June 2021
Next Review: June 2022
Author: DSL/2M
Approved: Governing Body 26 June 2021

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, iSAMS. 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 iSAMS.
- The iSAMS 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 SOCS.
- In the evenings, the register is taken before Toyt ime (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 Firefly 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 Deputy Undermaster.
Missing Pupil Procedure

Procedures to be followed if a pupil is missing

Note the **TIME**

Pupil is found to be **MISSING**

Check:  
Matron  
WCMC  
Last hour/commitment

Call the pupil on his mobile.  
Leave a voicemail and a text message.  
Direct a friend of the pupil to do the same.  
Instigate searches if appropriate.

**1 HOUR ELAPSED**

Call:  
2M  
POLICE  
PARENTS
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    **Phone:** 01962 845363.
School Recruitment, Selection and Disclosure Policy and Procedure

Reviewed: December 2021,
Next Review: September 2022

Author: RAC
Approved: Senior Management Committee

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 2021) (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); the Education (Independent School Standards) Regulations 2014 (ISSRs) 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. **Data protection**

The School is legally required to carry out the pre-appointment checks detailed in this policy and procedure. Staff and prospective staff will be required to provide certain information to the School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency. Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School will process personal information in accordance with its Staff Privacy Notice.

3. **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.

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. Best practice will be followed where possible in that shortlisting will be conducted by an appropriate shortlisting panel who will be involved in the process. Where one manager is deemed to carry out the shortlisting process HR will support so as to ensure consistency. 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† 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.

All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview.

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.

3.1.0 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 pre-set 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 ISSRs 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 staff.

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, qualification, right to work 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.

The School asks for this information at interview to ensure that the person attending interview is who they claim to be, that they are permitted to work for the School if appointed and that they hold appropriate qualifications.

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.

Right to work in the UK: all applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the Home Office 'Right to Work Checklist': (Right to work checklist (publishing.service.gov.uk)).

The School will check this evidence in accordance with the Home Office 'Code of Practice on preventing illegal working: Civil penalty scheme for employers: 1 July 2021' (Code of practice on preventing illegal working (publishing.service.gov.uk)).

Qualifications: all applicants must also bring to interview original documents which evidence any educational and professional qualifications referred to in their application form and / or which the School requests.

9.0 References

In the case of teaching appointments in particular, and where candidates have approved contact in non-teaching positions, references where ever possible will be taken up on short-listed candidates prior to interview. References may however be taken up after interview by exception / agreement.

All references received from a school must be countersigned by the Head of that school and where possible verbal clarification will be sought 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, unfounded 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, unfounded 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 reference 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.

The School treats all references given or received as confidential which means that the applicant will not usually be provided with a copy.

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 shortlisted 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.

All individuals who are appointed to the governing body will be subject to a section 128 direction check. 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 shortlisted 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 provided 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.

In addition, where an applicant for a teaching position has worked as a teacher outside of the UK, the School will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work as a teacher. The School will also ask shortlisted applicants (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.

Sanctions and restrictions issued by the regulating authority of another country will not prevent a person from working as a teacher at the School. However, the School will take all relevant information into account in determining whether an applicant is suitable to work at the School.

The School may allow an applicant to commence work pending receipt of a formal check from a particular country if it has received a reference and/or letter of professional standing from that country and considers the applicant suitable to start work. Decisions on suitability will be based on all of the information that has been obtained during the recruitment process. Unless expressly waived by the School, continued employment will remain conditional upon the School being provided with the outcome of the formal check and it being considered satisfactory.

If no information is available from a particular country the School may allow an applicant to commence work if they are considered suitable based on all of the information that has been obtained during the recruitment process.

The School will take proportionate risk based decisions on a person’s suitability in these circumstances. All suitability assessments must be documented and retained on file.

If the formal check is delayed and the School is not satisfied about the applicant's suitability in the absence of that information, the applicant's proposed start date may be delayed until the formal check is received.


12.0 Regulated activity

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 will amount to "regulated activity" if it is carried out:

(a) frequently, meaning once a week or more; or
(b) overnight, meaning between 2.00 am and 6.00 am; or
(c) satisfies the "period condition", meaning four times or more in a 30 day period; and
(d) 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.

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

13.0 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, the Prevent Duty and other matters

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. Other matters relating to keeping pupils safe from manipulation, indoctrination and exploitation also require these protocols to be followed.

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 Site Security Policy, the Prevent Duty Guidance, the potential for manipulation, indoctrination and exploitation, and the definition of "extremism" set out in KCSIE which states:

"Extremism" is vocal or active opposition to our fundamental British 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 armed forces. Radicalisation refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups."

In fulfilling its Prevent Duty and other 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 Professional Conduct). All staff receive training so that they understand the School’s expectations. 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.

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: |
| † 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. |

Note

All driving licences must be valid.

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
### List of valid identity documents

<table>
<thead>
<tr>
<th>Group 1: primary identity documents</th>
</tr>
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<tbody>
<tr>
<td>• current valid passport</td>
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<tr>
<td>• biometric residence permit (UK)</td>
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<tr>
<td>• current driving licence (photocard - full or provisional (UK/Isle of Man and Channel Islands)</td>
</tr>
<tr>
<td>• 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)</td>
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<tr>
<td>• adoption certificate (UK and Channel Islands)</td>
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</tbody>
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<th>Group 2a: trusted government documents</th>
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<tbody>
<tr>
<td>• current driving licence (photocard - full or provisional (all countries outside the UK excluding Isle of Man and Channel Islands)</td>
</tr>
<tr>
<td>• current driving licence (paper version if issues before 1998; UK / Isle of Man / Channel Islands and EEA; full or provisional)</td>
</tr>
<tr>
<td>• birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)</td>
</tr>
<tr>
<td>• marriage / civil partnership certificate (UK and Channel Islands)</td>
</tr>
<tr>
<td>• Immigration document, visa or work permit (issued by a country outside the UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non UK country in which the role is based)</td>
</tr>
<tr>
<td>• HM Forces ID card (UK)</td>
</tr>
<tr>
<td>• fire arms licence (UK, Channel Islands and Isle of Man)</td>
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<table>
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<th>Group 2b: Financial and social history documents</th>
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<tbody>
<tr>
<td>• mortgage statement (UK)**</td>
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<td>• bank / building society statement (UK and Channel Islands)*</td>
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<td>• bank / building society statement (countries outside the UK)*</td>
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<tr>
<td>• bank / building society account opening confirmation letter (UK)*</td>
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<tr>
<td>• credit card statement (UK)*</td>
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<tr>
<td>• financial statement - e.g. pension, endowment, ISA (UK)**</td>
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<tr>
<td>• P45 / P60 statement **(UK and Channel Islands)</td>
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<td>• council tax statement (UK and Channel Islands)**</td>
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<tr>
<td>• letter of sponsorship from future employment provider (non UK only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)</td>
</tr>
<tr>
<td>• utility bill (UK; not mobile telephone bill)*</td>
</tr>
<tr>
<td>• benefit statement - e.g. child benefit, pension (UK)*</td>
</tr>
<tr>
<td>• 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 &amp; Customs, Jobcentre, Jobcentre Plus, Social Security (UK and Channel Islands) *</td>
</tr>
<tr>
<td>• EEA national ID card (must be valid at time of application)</td>
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<tr>
<td>• cards carrying the PASS accreditation logo (UK, Isle of Man and Channel Islands; must be valid at time of applications)</td>
</tr>
<tr>
<td>• letter from Head or College Principal (UK: 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).</td>
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Use of Supply Staff and Contractors Policy

Reviewed: September 2021
Next Review: September 2024
Author: RAC
Approved: Senior Management Committee

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.ac.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.
Recruitment of Ex-offenders Policy

Reviewed: September 2021
Next Review: September 2024
Author: RAC
Approved: Senior Management Committee

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 of 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:


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.
Disciplinary Rules and Procedures for All Staff

Reviewed: September 2021

Next Review: September 2023

Author: RAC

Approved: Senior Management Committee

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 Professional 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 polices (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.
Whistleblowing Policy

Reviewed: August 2021
Next Review: August 2024
Author: RAC
Approved: Senior Management Committee

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.

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.

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. 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. **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](https://www.gov.uk/whistleblowing/report-concern))

5. **Review**

This Policy will be reviewed tri-annually by The Human Resources Director and the Senior Management Committee and updated as appropriate.
Child protection and safeguarding training

Reviewed: June 2021
Author: DSL

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*

Resources

Documentation of the safeguarding and child protection policy is available on the School’s Information 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.61 of Short Roll, which is supplied to 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 overseen on 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*
- Online Safety
- 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-annually:** 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 HSCP 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 HSCP 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 HSCP advice to include Prevent and on-line safety, plus informal updates.

All staff have access to 38 online Child Protection, Health and Safety courses provided by EduCare.

*Staff who do not work directly with children can read either Part one or Annex A (a condensed version of Part one) of this guidance.*
Risk Assessment for Visiting Speakers
Reviewed: June 2021
Author: DSL

<table>
<thead>
<tr>
<th>No</th>
<th>Prevent Vulnerability/Risk Area</th>
<th>Risk Y/N</th>
<th>Action taken/already in place to mitigate/address risk</th>
<th>Owner</th>
<th>When</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Speakers and Events</td>
<td>N</td>
<td>The event is approved by the Events Committee the term before the date of the event is published in the School Calendar. 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. 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)'.</td>
<td>ECM</td>
<td>Sept 2015</td>
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<td>Reviewed CPB</td>
<td>June 2018</td>
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<td>Reviewed CPB</td>
<td>June 2019</td>
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<td>Reviewed CPB</td>
<td>June 2020</td>
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<td>Reviewed CPB</td>
<td>June 2021</td>
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<tr>
<td>2</td>
<td>Unsupervised Access</td>
<td>N</td>
<td>Visiting speakers sign in and out of the Porters’ Lodge and can be identified as they wear a Visitor’s Badge. 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.</td>
<td>ECM</td>
<td>Sept 2015</td>
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<td>Reviewed CPB</td>
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<td>Reviewed CPB</td>
<td>June 2021</td>
</tr>
</tbody>
</table>
# Hampshire Safeguarding Children Partnership Threshold Chart

**Reviewed: June 2021**

**Author: DSL**

<table>
<thead>
<tr>
<th>Developmental needs</th>
<th>1 Universal</th>
<th>2 Early Help</th>
<th>3 Targeted Early Help</th>
<th>4 Children’s Social Care</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Has needs met within universal provision. May need limited intervention within the setting to avoid needs aris</td>
<td>Has additional needs identified within the setting that can be met within identified resources through a single agency response and partnership working.</td>
<td>Has multiple needs requiring a multi-agency coordinated response.</td>
<td>Has a high level of unmet and complex needs, or is in need of protection.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Developmental needs</th>
<th>1 Universal</th>
<th>2 Early Help</th>
<th>3 Targeted Early Help</th>
<th>4 Children’s Social Care</th>
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</thead>
<tbody>
<tr>
<td>Achieving learning targets</td>
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<tr>
<td>Good attendance</td>
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<tr>
<td>Meeting developmental milestones</td>
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<tr>
<td>Has psychological well-being</td>
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<tr>
<td>Ability to protect self and be protected</td>
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</table>

<table>
<thead>
<tr>
<th>Developmental needs</th>
<th>1 Universal</th>
<th>2 Early Help</th>
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<th>4 Children’s Social Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absence/misery from school</td>
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<tr>
<td>Incidence of absence/missing from home</td>
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<tr>
<td>Use of fixed term exclusions</td>
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<tr>
<td>Risk of social exclusion</td>
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<tr>
<td>Poor attachment</td>
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<tr>
<td>Language and communication difficulties</td>
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<tr>
<td>Reduced access to core needs</td>
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<tr>
<td>Disability or additional special need</td>
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<tr>
<td>Potential for becoming NEET</td>
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<tr>
<td>Potential not to attain</td>
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<tr>
<td>Slow in meeting developmental milestones</td>
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<tr>
<td>Missing health checks/immunisations</td>
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<tr>
<td>Minor health problems</td>
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<tr>
<td>Early signs of offending/anti-social behaviour</td>
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<tr>
<td>Underage sexual activity</td>
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<tr>
<td>Early signs of drug/alcohol misuse</td>
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<tr>
<td>Poor self-esteem</td>
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<tr>
<td>Low level emotional/mental health issues</td>
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</tbody>
</table>

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Despite intervention at 2, there is evidence of continuing</td>
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<tr>
<td>Persistent absence from school</td>
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<tr>
<td>Missing from school / home regularly with no explanation</td>
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<tr>
<td>Permanent exclusions/no school place</td>
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<tr>
<td>Social exclusion</td>
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<tr>
<td>Poor attachment</td>
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<tr>
<td>No access to core services</td>
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<td></td>
</tr>
<tr>
<td>Significant disabilities</td>
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<tr>
<td>NEET</td>
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<tr>
<td>Developmental milestones not being met due to persistent parental failure/inability</td>
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<tr>
<td>Chronic/recurring health problems</td>
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<tr>
<td>Regular missed appointments affecting developmental progress</td>
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<tr>
<td>Teenage pregnancy</td>
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<tr>
<td>Drug/alcohol misuse impacting negatively</td>
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<tr>
<td>Risky sexual behaviour (e.g. unprotected sex)</td>
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<tr>
<td>Offending / anti-social behaviour resulting in risk of entering Youth Justice System</td>
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<tr>
<td>Emotional / mental health issues</td>
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<tr>
<td>Community harassment / discrimination</td>
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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Persistent/continued/severe:</td>
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<tr>
<td>Chronic persistent absence, permanent exclusions or no school place that risks entry to the care system</td>
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<tr>
<td>Frequently missing from home resulting in self-neglect</td>
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<tr>
<td>Persistent social exclusion</td>
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<tr>
<td>Poor attachment</td>
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<tr>
<td>Complex/multiple disabilities</td>
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<tr>
<td>Teenage parent/pregnancy under the age of 13</td>
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<tr>
<td>Drug/alcohol use severely impairing development</td>
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<tr>
<td>Offending and in the criminal justice system</td>
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<tr>
<td>Complex mental health issues affecting development needs, including self-harm</td>
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<tr>
<td>Very low self-esteem</td>
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<tr>
<td>Non-organic failure to thrive</td>
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<tr>
<td>Sexually inappropriate/aggressive behaviour</td>
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<tr>
<td>Sexual exploitation/abuse</td>
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<tr>
<td>Relationship breakdown</td>
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<tr>
<td>Unaccompanied minors</td>
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<table>
<thead>
<tr>
<th>Family and environment</th>
<th>1 Universal</th>
<th>2 Early Help</th>
<th>3 Targeted Early Help</th>
<th>4 Children’s Social Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supportive relationships</td>
<td></td>
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<td></td>
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<tr>
<td>Housed, good diet and kept healthy</td>
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<tr>
<td>Supportive networks</td>
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<tr>
<td>Access to positive activities</td>
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<thead>
<tr>
<th>Family and environment</th>
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<th>2 Early Help</th>
<th>3 Targeted Early Help</th>
<th>4 Children’s Social Care</th>
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</thead>
<tbody>
<tr>
<td>Young carers</td>
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<tr>
<td>Poor parent/child relationships</td>
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<tr>
<td>Children of prisoners/parents subject to community orders</td>
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<tr>
<td>Bullying</td>
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<tr>
<td>Poor housing and poor home environment impacting on child's health</td>
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<tr>
<td>Community harassment/discrimination</td>
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<tr>
<td>Low income affects achievement</td>
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<tr>
<td>Parent advice needed to prevent needs escalating</td>
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<tr>
<td>Poor access to core services</td>
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<tr>
<td>Risk of relationship breakdown</td>
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<tr>
<td>Concerns about possible domestic abuse</td>
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<thead>
<tr>
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<tbody>
<tr>
<td>Housing tenancy at risk</td>
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<tr>
<td>Community harassment/discrimination</td>
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<tr>
<td>Relationship breakdown</td>
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<tr>
<td>Domestic abuse</td>
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<tr>
<td>Transient families</td>
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<thead>
<tr>
<th>Family and environment</th>
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<th>3 Targeted Early Help</th>
<th>4 Children’s Social Care</th>
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</thead>
<tbody>
<tr>
<td>Suspicion of physical, emotional or sexual abuse or neglect</td>
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<tr>
<td>Community harassment/discrimination</td>
<td></td>
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<tr>
<td>Domestic abuse resulting in child being at risk of significant harm</td>
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<tr>
<td>Homeless child/young person</td>
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<tr>
<td>Family intentionally homeless</td>
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<tr>
<td>Extreme poverty affecting child well-being</td>
<td></td>
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<tr>
<td>Force marriage, honour-based violence, female genital mutilation</td>
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<tr>
<td>Parents and carers</td>
<td>Parents and carers</td>
<td>Parents and carers</td>
<td>Parents and carers</td>
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<tr>
<td>• Protected by carers</td>
<td>• Inconsistent care arrangements</td>
<td>• Parental learning or physical disability, substance misuse or mental health impacts on parenting</td>
<td>• Edge of care</td>
<td></td>
</tr>
<tr>
<td>• Secure and caring home</td>
<td>• Poor supervision by parent/carer</td>
<td>• Inconsistent care arrangements</td>
<td>• Parental encouragement of abusive/offending behaviour</td>
<td></td>
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**Next steps**

**No formal assessment**

- Go direct to service or see Supporting Families

**Early help checklist/commencement of early help assessment**

- Consider early help checklist and commencement of early help assessment.
- If you require advice or guidance about the child or young person's needs, phone Children's reception team on 0300 555 1381.

**Child and family assessment and plan**

- Contact Children's Reception team on 0300 555 1381, or police on 999 if at immediate risk.

Keeping children safe in education 2021

Statutory guidance for schools and colleges

Part one: Information for all school and college staff

September 2021
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Summary

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

It is essential that everybody working in a school or college understands their safeguarding responsibilities. Governing bodies and proprietors should ensure that those staff who work directly with children read at least Part one of the guidance.

Governing bodies and proprietors, working with their senior leadership teams and especially their designated safeguarding lead, should ensure that those staff who do not work directly with children read either Part one or Annex A (a condensed version of Part one) of the full version of the document. This is entirely a matter for the school or college and will be based on their assessment of which guidance will be most effective for their staff to safeguard and promote the welfare of children.

The full version of KCSIE can be found here: Keeping children safe in education - GOV.UK (www.gov.uk)

About this guidance

We use the terms “must” and “should” throughout the guidance. We use the term “must” when the person in question is legally required to do something and “should” when the advice set out should be followed unless there is good reason not to.
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 the 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 the impairment of children’s mental and physical health or development;
   - ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
   - 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, promote children’s welfare and prevent concerns from escalating.

7. All staff have a responsibility to provide a safe environment in which children can learn.
8. **All** staff should be prepared to identify children who may benefit from early help.¹ 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.

9. **Any staff member** who has **any** concerns about a child’s welfare should follow the processes set out in paragraphs 55-70. Staff should expect to support social workers and other agencies following any referral.

10. 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.

11. 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.

12. 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.²

### What school and college staff need to know

13. **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, which should amongst other things also include the policy and procedures to deal with peer on peer abuse;
- behaviour policy (which should include measures to prevent bullying, including cyberbullying, prejudice-based and discriminatory bullying);³
- staff behaviour policy (sometimes called a code of conduct);
- safeguarding response to children who go missing from education; and
- role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).

¹ Detailed information on early help can be found in Chapter 1 of *Working Together to Safeguard Children*.
² 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.
³ All schools are required to have a behaviour policy (full details are here). If a college or chooses to have a behaviour policy it should be provided to staff as described above.
Copies of policies and a copy of Part one (or Annex A, if appropriate) of the full document should be provided to all staff at induction.

14. All staff should receive appropriate safeguarding and child protection training (including online safety) at induction. The training should be regularly updated. In addition, all staff should receive safeguarding and child protection (including online safety) 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.

15. All staff should be aware of their local early help process and understand their role in it.

16. 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.

17. All staff should know what to do if a child tells them he/she is being abused, exploited 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 any form of abuse, as this may ultimately not be in the best interests of the child.

18. All staff should be able to reassure victims that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting abuse, sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

What school and college staff should look out for

Early help

19. 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 or has certain health conditions and has specific additional needs;

4 Detailed information on early help can be found in Chapter 1 of Working Together to Safeguard Children
5 More detailed information on statutory assessments can be found in Chapter 1 of Working Together to Safeguard Children.
has special educational needs (whether or not they have a statutory Education, Health and Care Plan);

• has a mental health need;
• 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 or county lines;
• is frequently missing/goes missing from care or from home;
• is at risk of modern slavery, trafficking, sexual or criminal exploitation;
• is at risk of being radicalised or exploited;
• has a family member in prison, or is affected by parental offending;
• 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;
• has returned home to their family from care;
• is at risk of ‘honour’-based abuse such as Female Genital Mutilation or Forced Marriage;
• is a privately fostered child; and
• is persistently absent from education, including persistent absences for part of the school day.

Abuse and neglect

20. **All** staff should be aware of indicators of abuse and neglect. Knowing what to look for is vital for the early identification of abuse and neglect (see paragraphs 26-30), and specific safeguarding issues such as child criminal exploitation and child sexual exploitation (see paragraphs 32-39) so that staff are able to identify cases of children who may be in need of help or protection.

21. If staff are unsure, they should **always** speak to the designated safeguarding lead, or deputy.

22. **All** school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events and cannot be covered by one definition or one label alone. In most cases, multiple issues will overlap with one another, therefore staff should always be vigilant and always raise any concerns with their designated safeguarding lead (or deputy).

23. **All** staff should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children
outside of these environments. **All** staff, but especially the designated safeguarding lead (and deputies) should consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual exploitation, criminal exploitation, sexual abuse, serious youth violence and county lines.

24. **All** staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse online as well as face to face. In many cases abuse will take place concurrently via online channels and in daily life. Children can also abuse their peers online, this can take the form of abusive, harassing, and misogynistic messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography, to those who do not want to receive such content.

25. In all cases, if staff are unsure, they should always speak to the designated safeguarding lead (or deputy).

**Indicators of abuse and neglect**

26. **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.

27. **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.

28. **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.
29. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue (also known as peer on peer abuse) in education and all staff should be aware of it and of their school or college’s policy and procedures for dealing with it, (see paragraph 49).

30. **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.

**Safeguarding issues**

31. **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 and or alcohol misuse, deliberately missing education and consensual and non-consensual sharing of nude and semi-nude images and/or videos\(^6\) can be signs that children are at risk. Other safeguarding issues all staff should be aware of include:

**Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE)**

32. Both CSE and CCE are forms of abuse that occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into ...

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\(^6\) Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive. [UKCIS](https://www.ukcis.org) provides detailed advice about sharing of nudes and semi-nude images and videos.
taking part in sexual or criminal activity, in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator and/or through violence or the threat of violence. CSE and CCE can affect children, both male and female and can include children who have been moved (commonly referred to as trafficking) for the purpose of exploitation.

Child Criminal Exploitation (CCE)

33. Some specific forms of CCE can include children being forced or manipulated into transporting drugs or money through county lines, working in cannabis factories, shoplifting or pickpocketing. They can also be forced or manipulated into committing vehicle crime or threatening/committing serious violence to others.

34. Children can become trapped by this type of exploitation as perpetrators can threaten victims (and their families) with violence, or entrap and coerce them into debt. They may be coerced into carrying weapons such as knives or begin to carry a knife for a sense of protection from harm from others. As children involved in criminal exploitation often commit crimes themselves, their vulnerability as victims is not always recognised by adults and professionals, (particularly older children), and they are not treated as victims despite the harm they have experienced. They may still have been criminally exploited even if the activity appears to be something they have agreed or consented to.

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

Further information about CCE including definitions and indicators is included in the Annex.

Child Sexual Exploitation (CSE)

36. CSE is a form of child sexual abuse. Sexual abuse may involve physical contact, including assault by penetration (for example, rape or oral sex) or nonpenetrative acts such as masturbation, kissing, rubbing, and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse including via the internet.

37. CSE can occur over time or be a one-off occurrence, and may happen without the child’s immediate knowledge e.g. through others sharing videos or images of them on social media.
38. CSE can affect any child, who has been coerced into engaging in sexual activities. This includes 16 and 17 year olds who can legally consent to have sex. Some children may not realise they are being exploited e.g. they believe they are in a genuine romantic relationship.

39. Further information about CSE including definitions and indicators is included in the Annex.

**Female Genital Mutilation (FGM)**

40. 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**. 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 for further details.

**Mental Health**

41. **All** staff should be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation.

42. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Education staff, however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one.

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

44. Schools and colleges can access a range of advice to help them identify children in need of extra mental health support, this includes working with external agencies. More information can be found in the [mental health and behaviour in schools guidance](#), colleges may also wish to follow this guidance as best practice. Public Health England has produced a range of resources to support secondary school teachers to promote positive health, wellbeing and resilience among children. See [Rise Above](#) for links to all materials and lesson plans.

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7 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).
45. If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following their child protection policy, and speaking to the designated safeguarding lead or a deputy.

Peer on peer abuse (child on child)

46. **All** staff should be aware that children can abuse other children (often referred to as peer on peer abuse). And that it can happen both inside and outside of school or college and online. It is important that all staff recognise the indicators and signs of peer on peer abuse and know how to identify it and respond to reports.

47. All staff should understand, that even if there are no reports in their schools or colleges it does not mean it is not happening, it may be the case that it is just not being reported. As such it is important if staff have any concerns regarding peer on peer abuse they should speak to their designated safeguarding lead (or deputy).

48. It is essential that all staff understand the importance of challenging inappropriate behaviours between peers, many of which are listed below, that are actually abusive in nature. Downplaying certain behaviours, for example dismissing sexual harassment as “just banter”, “just having a laugh”, “part of growing up” or “boys being boys” can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

49. Peer on peer abuse is most likely to include, but may not be limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- abuse in intimate personal relationships between peers;
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse);
- sexual violence,⁸ such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence);
- sexual harassment,⁹ such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse;

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⁸ For further information about sexual violence see Annex.
⁹ For further information about sexual harassment see Annex.
• causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;

• consensual and non-consensual sharing of nude and semi-nude images and/or videos\(^\text{10}\) (also known as sexting or youth produced sexual imagery);

• upskirting\(^\text{11}\) which typically involves taking a picture under a person’s clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm; and

• initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

50. **All** staff should be clear as to the school’s or college’s policy and procedures with regard to peer on peer abuse and the important role they have to play in preventing it and responding where they believe a child may be at risk from it.

### Serious violence

51. **All** staff should be aware of the indicators, which may signal children are at risk from, or are involved with serious violent crime. These may include increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation (see paragraphs 33-35).

52. **All** staff should be aware of the range of risk factors which increase the likelihood of involvement in serious violence, such as being male, having been frequently absent or permanently excluded from school, having experienced child maltreatment and having been involved in offending, such as theft or robbery. Advice for schools and colleges is provided in the Home Office’s *Preventing youth violence and gang involvement* and its *Criminal exploitation of children and vulnerable adults: county lines* guidance.\(^\text{12}\)

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\(^{10}\) UKCIS guidance: [Sharing nudes and semi-nudes advice for education settings](#)

\(^{11}\) For further information about ‘upskirting’ see Annex.

\(^{12}\) For further information about county lines see Annex.
Additional information and support

53. 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](https://www.nspcc.org.uk) website also provides useful additional information on abuse and neglect and what to look out for.

54. **The Annex** 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.

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

55. 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.

56. If staff have any concerns about a child’s welfare, they should act on them immediately. See page 23 for a flow chart setting out the process for staff when they have concerns about a child.

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

58. Options will then include:

- managing any support for the child internally via the school’s or college’s own pastoral support processes;
- undertaking an early help assessment;¹³ or
- making a referral to statutory services,¹⁴ for example as the child might be in need, is in need or suffering, or is likely to suffer harm.

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¹³ Further information on early help assessments, provision of early help services and accessing services is in Chapter 1 of *Working Together to Safeguard Children*.

¹⁴ 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.
59. 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.

60. 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 the effective identification, assessment, and allocation of appropriate service provision, whether this is when problems first emerge, or where a child is already known to local authority children’s social care (such as a child in need or a child with a protection plan). 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 (DPA) and UK General Data Protection Regulation (UK GDPR). DPA and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe and promoting their welfare. 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 safeguard and promote the welfare of children.

Early help

61. 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.

Statutory children’s social care assessments and services

62. Concerns about a child’s welfare should be referred to local authority children’s social care. 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.

63. Children’s social care assessments should consider where children are being harmed in contexts outside the home, 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 enable a contextual approach to address such harm. Additional information is available here: Contextual Safeguarding.

64. The online tool Report Child Abuse to Your Local Council directs to the relevant local children’s social care contact number.

Children in need

65. 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:

66. Local authorities, with the help of other organisations as appropriate, have a duty to make enquiries 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. This includes all forms of abuse and neglect, female genital mutilation, or other so-called ‘honour’-based abuse, forced marriage and extra-familial harms like radicalisation and sexual exploitation.

What will the local authority do?

67. Within one working day of a referral being made, a local authority social worker should acknowledge its 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;
- any services are required by the child and family and what type of services;
- the child is in need and should be assessed under section 17 of the Children Act 1989. Chapter one of Working Together to Safeguard Children provides details of the assessment process;
- 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. Chapter one of Working Together to Safeguard Children provides details of the assessment process; and
• further specialist assessments are required to help the local authority to decide what further action to take.

68. The referrer should follow up if this information is not forthcoming.

69. 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).

70. 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.

Record keeping

71. All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. Information should be kept confidential and stored securely. It is good practice to keep concerns and referrals in a separate child protection file for each child.

Records should include:

• a clear and comprehensive summary of the concern;
• details of how the concern was followed up and resolved;
• a note of any action taken, decisions reached and the outcome.

72. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

Why is all of this important?

73. It is important for children to receive the right help at the right time to address safeguarding risks, prevent issues escalating and to promote children’s welfare. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action. Further information about serious case reviews can be found in Chapter four of Working Together to Safeguard Children. 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 with the right people within and between agencies;
• sharing information too slowly; and
• a lack of challenge to those who appear not to be taking action.

What school and college staff should do if they have safeguarding concerns about another staff member

74. Schools and colleges should have processes and procedures in place to manage any safeguarding concerns about staff members (including supply staff, volunteers, and contractors). If staff have safeguarding concerns or an allegation is made about another member of staff (including supply staff, volunteers, and contractors) 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, or a situation where there is a conflict of interest in reporting the matter to the headteacher, this should be reported directly to the local authority designated officer(s) (LADOs). Details of your local LADO should be easily accessible on your local authority’s website.

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

75. 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.

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

77. 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 are open to them:
• general guidance on whistleblowing can be found via: Advice on Whistleblowing

• the NSPCC’s what you can do to report abuse dedicated 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.¹⁶

¹⁶ Alternatively, staff can write to: National Society for the Prevention of Cruelly to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.
Actions where there are concerns about a child

**Staff have concerns about child and take immediate action. Staff follow their child protection policy and speak to designated safeguarding lead**

- **Referral not required, school/college takes relevant action, possibly including pastoral support and/or early help and monitors locally**
  - **Within 1 working day, social worker makes decision about the type of response that is required**
    - **Child in need of immediate protection:**
      - Appropriate emergency action taken by social worker, police or NSPCC
    - **Identify child at risk of significant harm:**
      - Possible child protection plan
  - **Identify child in need and identify appropriate support**
  - **School/college considers pastoral support and/or early help assessment accessing universal services and other support**

**School/college action**

- **Designated safeguarding lead or staff make referral to children’s social care (and call police if appropriate)**

**Other agency action**

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).
Annex: Further information

This annex 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 one 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.

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**Child abduction and community safety incidents**

Child abduction is the unauthorised removal or retention of a minor from a parent or anyone with legal responsibility for the child. Child abduction can be committed by parents or other family members; by people known but not related to the victim (such as neighbours, friends and acquaintances); and by strangers.

Other community safety incidents in the vicinity of a school can raise concerns amongst children and parents, for example, people loitering nearby or unknown adults engaging children in conversation.

As children get older and are granted more independence (for example, as they start walking to school on their own) it is important they are given practical advice on how to keep themselves safe. Many schools provide outdoor-safety lessons run by teachers or by local police staff.

It is important that lessons focus on building children’s confidence and abilities rather than simply warning them about all strangers. Further information is available at: [www.actionagainstabduction.org](http://www.actionagainstabduction.org) and [www.clevernevergoes.org](http://www.clevernevergoes.org).

**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, 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 can also be a sign of child criminal exploitation including involvement in county lines. It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation, 'honour'-based abuse 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 in England and Wales have a parent sent to prison each year. These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health. The National Information Centre on Children of Offenders, NICCO provides information designed to support professionals working with offenders and their children, to help mitigate negative consequences for those children.

Child Criminal Exploitation (CCE) and Child Sexual Exploitation (CSE)

We know that different forms of harm often overlap, and that perpetrators may subject children and young people to multiple forms of abuse, such as criminal exploitation (including county lines) and sexual exploitation.

In some cases the exploitation or abuse will be in exchange for something the victim needs or wants (for example, money, gifts or affection), and/or will be to the financial benefit or other advantage, such as increased status, of the perpetrator or facilitator.

Children can be exploited by adult males or females, as individuals or in groups. They may also be exploited by other children, who themselves may be experiencing exploitation – where this is the case, it is important that the child perpetrator is also recognised as a victim.

Whilst the age of the child may be a contributing factor for an imbalance of power, there are a range of other factors that could make a child more vulnerable to exploitation, including, sexual identity, cognitive ability, learning difficulties, communication ability, physical strength, status, and access to economic or other resources.

Some of the following can be indicators of both child criminal and sexual exploitation where children:

- appear with unexplained gifts, money or new possessions;
- associate with other children involved in exploitation;
- suffer from changes in emotional well-being;
- misuse drugs and alcohol;
- go missing for periods of time or regularly come home late; and
- regularly miss school or education or do not take part in education.
Children who have been exploited will need additional support to help maintain them in education.

CSE can be a one-off occurrence or a series of incidents over time and range from opportunistic to complex organised abuse. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence.

Some additional specific indicators that may be present in CSE are children who:

- have older boyfriends or girlfriends; and
- suffer from sexually transmitted infections, display sexual behaviours beyond expected sexual development or become pregnant.

Further information on signs of a child’s involvement in sexual exploitation is available in Home Office guidance: [Child sexual exploitation: guide for practitioners](#)

**County lines**

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs using dedicated mobile phone lines or other form of “deal line”. This activity can happen locally as well as across the UK - no specified distance of travel is required. Children and vulnerable adults are exploited to move, store and sell drugs and money. Offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims.

Children can be targeted and recruited into county lines in a number of locations including schools (mainstream and special), further and higher educational institutions, pupil referral units, children’s homes and care homes.

Children are also increasingly being targeted and recruited online using social media. Children can easily become trapped by this type of exploitation as county lines gangs can manufacture drug debts which need to be worked off or threaten serious violence and kidnap towards victims (and their families) if they attempt to leave the county lines network.

A number of the indicators for CSE and CCE as detailed above may be applicable to where children are involved in county lines. Some additional specific indicators that may be present where a child is criminally exploited through involvement in county lines are children who:

- go missing and are subsequently found in areas away from their home;
- have been the victim or perpetrator of serious violence (e.g. knife crime);
• are involved in receiving requests for drugs via a phone line, moving drugs, handing over and collecting money for drugs;

• are exposed to techniques such as ‘plugging’, where drugs are concealed internally to avoid detection;

• are found in accommodation that they have no connection with, often called a ‘trap house or cuckooing’ or hotel room where there is drug activity;

• owe a ‘debt bond’ to their exploiters;

• have their bank accounts used to facilitate drug dealing.

Further information on the signs of a child’s involvement in county lines is available in guidance published by the [Home Office](http://www.gov.uk).

**Modern Slavery and the National Referral Mechanism**

Modern slavery encompasses human trafficking and slavery, servitude and forced or compulsory labour. Exploitation can take many forms, including: sexual exploitation, forced labour, slavery, servitude, forced criminality and the removal of organs.

Further information on the signs that someone may be a victim of modern slavery, the support available to victims and how to refer them to the NRM is available in the Modern Slavery Statutory Guidance. [Modern slavery: how to identify and support victims - GOV.UK (www.gov.uk)](http://www.gov.uk)

**Cybercrime**

Cybercrime is criminal activity committed using computers and/or the internet. It is broadly categorised as either ‘cyber-enabled’ (crimes that can happen off-line but are enabled at scale and at speed on-line) or ‘cyber dependent’ (crimes that can be committed only by using a computer). Cyber-dependent crimes include;

• unauthorised access to computers (illegal ‘hacking’), for example accessing a school’s computer network to look for test paper answers or change grades awarded;

• denial of Service (Dos or DDoS) attacks or ‘booting’. These are attempts to make a computer, network or website unavailable by overwhelming it with internet traffic from multiple sources; and,

• making, supplying or obtaining malware (malicious software) such as viruses, spyware, ransomware, botnets and Remote Access Trojans with the intent to commit further offence, including those above.
Children with particular skill and interest in computing and technology may inadvertently or deliberately stray into cyber-dependent crime.

If there are concerns about a child in this area, the designated safeguarding lead (or a deputy), should consider referring into the **Cyber Choices** programme. This is a nationwide police programme supported by the Home Office and led by the National Crime Agency, working with regional and local policing. It aims to intervene where young people are at risk of committing, or being drawn into, low level cyber-dependent offences and divert them to a more positive use of their skills and interests.

Note that **Cyber Choices** does not currently cover ‘cyber-enabled’ crime such as fraud, purchasing of illegal drugs on-line and child sexual abuse and exploitation, nor other areas of concern such as on-line bullying or general on-line safety.

Additional advice can be found at: Cyber Choices, ‘NPCC- When to call the Police’ and National Cyber Security Centre - NCSC.GOV.UK

**Domestic abuse**

The Domestic Abuse Act 2021 received Royal Assent on 29 April 2021. The Act introduces the first ever statutory definition of domestic abuse and recognises the impact of domestic abuse on children, as victims in their own right, if they see, hear or experience the effects of abuse. The statutory definition of domestic abuse, based on the previous cross-government definition, ensures that different types of relationships are captured, including ex-partners and family members. The definition captures a range of different abusive behaviours, including physical, emotional and economic abuse and coercive and controlling behaviour. Both the person who is carrying out the behaviour and the person to whom the behaviour is directed towards must be aged 16 or over and they must be “personally connected” (as defined in section 2 of the 2021 Act).

Types of domestic abuse include intimate partner violence, abuse by family members, teenage relationship abuse and child/adolescent to parent violence and abuse. Anyone can be a victim of domestic abuse, regardless of sexual identity, age, ethnicity, socio-economic status, sexuality or background and domestic abuse can take place inside or outside of the home. The government will issue statutory guidance to provide further information for those working with domestic abuse victims and perpetrators, including the impact on children.

All children can witness and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members. Experiencing 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.
Young people can also experience domestic abuse within their own intimate relationships. This form of peer on peer abuse is sometimes referred to as ‘teenage relationship abuse’. Depending on the age of the young people, this may not be recognised in law under the statutory definition of ‘domestic abuse’ (if one or both parties are under 16). However, as with any child under 18, where there are concerns about safety or welfare, child safeguarding procedures should be followed and both young victims and young perpetrators should be offered support. The Act’s provisions, including the new definition, will be commenced over the coming months.

**Operation Encompass**

**Operation Encompass** operates in all police forces across England. It helps police and schools work together to provide emotional and practical help to children. The system ensures that when police are called to an incident of domestic abuse, where there are children in the household who have experienced the domestic incident, the police will inform the key adult (usually the designated safeguarding lead) in school before the child or children arrive at school the following day. This ensures that the school has up to date relevant information about the child’s circumstances and can enable immediate support to be put in place, according to the child’s needs. Operation Encompass does not replace statutory safeguarding procedures. Where appropriate, the police and/or schools should make a referral to children’s social care if they are concerned about a child’s welfare. More information about the scheme and how schools can become involved is available on the Operation Encompass website.

**National Domestic Abuse Helpline**

Refuge runs the National Domestic Abuse Helpline, which can be called free of charge and in confidence, 24 hours a day on 0808 2000 247. Its website provides guidance and support for potential victims, as well as those who are worried about friends and loved ones. It also has a form through which a safe time from the team for a call can be booked.

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

- [NSPCC- UK domestic-abuse Signs Symptoms Effects](#)
- [Refuge what is domestic violence/effects of domestic violence on children](#)
- [Safelives: young people and domestic abuse](#)
- [Domestic abuse: specialist sources of support - GOV.UK (www.gov.uk)](#) (includes information for adult victims, young people facing abuse in their own relationships and parents experiencing child to parent violence/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 into 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: Homelessness 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 social care will be the lead agency for these children 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 abuse (including Female Genital Mutilation and Forced Marriage)

So-called ‘honour’-based abuse (HBA) 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 HBA 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 HBA, or already having suffered HBA.

Actions

If staff have a concern regarding a child who might be at risk of HBA or who has suffered from HBA, they should speak to the designated safeguarding lead (or deputy). As appropriate, the designated safeguarding lead (or deputy) 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\(^\text{17}\) 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 may 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.

\(^\text{17}\) 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. 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](#).

Further information can be found in the [Multi-agency statutory guidance on female genital mutilation](#) and the [FGM resource pack](#) particularly section 13.

### 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 perpetrators use perceived cultural practices 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 (FMU) has created: Multi-agency practice guidelines: handling cases of forced marriage (pages 32-36 of which focus on the role of schools and colleges) and, Multi-agency statutory guidance for dealing with forced marriage, which can both be found at [https://www.gov.uk/guidance/forced-marriage](https://www.gov.uk/guidance/forced-marriage). School and college staff can contact the Forced Marriage Unit if they need advice or information: Contact: 020 7008 0151 or email fmu@fcdo.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.

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18 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.
• **Extremism**\(^{19}\) 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 armed forces.

• **Radicalisation**\(^{20}\) refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

• **Terrorism**\(^{21}\) is an action that endangers or causes serious violence to a person/people; causes serious damage to property; or seriously interferes or disrupts an electronic system. The use or threat must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause.

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

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 Prevent referral.

The school’s or college’s designated safeguarding lead (and any deputies) should be aware of local procedures for making a Prevent referral.

**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\textsuperscript{22} to the need to prevent people from being drawn into terrorism”. \textsuperscript{23} 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 in schools should familiarise themselves with the revised \textit{Prevent duty guidance: for England and Wales}, especially paragraphs 57-76, which are specifically concerned with schools (and also covers childcare). Designated safeguarding leads and other senior leaders in colleges should familiarise themselves with the \textit{Prevent duty guidance: for further education institutions in England and Wales}. The guidance is set out in terms of four general themes: risk assessment, working in partnership, staff training, and IT policies.

\section*{Channel}

Channel is a voluntary, confidential support programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. Prevent referrals may be passed to a multi-agency Channel panel, which will discuss the individual referred to determine whether they are vulnerable to being drawn into terrorism and consider the appropriate support required. A representative from the school or college may be asked to attend the Channel panel to help with this assessment. An individual’s engagement with the programme is entirely voluntary at all stages.

The designated safeguarding lead should consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. For example, information that would allow the new school or college to continue supporting victims of abuse or those who are currently receiving support through the ‘Channel’ programme, and have that support in place for when the child arrives.

Statutory guidance on Channel is available at: \textit{Channel guidance}.

\section*{Additional support}

The Department has published further advice for schools on the \textit{Prevent duty}. The advice is intended to complement the Prevent guidance and signposts to other sources of advice and support.

\footnotesize
\begin{itemize}
\item \textsuperscript{22} 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.
\item \textsuperscript{23} “Terrorism” for these purposes has the same meaning as for the Terrorism Act 2000 (section 1(1) to (4) of that Act).
\end{itemize}

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The Home Office has developed three e-learning modules:

- **Prevent awareness e-learning** offers an introduction to the Prevent duty.
- **Prevent referrals e-learning** supports staff to make Prevent referrals that are robust, informed and with good intention.
- **Channel awareness e-learning** is aimed at staff who may be asked to contribute to or sit on a multi-agency Channel panel.

Educate Against Hate, is a government website designed to support school teachers and leaders to help them safeguard their students from radicalisation and extremism. The platform provides free information and resources to help school staff identify and address the risks, as well as build resilience to radicalisation.

For advice specific to further education, the Education and Training Foundation (ETF) hosts the Prevent for FE and Training. This hosts a range of free, sector specific resources to support further education settings comply with the Prevent duty. This includes the Prevent Awareness e-learning, which offers an introduction to the duty, and the Prevent Referral e-learning, which is designed to support staff to make robust, informed and proportionate referrals.

The ETF Online Learning environment provides online training modules for practitioners, leaders and managers, support staff and governors/Board members outlining their roles and responsibilities under the duty.

**Peer on peer/ child on child abuse**

Children can abuse other children (often referred to as peer on peer abuse) and it can take many forms. It **can** happen both inside and outside of school/college and online. It is important that all staff recognise the indicators and signs of peer on peer abuse and know how to identify it and respond to reports. This **can** include (but is not limited to): bullying (including cyberbullying, prejudice-based and discriminatory bullying); abuse within intimate partner relationships; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexual violence and sexual harassment; consensual and non-consensual sharing of nude and semi-nude images and/or videos; causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party; upskirting and initiation/hazing type violence and rituals. Addressing inappropriate behaviour (even if it appears to be relatively innocuous) **can** be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.
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 from primary to secondary stage and into colleges. It can also occur online. 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 and will be exacerbated if the alleged perpetrator(s) attends the same school or college. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and face to face (both physically and verbally) and are never acceptable.

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

Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with special educational needs and disabilities (SEND) and LGBT children are at greater risk.

Staff should be aware of the importance of:

- challenging inappropriate behaviours;
- 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 physical behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, 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 and that it can happen
both inside and outside of school/college. When referring to sexual violence we are referring to sexual violence offences under the Sexual Offences Act 2003\(^{24}\) 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. (Schools should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent, or touching someone’s bottom/breasts/genitalia without consent, can still constitute sexual assault.)

**Causing someone to engage in sexual activity without consent**: A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

**What is consent?**\(^{25}\) 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.\(^{26}\)

Further information about consent can be found here: [Rape Crisis England & Wales - Sexual consent](https://www.rapecrisis.org.uk/sexual-consent)

- a child under the age of 13 can never consent to any sexual activity;

\(^{24}\) [Legislation.gov.uk](https).

\(^{25}\) 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 or sexually assaulted in any way. More information: [here](https).

\(^{26}\) [PSHE Teaching about consent](https://www.pshe.org.uk/teaching-about-consent) from the PSHE association provides advice and lesson plans to teach consent at Key stage 3 and 4.
• the age of consent is 16; 27
• sexual intercourse without consent is rape.

Sexual harassment

When referring to sexual harassment we mean ‘unwanted conduct of a sexual nature’ that can occur online and offline and both inside and outside of school/college. 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. 28 It may include:
  • consensual and non-consensual sharing of nude and semi-nude images and/or videos. 29 As set out in UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence;

27 It is important to differentiate between consensual sexual activity between children of a similar age and that which involves any power imbalance, coercion or exploitation. Due to their additional training, the designated safeguarding lead (or deputy) should be involved and generally speaking leading the school or college response. If in any doubt, they should seek expert advice.

28 Project deSHAME from Childnet provides useful research, advice and resources regarding online sexual harassment.

29 Consensual image sharing, especially between older children of the same age, may require a different response. It might not be abusive – but children still need to know it is illegal- whilst non-consensual is illegal and abusive.
- sharing of unwanted explicit content;
- upskirting (is a criminal offence);
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media;
- sexual exploitation; coercion and threats.

**Upskirting**

The Voyeurism (Offences) Act 2019, which is commonly known as the Upskirting Act, came into force on 12 April 2019. ‘Upskirting’ is where someone takes a picture under a person’s clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any sex, can be a victim.

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

The initial response to a report from a child is incredibly important. How the school or college responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward. Schools and colleges not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying of some behaviours can actually lead to a culture of unacceptable behaviour. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

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 55 in Part one 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).

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31 Additional information can be found at [GOV.UK](https://www.gov.uk).
**Toolkits**

- **Childnet - STAR SEND Toolkit** equips, enables and empowers educators with the knowledge they need to support young people with special educational needs and disabilities.

- **Childnet - Just a joke?** provides lesson plans, activities, a quiz and teaching guide designed to explore problematic online sexual behaviour with 9-12 year olds.

- **Childnet - Step Up, Speak Up** a practical campaign toolkit that addresses the issue of online sexual harassment amongst young people aged 13-17 years old.

- **Preventing Harmful Sexual Behaviour toolkit by the Lucy Faithfull Foundation**, the toolkit contains links to useful information, resources and support, including practical tips to prevent HSB.

- **NSPCC - Harmful sexual behaviour framework** An evidence-informed framework for children and young people displaying HSB.

- **Contextual Safeguarding Network – Beyond Referrals - Schools** levers for addressing HSB in schools.

**Additional advice and support**

**Abuse**

- **What to do if you’re worried a child is being abused** – DfE advice

- **Domestic abuse: Various Information/Guidance** - Home Office (HO)

- **Faith based abuse: National Action Plan** - DfE advice

- **Relationship abuse: disrespect nobody** - Home Office website

- **Tackling Child Sexual Abuse Strategy** – Home Office policy paper

- **Together we can stop child sexual abuse** – HM Government campaign

**Bullying**

- **Preventing bullying including cyberbullying** - DfE advice

**Children missing from education, home or care**

- **Children missing education** - DfE statutory guidance

- **Child missing from home or care** - DfE statutory guidance

- **Children and adults missing strategy** - Home Office strategy
Children with family members in prison

- National Information Centre on Children of Offenders - Barnardo’s in partnership with HM Prison and Probation Service

Child Exploitation

- Trafficking: safeguarding children - DfE and HO guidance
- Care of unaccompanied and trafficked children – DfE statutory guidance
- Modern slavery: how to identify and support victims – HO statutory guidance

Drugs

- Drug strategy 2017 - Home Office strategy
- Information and advice on drugs - Talk to Frank website
- Drug and Alcohol education — teacher guidance & evidence review – PSHE Association website

(so called) “Honour Based Abuse” including FGM and forced marriage

- Female genital mutilation: information and resources- Home Office guidance
- Female genital mutilation: multi agency statutory guidance - DfE, DH, and HO statutory guidance
- Forced marriage - Forced Marriage Unit (FMU) statutory guidance
- FGM resource pack – HM Government guidance

Health and Well-being

- Fabricated or induced illness: safeguarding children - DfE, DH, HO
- Rise Above: Free PSHE resources on health, wellbeing and resilience - Public Health England
- Medical-conditions: supporting pupils at school - DfE statutory guidance
- Mental health and behaviour - DfE advice

Homelessness

- Homelessness: How local authorities should exercise their functions - Ministry of Housing, Communities & Local Government guidance

Private fostering

- Private fostering: local authorities - DfE statutory guidance
Radicalisation

- **Prevent duty guidance** - Home Office guidance
- **Prevent duty: additional advice for schools and childcare providers** - DfE advice
- **Educate Against Hate website** - DfE and Home Office advice
- **Prevent for FE and Training** - Education and Training Foundation (ETF)

Violence

- **Serious violence strategy** - Home Office Strategy
- **Factors linked to serious violence and how these factors can be used to identify individuals for intervention** – Home Office
- **Youth Endowment Fund** – Home Office
- **Gangs and youth violence: for schools and colleges** - Home Office advice
- **Ending violence against women and girls 2016-2020 strategy** - Home Office strategy
- **Violence against women and girls: national statement of expectations for victims** - Home Office guidance
- **Sexual violence and sexual harassment between children in schools and colleges** - DfE advice
Part four: Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors

335. Schools and colleges should have their own procedures for dealing with concerns and/or allegations against those working in or on behalf of schools and colleges in a paid or unpaid capacity, this includes, members of staff, supply teachers, volunteers and contractors.

336. This part of the guidance has two sections covering the two levels of allegation/concern:

1. Allegations that may meet the harms threshold.

2. Allegation/concerns that do not meet the harms threshold – referred to for the purposes of this guidance as ‘low level concerns’.

337. These procedures should be consistent with local safeguarding procedures and practice guidance.

Section one: Allegations that may meet the harms threshold

338. This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm\(^\text{118}\) if they continue to work in their present position, or in any capacity with children in a school or college. This guidance should be followed where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:

- behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

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\(^\text{118}\) The harm test is explained on the Disclosure and Barring service website on GOV.UK, Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002
339. The last bullet point above includes behaviour that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as transferable risk.

340. Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

341. It is important that policies and procedures make clear to whom allegations should be reported and that this should be done without delay. A “case manager” will lead any investigation. This will be either the headteacher or principal, or, where the headteacher is the subject of an allegation, the chair of governors or chair of the management committee and in an independent school it will be the proprietor.

The initial response to an allegation

342. Where the school or college identify a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children’s social care and as appropriate the police immediately as per the processes explained in Part one of this guidance.

343. There are two aspects to consider when an allegation is made:

- **Looking after the welfare of the child** - the designated safeguarding lead is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children’s social care as described in Part one of this guidance.

- **Investigating and supporting the person subject to the allegation** - the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

344. When dealing with allegations, schools and colleges should:

- apply common sense and judgement;
- deal with allegations quickly, fairly and consistently; and
- provide effective protection for the child and support the person subject to the allegation.

345. Schools and colleges should ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made. Before contacting the LADO, schools and colleges should conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. For example:
• was the individual in the school or college at the time of the allegations?
• did the individual, or could they have, come into contact with the child?
• are there any witnesses? and,
• was there any CCTV footage?

346. These are just a sample of example questions. Schools and colleges should be familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service.

347. When to inform the individual of the allegation should be considered carefully on a case by case basis, with guidance as required from the LADO, and if appropriate children’s social care and the police.

348. If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or children’s social care will be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO 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. Further information about the use of reasonable force can be found at paragraph 150 in Part 2 of this guidance and on GOV.UK.

349. Where the case manager is concerned about the welfare of other children in the community or the member of staff’s family, they should discuss these concerns with the designated safeguarding lead and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to children’s social care.

350. Where it is clear that an investigation by the police or children’s social care is unnecessary, or the strategy discussion or initial assessment decides that is the case, the LADO should discuss the next steps with the case manager.

No further action

351. Where the initial discussion leads to no further action, the case manager and the LADO should:
• record the decision and justification for it; and,

119 The purpose of a strategy discussion and those likely to be involved is described in Working Together to Safeguard Children
• agree on what information should be put in writing to the individual concerned and by whom.

**Further enquiries**

352. Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager should discuss 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.

353. Where there is a lack of appropriate resource within the school or college, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator. Many local authorities provide for an independent investigation of allegations for schools that are maintained by the local authority, often as part of the HR/personnel services that schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges in that area have access to an affordable facility for independent investigation where that is appropriate. Academies and independent schools should also ensure they secure the services of a person who is independent of the school.

354. The case manager should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

355. Wherever possible, the first review should take place no later than four weeks after the initial assessment. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the review meeting if the investigation continues. The LADO will provide advice and guidance to schools and colleges when considering allegations against adults working with children. The LADO’s role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, children’s social care, the school or college, or a combination of these.

**Supply teachers and all contracted staff**

356. In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, supply teachers or contracted staff provided by an employment agency or business.

357. Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. Governing bodies and proprietors should discuss with the supply agency or agencies
where the supply teacher is working across a number of schools of colleges, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school or college, whilst they carry out their investigation.

358. Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children’s social care. The school or college will usually take the lead because agencies do not have direct access to children or other school of college staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in the school or college. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the school or college during the investigation.

359. When using a supply agency, schools and colleges should inform the agency of its process for managing allegations but also take account of the agency’s policies and their duty to refer to the DBS as personnel suppliers. This should include inviting the agency’s human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Governors

360. If an allegation is made against a governor, schools and college should follow their own local procedures. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

Suspension

361. 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. 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. It should be considered only in cases 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. If in doubt, the case manager should seek views from their personnel adviser and the LADO, as well as the police and children's social care where they have been involved.

362. Where a 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 a school or sixth form college, they should take immediate action to ensure the individual does
not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual **must not** carry out teaching work. School and colleges should have clear policies on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

363. In many cases, an inquiry can be resolved quickly and without the need for suspension. The employer will decide on whether the individual should continue to work at the school or college, based on consultation with the LADO who will provide relevant information they have received from the police or children’s social care on whether they have any objections to the member of staff continuing to work during the investigation of the case. The case manager should be as inventive as possible to avoid suspension.

364. Based on advice from the school or college’s HR provider and/or a risk analysis drawn up with the LADO, 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, but this decision should only be made if it is in the best interest of the child or children concerned and takes accounts of their views. It should be made 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 where available, work for the local authority or academy trust.

365. These alternatives allow time for an informed decision regarding the suspension, 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 unfounded, unsubstantiated, malicious, or false.

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

367. Where it has been deemed appropriate to suspend the person, written confirmation should be given 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.

368. Children’s social care or the police may give their view to the LADO but they
cannot require the case manager to suspend a member of staff or a volunteer, although
the case manager should give appropriate weight to their views. The power to suspend
is vested in the governing body or proprietor who are the employers. However, where a
strategy discussion, or initial assessment, concludes that there should be enquiries by
the children’s social care, and/or an investigation by the police, the LADO should
canvass police and children’s social care for views about whether the accused member
of staff should be suspended from contact with children. 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 about whether the person
poses a risk of harm to children.

Supporting those involved

Duty of care

369. The welfare of a child is paramount (how children should be protected and
supported is set out throughout this guidance) and this will be the prime concern in
terms of investigating an allegation against a person in a position of trust. However,
when an allegation or safeguarding concern is being investigated it is likely to be a very
stressful experience for the adult subject of the investigation, and potentially for their
family members. It is important that an employer offers appropriate welfare support at
such a time and recognises the sensitivity of the situation. Information is confidential
and should not ordinarily be shared with other staff or with children or parents who are
not directly involved in the investigation.

370. Employers have a duty of care to their employees. They should:

- manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action,
guided by the LADO, and the police where necessary;
- advise the individual to contact their trade union representative, or a colleague for
support;
- appoint a named representative to keep the person informed about progress of the
case;
- provide access to counselling or medical advice where appropriate. For staff in
schools maintained by the local authority this may include support via the local
authority’s occupational health arrangements; and
• not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

371. Parents or carers of the child or children involved should be:

• formally told about the allegation as soon as possible. The case manager should consult the LADO and where involved children’s social care and/or the police on what information can be disclosed;
• kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member; and
• made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002 (see paragraphs 372-380).

Confidentiality and Information sharing

372. In an allegations management meeting or during the initial assessment 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, see paragraphs 105-113 in Part two about information sharing.

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

374. Children’s social care 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.

375. The school and college must make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 amended the Education Act 2002, to introduce reporting restrictions. These provisions made it an offence (except in the limited circumstance expressly permitted by the legislation), for any person to publish any

120 In deciding what information is disclosed, 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.
material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a child from the same school (where that identification would identify the teacher as the subject of the allegation).

376. The reporting restrictions apply until:

- the point that the accused person is charged with a relevant offence; or
- the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.

377. 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 court lifts the reporting restrictions in response to a request to do so.

378. The legislation prevents the “publication” of material by any person that may lead to the identification of the teacher who is the subject of the allegation. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public). In circumstances where schools need to make parents aware about an allegation, they should make parents and others aware that there are restrictions on publishing information.

379. 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 wish 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.

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

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

121 Section 141F of the Education Act 2002 only applies to teachers in schools does not apply to colleges.
122 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.

Allegation outcomes

381. The definitions that should be used when schools and colleges determine the outcome of an allegation are set out below:

- **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 or cause harm to the person subject of the allegation;
- **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; or,
- **Unfounded**: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

382. Ultimately the options open to the school or college depend on the nature and circumstances of the allegations 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 (see paragraphs 361-368 on suspension).

383. If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services; or
- the employer ceases to use the person’s services.

The employer has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. 123

384. In the case of a member of teaching staff at a school or sixth form college, the case manager **must** consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching (paragraph 143 for further information).124

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123 Disclosure and Barring Service – guidance on [Referrals to the DBS](#).
124 Teacher Regulation Agency – guidance on [Referrals to the TRA](#).
385. There is a legal requirement for employers to make a referral to the DBS where they consider 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 (paragraph 142 for further information).

**Following a criminal investigation or a prosecution**

386. The police should inform the LADO and the employer immediately when:

- a criminal investigation and any subsequent trial is complete;
- it is decided to close an investigation without charge; or,
- it is decided not to continue to prosecute after the person has been charged.

387. In those circumstances, during the joint assessment meeting the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children’s social care should also inform that decision. The options will depend on the circumstances of the case and the consideration should 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.

**Unsubstantiated, unfounded, false or malicious allegations**

388. If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children’s social care may be appropriate.

389. If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children’s social care may be appropriate. If a report is shown to be deliberately invented or malicious, the school or college, should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

**Returning to work**

390. 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. Guidance and advice are usually provided via HR or the LADO. 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 attending the school or college.

**Managing the situation and exit arrangements**

**Resignations and ‘settlement agreements’**

391. ‘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, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or school or college investigation where that is appropriate.

392. Schools and colleges should not cease their investigations if the person leaves, resigns or ceases to provide their services. 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.

393. Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, should continue even if 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 an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

394. Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers. This is particularly important where the person moves into another position involving working with children.

395. It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances schools and colleges sometimes use settlement agreements to end the employment relationship on agreed terms, but not where there is an allegation that the individual poses a risk to children.
396. Where a settlement/compromise agreement is used, schools and colleges should not let it prevent the employer from:

- fulfilling their legal duty to refer cases to the DBS where the referral criteria are met – see paragraph 329. Non-compliance of this duty is a criminal offence; or
- providing a reference to potential employers when requested; or
- considering whether to make a referral to the Teaching Regulations Agency where the criteria are met - see paragraph 333.

Record keeping

397. Details of allegations following an investigation that are found to have been malicious or false should be removed from personnel records, unless the individual gives their consent for retention of the information. However, for all other allegations, it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, and decisions reached and the outcome as categorised above;
- a copy provided to the person concerned, where agreed by children’s social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

398. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. 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.

399. 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.

400. 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. This can be found on the ICO website: here.
References

401. Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference. See paragraphs 203-205 for further information on references. Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

Learning lessons

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

403. For all other cases the case manager should consider the facts and determine whether any improvements can be made.

Non recent allegations

404. Where an adult makes an allegation to a school or college that they were abused as a child, the individual should be advised to report the allegation to the police. Non recent allegations made by a child, should be reported to the LADO in line with the local authority’s procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police. Abuse can be reported no matter how long ago it happened.

Further information

405. See the College of Policing: Engagement, Communication and Media relations.

Section Two: Concerns that do not meet the harm threshold

406. Governing bodies and proprietors should have policies and processes to deal with concerns (including allegations) which do not meet the harm threshold set out above. Concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult
within or outside of the organisation; or as a result of vetting checks undertaken. It is important that schools and colleges have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children.

**Low level concerns**

407. As part of their whole school approach to safeguarding, schools and colleges should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

408. Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold (see Part Four - Section one)) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable schools and colleges to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

**What is a low level concern?**

409. The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out at paragraph 338. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

410. Examples of such behaviour could include, but are not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.
411. Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

412. It is crucial that any such concerns, including those which do not meet the harm threshold (see Part Four - Section one), are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

Staff code of conduct and safeguarding policies

413. As good practice governing bodies and proprietors should set out their low-level concerns policy within their staff code of conduct and safeguarding policies as set out in Part two of this guidance. They should make it clear what a low-level concern is and the importance of sharing low-level concerns, and an explanation of what the purpose of the policy is – i.e. to create and embed a culture of openness, trust and transparency in which the school’s or college’s values and expected behaviour which are set out in the staff code of conduct are constantly lived, monitored and reinforced by all staff.

414. As set out in Part two of this guidance, the governing body or proprietor should ensure their staff code of conduct, behaviour policies and safeguarding policies and procedures are implemented effectively, and ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school or college approach to dealing with any concerns.

415. Schools and colleges can achieve the purpose of their low-level concerns policy by, for example:

- ensuring their staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;
- empowering staff to share any low-level safeguarding concerns as per paragraph 74);
- addressing unprofessional behaviour and supporting the individual to correct it at an early stage;
- providing a responsive, sensitive and proportionate handling of such concerns when they are raised; and,
- helping identify any weakness in the school or colleges safeguarding system.

Sharing low-level concerns

416. Low-level concerns about a member of staff, supply staff, volunteer or contractor should be reported as per paragraph 74. Reports about supply staff and contractors
should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

417. Schools and colleges should ensure they create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

**Recording low-level concerns**

418. All low-level concerns should be recorded in writing. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

419. Schools and colleges can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) (see paragraph 109 for more information).

420. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again.

421. It is for schools and colleges to decide how long they retain such information, but it is recommended that it is retained at least until the individual leaves their employment.

**References**

422. Part three of this guidance is clear that schools and colleges should only provide substantiated safeguarding allegations in references. Low level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.
Responding to low-level concerns

423. The school or college policy should set out the procedure for responding to reports of low-level concerns. If the concern has been raised via a third party, the headteacher/principal should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

424. The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken.

425. A good low level concerns policy will simply be a reflection and extension of the school’s or college’s wider staff behaviour policy/code of conduct.

426. More detailed guidance and case studies on low-level concerns can be found in Developing and implementing a low-level concerns policy (farrer.co.uk).