

# **Birmingham Children, Young People & Families Directorate**

## **Child Protection Procedures and Practice Guidance for Schools and Education Services**

**Foreword from Tony Howell,**  
**Strategic Director - Learning and Culture.**  
**(Strategic Director designate - Children, Young People & Families).**

I am pleased to introduce to you the “Child Protection Procedures and Practice Guidance for Schools and Education Services” in Birmingham.

Every school and education service within this directorate shares a common commitment, and now also a statutory duty, to co-operate and work together to safeguard and promote the well being of children.

We face significant challenges in the fulfilment of this commitment for every child in Birmingham. But no other challenge can be given a greater priority for securing our children’s futures.

The provision of clear and robust child protection procedures and guidance is an essential element of our safeguarding strategy. The newly established Birmingham Safeguarding Children Board (previously ACPC) will also be re-publishing its overarching child protection procedures this month, and our “education” procedures are fully consistent with those of the Board.

The procedures also make clear the support you will receive, from our education services child protection team, school and governor support team, employee relations team, and the school improvement service, in any case of an allegation relating to a member of staff.

The existence of procedures is, however, just one element to ensuring best practice in the protection of children.

It is also important that all Heads of our schools and services, and all Designated Senior Persons, undertake the core child protection training delivered by the Directorate, and also attend the refresher training sessions at least every two years.

It is then essential that these lead managers make sure that all staff, governors, and others working in our schools and services, understand the child protection procedures and are fully equipped to take the appropriate action whenever it is required.

Tony Howell

## **Acknowledgements**

This procedure and practice guidance has been written with the help, advice and contributions from many individuals and groups, giving generously of their time and providing their direct knowledge and experience.

I would like to thank in particular those individuals who formed our core writing team over the past six months and who gave so generously of their time and expertise.

We are grateful to the IRSC Network and also to Warwickshire, Solihull, and Sefton Local Authorities for their initial work in development of a policy structure for dealing with allegations against staff. This example substantially assisted the work of the Birmingham policy revision group. We make no apology for adapting some of the original content.

This procedure and guidance has been evaluated as consistent with the Birmingham Safeguarding Children Board policy and procedures, and has been approved by Birmingham UNISON, GMB & ATU, CYWU, T&GWU, NUT, NASUWT and all local Teacher's and Head Teacher's Associations.

This guidance and information is up to date at the time of issue in April 2006, and is designed to be consistent with all related DfES guidance, including:-

- Safeguarding Children in Education: Sept 2004
- Safeguarding Children in Education: Dealing with Allegations of Abuse against Teachers and Other Staff: Nov 2005

## **Accessing copies of this guidance and procedures**

This Child Protection guidance and procedures is accessible from the Child Protection site of the Birmingham Grid for Learning.

All maintained schools and Education Services provisions will be provided with one hard copy free of charge. Additional copies can be provided by the Child Protection team, on request, and at a small charge.

These procedures are copyright to Birmingham City Council.

## **Other related procedures: -**

- Our guidance for the safe recruitment and vetting of staff sits side by side with these procedures. You should ensure that a copy of our most recent circular "Pre-employment Clearances and Work Permit" is held with these procedures.
- Many other procedures are closely linked to our work in safeguarding children, and we will be working, this year, to cross-reference many of these from our BGFL child protection site.

John Smail

Education Services Lead Officer for Child Protection.  
Birmingham Children and Young People's Directorate

## Section 1 INTRODUCTION

### 1. Scope of this guidance

#### Schools and Education Services

- This Education Services guidance and policy does not in any way alter the agreed inter-agency BSCB procedures.
- If you have a child protection concern you must refer to your Designated Senior Manager.

#### **Do not delay taking action**

#### **This document does provide specific additional guidance:**

- regarding safeguarding of children within schools and Education Services.
- on the specific procedures that must be in place for the management of child protection within education establishments.
- for the management of allegations against staff.

### 2. Who does this procedure and guidance apply to?

- Governing Bodies of maintained schools
- All staff in maintained schools and educational establishments.
- All services within Education Services.
- Any persons within education provisions and services.
- And for information and guidance to other services and individuals working in partnership with education provisions and services.

All schools and Education Services are required to:

- adopt these procedures through the appropriate mechanisms
- ensure that all staff and governors are aware of the child protection procedures
- provide access for all staff and governors to a copy of these procedures.
- make these procedures available as appropriate, or on request, for information and guidance to any persons having access to the school/service.

### 3. Guiding principles and considerations

In addition to the principles set out within the BSCB procedures, the following principles are highlighted within the education environment:

- It is the duty of all working in this directorate to ensure the safety and care of all young people using our services.
- It is our duty to protect children from abuse.
- It is our responsibility to provide high quality and safe educational services to children, their parents, carers, and families.
- It is our duty to ensure staff and other stakeholders of our services are safeguarded.

We also recognise the significant impact that any child protection allegation and investigation has upon children, parents, carers, staff and their dependants, and on the organisations concerned.

- We will always take seriously any child abuse allegations or concerns expressed by children, or made on their behalf, and we will investigate all such cases according to this policy and guidance.
- We will seek timely and speedy process in all investigations.
- We will always identify a lead manager in every investigation.
- We will always provide an Education Service child protection officer to support the lead manager.

The above principles must be adopted by all staff and governing bodies within schools and Education Services.

#### 4. Terms, Abbreviations and Acronyms used in this document.

- BC&YPD – Birmingham Children and Young People’s Directorate
- BSCB- Birmingham Safeguarding Children Board
- Children - Children and Young People
- CSCI – Commission of Social Care Inspection
- DSP - Designated Senior Person
- ER – Employee Relations
- EWS - Education Welfare Service
- Head - Head Teacher or Head of Service
- HEU – Health Education Unit
- HR – Human Resources
- LA – Local Authority
- List 99 – The Protection of Children Act 1999
- Parents and Carers - All persons having parental responsibility or undertaking actual care of the child.
- POCA – Protection of Children Act
- SCS – Social Care Services
- Strategy meeting – a meeting of professional agencies
- Child Protection Conference – a meeting of professional agencies and parents/carers and on occasion the young person involved.

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Intended content:-

Safeguarding Children in Schools: Preventative Guidance

- Appropriate Touch in working with children.
- Provision of medical assistance/medication.
- Children requiring special care.
- Use of photographs and video.
- Safeguarding computer use.
- Educational Visits.
- Work Experience Placements.
- Behaviour Management and Restraint Policy.
- Recruitment and selection.
- Child on Child Abuse. (*See BSCB child protection procedures Section 18*)

Specific educational organisations

- Residential Schools.
- Nursery Provisions
- Residential Courses.
- Extended School Activities.

- Libraries and Museums
- Day Care Providers and Childminders

#### Education in the home

- Education Otherwise Arrangements.
- Home Tuition
- Virtual College

#### Visiting Homes

- Visiting Services.
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## **Section 3: Roles and responsibilities of staff in Schools and Education Services**

### **3.1 Schools and Education Services**

#### **3.1.1 All Staff in Schools and Education Services**

Any adult in a paid or voluntary capacity who works in a school, service or educational establishment within the Directorate has responsibility for the protection of children.

All staff have a duty to report any child protection concern to their DSP without delay.

Any matter involving an allegation against a member of staff must be reported directly to the Head.

#### **3.1.2 Designated Senior Person (DSP) for Child Protection**

This must be a senior member of the school or service management team. They have a specific responsibility for co-ordinating Child Protection in the school/service.

The DSP will have the key role in ensuring that appropriate child protection induction and training is delivered to all staff. They must themselves access approved, Local Authority, child protection training on a minimum of a two yearly basis and also ensure they keep up to date with developments in policy and practice.

This individual will co-ordinate any action on child protection concerns consistent with the BSCB procedures, except those cases involving any allegation against a member of staff which should be reported directly to the Head.

In cases involving an allegation against a member of staff, the DSP may be asked to co-ordinate ongoing provision for the child. It is therefore recommended that the DSP is not identified as the contact person for a member of staff.

#### **3.1.3 Head Teachers and Heads of Services**

Head Teachers/Heads of Services are responsible for creating a safe environment in the school/service and for ensuring all staff are aware of the child protection guidelines and the school/service child protection policy.

The Head is responsible for taking forward any action required to protect children within the school/service.

The Head must consult immediately with the Education Services Child Protection Lead Officer regarding any allegation of abuse made against a staff member.

The Head will normally be expected to attend any resulting strategy meetings regarding an allegation against a member of staff.

The Head has a duty of care to all employees and should provide a point of contact to ensure that any suspended member of staff is:-

- regularly updated in respect of the progress of any investigations.
- informed about developments at the school/service in general.
- Consulted as to whether any other support is required, and advised how to access such support from unions, associations, and available counselling services (also see Section 6.16)

#### 3.1.4 Nominated Governor for Child Protection

It is strongly recommended that governing bodies have a named governor for Child Protection in order to:-

- promote effective governance of child protection policy in schools.
- champion child protection within the school.
- liaise with the Head Teacher about child protection policy and practice
- provide general information and reports to the Governing Body.

It is important to stress that where this arrangement is in place, and that individual is not the Chair, they will not be involved when an allegation is made against the Head Teacher. It is the responsibility of the Chair of Governors (or in their absence the Vice Chair) to liaise with the Education Services Child Protection Lead Officer in respect of allegations against a Head Teacher. It is strongly recommended that both the Chair and the named governor access the appropriate training in regard to that role. (See Section 7.3 for Governing Body policy)

It is important that any named governor for child protection understands the requirements of the role and that they undertake child protection training on a 2 yearly cycle.

#### 3.1.5 Contact Person (in cases of allegations against staff)

This role is generally undertaken by the Head Teacher or the Head of Service. (See notes under Head Teachers and Heads of Services)

Where the Head Teacher is subject to an allegation the Directorate will designate a Principal Advisor to undertake this role. Where a Head of Service is subject to an allegation the appropriate Assistant Director will undertake this role.

Where a member of staff has been suspended from work for more than 20 working days, the contact person should also ensure that the staff member remains informed of issues that they will need to be aware of should they return. Contact arrangements over any period of school/service closure should be agreed.

The contact person will not discuss specific case investigation details other than to communicate any progress in anticipated timescales and the contact person will be advised by a strategy meeting member as to what information it will be appropriate to share.

## 3.2 Education Support Services: In Child Protection matters

### 3.2.1 Education Services Lead Officer: Child Protection:

All LAs must appoint an Education Services Lead Officer for Child Protection.

In Birmingham the Head of Education Welfare Service holds this designated strategic lead responsibility for Education Services Child Protection procedures, and represents maintained schools and services on the Birmingham Safeguarding Children Board.

The Lead Officer chairs an Education Services Child Protection Forum of representatives from the key Education Services involved with safeguarding and child protection.

In any cases of allegations implicating a Head Teacher or Head of Service it will be the Lead Officer or a deputy who will coordinate Education Services action. All other staff allegation cases will be managed by officers of the Education Services Child Protection team.

### 3.2.2 Education Services Child Protection Team

This team provides direct guidance and support on child protection matters to Head Teachers, Designated Senior Persons/ Managers, and Heads of Service in the Directorate.

The team maintains and updates these Schools and Education Services' Child Protection Procedures, provides newsletters and a dedicated site on BGFL.

The team is responsible for providing direct support to Schools and Education Service managers in cases of allegations against staff. This includes attendance at strategy meetings; liaison with key agencies; tracking and monitoring progress in cases and maintaining records relating to allegations against staff.

### 3.2.3 School & Governor Support Team

A School & Governor Support Manager will work jointly with the Lead Officer in any case of allegation implicating a Head Teacher, and will attend strategy meetings in order to provide the communication link with the Chair of Governors.

The team will also be involved in supporting schools where child protection cases impact significantly on school management, or where there is a media or public interest

### 3.2.4 Employee Relations Team

#### *Allegations against staff only*

In Birmingham the Directorate provide an E.R. Service to schools and services. It is this team that should be consulted for advice on employment and disciplinary matters. Designated Officers in this team are responsible for liaison with the DfES Misconduct Team in all cases where there is a requirement for List 99/POCA registration to be considered.

Where Human Resources services are purchased from outside the Directorate, it is the responsibility of the Head Teacher and Governing Body, to ensure that arrangements for managing allegations against staff and the level of support and advice provided are in accordance with statutory duties under Education Act 2002 (Part 11 Section 175), and in compliance with this procedure.

### 3.2.5 Early Years Team

The Early Years Support Team provides guidance and advice to all early years provisions including child minders, private and voluntary nurseries and before and after school clubs.

The Early Years Team has appointed a Child Protection Officer to work closely with the Education Services Child Protection Team in cases of allegations against staff.

The Early Years and Family Support team provides guidance and support to Local Authority Community Day Nurseries.

## 3.3 **Working Together with other Key Services in Child Protection & Safeguarding**

### 3.3.1 Police Child Abuse Investigation Unit

The Police have a duty and responsibility to investigate any allegation of a criminal offence committed against a child. In carrying out this duty there are specially trained officers located in the Child Abuse Investigation Unit. It is these officers who work jointly with the Social Care Services in carrying out Child Protection investigations.

### 3.3.2 Social Care Services (SCS) (previously Social Care & Health)

It is the Social Care Services, within the Children and Young People's Directorate that has a statutory duty to investigate all reports or allegations of children who are suffering, or likely to suffer significant harm, to enable them to decide whether they should take action to promote the child's welfare.

### 3.3.4 Birmingham Safeguarding Children Board (BSCB)

The BSCB (previously ACPC) is an inter-agency forum for agreeing how the different services and professional groups should co-operate to safeguard children and make sure that arrangements work effectively to bring about good outcomes for children.

The BSCB has established three Area Boards with representation from all key services and schools. These Boards are directed to work to improve safeguarding and child protection practice at local level.

## **Section 4: School / Service Child Protection Policy**

Every school and service should have in place a Child Protection Policy that makes clear the roles, responsibilities, and expectations of staff and stakeholders.

The Governing Body/Service is strongly recommended to adopt the following model policy (including statements of good practice).

The model policy that follows is a stand alone guide that will take managers through the sections required and outline the key points for this important policy to cover:-

### **Model Child Protection Policy for schools and services**

#### **1.0 Aim**

1.1 Whilst the prime focus of ..... (*school/service*) is to secure the best educational provision for the child, the ..... (*school/service*) recognises that the safety, welfare and care of children is paramount. We are therefore committed to the highest standards in protecting and safeguarding the children entrusted to our care at all times.

We will ensure that arrangements are in place for:

- 1.1.1 all reasonable measures to be taken to minimise the risks of harm to children's welfare;
- 1.1.2 all appropriate actions to be taken to address concerns about the welfare of a child, or children, working to agreed local policies and procedures in full partnership with other local agencies;
- 1.1.3 all persons working at this school/service to be made aware of this policy.

1.2 We recognise that some children may be the victims of neglect, physical, sexual or emotional abuse. Staff of the school/service will often, by virtue of their day to day contact and knowledge of the children, be well placed to identify such abuse and offer support to children in need.

1.3 In order to protect our children, we aim to:

- 1.3.1 Create an atmosphere where all our children can feel secure, valued and listened to
- 1.3.2 Recognise signs and symptoms of abuse
- 1.3.3 Respond quickly and effectively to cases of suspected abuse
- 1.3.4 Monitor and support children at risk
- 1.3.5 Use the curriculum to raise children's awareness, build confidence and skills
- 1.3.6 Work closely with parent/carers and support external agencies
- 1.3.7 Ensure that all adults within our school/service who have access to children have been checked as to their suitability (refer to personnel policy)

1.4 ..... (*school/service*) will support all children by:

- 1.4.1 Encouraging self-esteem and appropriate self-assertiveness whilst not condoning aggression or bullying
- 1.4.2 Promoting a caring, safe and positive environment within the school.

- 1.4.3 Liaising and working together with all other support services and those agencies involved in the safeguarding of children
- 1.4.4 Notifying Social Care Services via the approved mechanisms as soon as there is a significant concern.
- 1.4.5 Providing continuing support to a child about whom there have been concerns who leaves the school by ensuring that appropriate information is forwarded under confidential cover to the child's new school.

## **2.0 Designated personnel (*Insert Names*)**

- 2.1 Designated Senior Person for Child Protection .....
- 2.2 Head Teacher/Head of Service .....
- 2.3 Chair of Governing Body/Assistant Director .....
- 2.4 Nominated Governor .....

## **3.0 The role of all staff and other persons within the schools/service settings**

- 3.1 All staff have a duty to safeguard children. This policy outlines how staff can meet this duty and their need to be:-

- 3.1.1 Trained and aware of potential indicators of abuse
- 3.1.2 Open to hearing concerns from children and others, without seeking to investigate these concerns.
- 3.1.3 Informed on how to report any concerns to their Designated Senior Person(s) for Child Protection.
- 3.1.4 Informed on how to report any concerns relating to staff to their Head Teacher/Head of Service.
- 3.1.5 Informed on how to report any concerns relating to their Head Teacher/Head of Service.

- 3.2 Listening to children. Schools and Services should: (*You may wish to include content from the BSCB guidance on listening to children in this section*).

- 3.2.1 Create the opportunity and environment for children to be able to talk about their concerns
- 3.2.2 Establish systems to enable cover for the member of staff listening to a child's concerns.

### 3.2.3 Always:

- Report on as soon as you have a concern.
- Record information verbatim using the actual words of the child and noting any questions the child raises.
- Note dates, times, who was present, positions in the room, anything factual about the child's appearance.
- Pass these notes to the DSP.
- If possible use a silent witness.

### Never

- Ask leading questions.
- Ask the child to write down their account.
- Investigate with, or without, others.
- Take photographs of marks.
- Attempt any medical judgement
- Arrange a medical examination

- Tape/video record an interview
- Ask a child to remove any clothing. Staff should always be aware of their own vulnerability at this point and should take steps to minimise risk to themselves whilst supporting the child.

3.3 We recognise that all matters relating to Child Protection are confidential. The Head or DSP will disclose any information about a pupil to other members of staff on a need to know basis only.

#### **4.0 Supporting Staff**

4.1 We recognise that staff working in the school/service who have become involved with a child who has suffered harm, or appears to be likely to suffer harm may find the situation stressful and upsetting.

4.2 We will support such staff by providing an opportunity to talk through their anxieties with the Designated Senior Person and to seek further support as appropriate.

4.3 All staff are able to access confidential support and counselling through for example BCC Staff Careline, Teacher Support network

#### **5.0 The role of the DSP**

5.1 The Designated Senior Person is responsible for:

5.1.1 Adhering to the Birmingham BSCB, Education and school/service procedures with regard to referring a child if there are concerns about possible abuse

5.1.2 Keeping written records of all concerns about a child even if there appears to be no need to make an immediate referral

5.1.3 Ensuring that all such records are kept confidentially and securely and are separate from child records

5.1.4 Ensuring that an indication of further record-keeping is marked on the child records

5.1.5 Liaison and joint working with Social Care Services, and other relevant agencies

#### **6.0 Reporting Procedures**

6.1 All concerns must be passed to the DSP who will seek advice/make a judgement as to whether a referral to Social Care Services or the need for any other action to be taken.

6.2 If a disclosure is made or a member of staff has reason to believe abuse has occurred an incident report form (available from ..... ) should be completed as soon as possible and passed to the DSP. Any original notes should be signed, dated and securely attached to the incident report form. All staff must be aware of the high level of confidentiality of notes and individual staff members should pass all notes and records onto the DSP.

6.3 Upon submitting an incident form the member of staff and the DSP should catalogue the form, sign and date the incident book in order to prove the procedure has been followed.

## 7.0 Staff allegations

- 7.1 All child protection allegations relating to staff must be reported directly to the Head Teacher/Head of Service (and not the DSP) without informing the subject of the concern/allegation.
- 7.2 The full evidence will be made available to the member of staff subject of the allegation as soon as is agreed appropriate within the ongoing needs of any investigation by the Police, Social Care Services, or by any disciplinary process.
- 7.3 In some cases it may be necessary for the staff member to be suspended whilst an investigation is carried out. It must be recognised that any decision to suspend a member of staff is without prejudice and on full pay, and is not an indication of any proof or of any guilt. Advice should always be taken from the Employee Relations team in this respect.
- 7.4 Any complaint or concern of a child protection nature received by any person and relating to Head Teacher/Head of Service must be passed in confidence to the Education Services Lead Officer who will give advice and support including making contact with the Chair of Governors/Assistant Director
- 7.5 All staff need to be aware of their vulnerability to allegations and must address their practice accordingly. All staff must adhere to the school/service policy/guidance in respect to safe conduct.

*Include references to:*

- Risk Assessment
  - Appropriate touch/contact policy
  - Care and control policy
  - Out of hours contact with children
  - Use of letters, mobile phones, texts and emails
  - Use of Internet code of conduct
  - Behaviour policy
  - Visibility in any individual contact with children
  - Ensuring parental and managerial consent where individual work with children is required
  - Areas of practice requiring joint work/paired work.
  - Communication and confidentiality policy/guidance
  - Any other specific guidance provided by school /service
- 7.6 Children cannot be expected to raise concerns in an environment where staff fail to do so. All staff should be aware of their duty to raise concerns, where they exist, about the attitude or actions of colleagues.
- 7.7 Schools responsible for children in receipt of a managed care placement will also have a duty to inform CSCI, in cases of child protection concerns.
- 7.8 Heads responsible for children in receipt of a managed care placement will also have a duty to involve CSCI.

## **8.0 Procedure**

- 8.1 The school/service adheres to the Birmingham Safeguarding Children Board (BSCB) procedures and the Birmingham Education Services Child Protection Procedures. Copies of these are kept by the Head Teacher/Head of Service and must be the subject of training and be available to all staff and governors.
- 8.2 The Head Teacher/Head of Service will identify a Designated Senior Person (DSP) for Child Protection co-ordination in the school. The Head will identify clearly who will deputise in the absence of the DSP and ensure that any such deputy is appropriately trained.
- 8.3 The DSP will ensure the following reporting and recording procedures are maintained:
  - 8.3.1 Incident report form (catalogued and cross references to the incident book)
  - 8.3.2 Incident book (hard bound, containing consecutive numbers of report forms, name of child, name, signature and date of person submitting the report, name, signature and date of DSP receiving the report.)
  - 8.3.3 Child school record (schools only)

(See examples in Appendix A)

- 8.4 The Governing Body/Assistant Director will receive annually a report on developments in child protection policy and procedures, training undertaken by the DSP, other staff and the Governing Body, the number of cases referred (without details) and the place of child protection in the curriculum.

## **9.0 Parents and carers**

- 9.1 Parents and carers will be made aware of the school/service policy through published information and in initial meetings with parent and carers of new children. Parents and carers will be informed that in certain circumstances there may be a need to contact other agencies without first notifying them. This decision will be made in partnership between Education Services and Social Care Services. It will be made clear that this is a legal obligation and not a personal decision.
- 9.2 A copy of this policy is available to all parents, carers and children upon request.

## **10.0 Teaching and Learning**

- 10.1 The curriculum will be used to raise children's awareness and build confidence so that they have a range of strategies to support their own protection and understanding of protecting others.
- 10.2 The school will promote child support services through assembly and display of contact information, e.g. Childline, Connexions, Birmingham Sign Posting Service

## 11.0 Training

- 11.1 All members of staff will receive training on child protection procedures and will receive updates and refreshers every 3 years. It is also strongly recommended that the Governing Body also receives this training.
- 11.2 The DSP and Head will be provided with Education Services core training in order to carry out their role and will attend refresher training updates every 2 years.
- 11.3 Child Protection training will be clearly cross referenced and supplemented by other areas of staff training including appropriate touch, care & control (including safe restraint), behaviour management and risk assessment.
- 11.4 The following record of training will be maintained by the DSP

Group	Date of last training	By whom
Governors/named Governor		
DSP (Core training)		
DSP update/refresher		
HT/Head of Service (core training)		
HT/Head of Service/refresher		
Support staff (by individual name)		
Teaching staff (by individual name)		

## 12. Visitors and Volunteers

- 12.1 A summary of the schools/services procedures and the name of the DSP should be displayed for the information of visitors to the school.

## 13 Review

This policy will be reviewed annually by.....

14. This policy was adopted by..... Governing Body of ...../Head of Service on (DATE)

**Summary of Child Protection Information for Visitors and Volunteers**

..... (school's/service) is committed to the highest standards in protecting and safeguarding the children entrusted to our care.

Our school/service will support all children by:

- Promoting a caring, safe and positive environment within the school
- Encouraging self-esteem and self-assertiveness
- Effectively tackling bullying and harassment

We recognise that some children may be the victims of neglect, physical, sexual or emotional abuse. Staff working with children are well placed to identify such abuse.

At.....in order to protect our children, we aim to:

- Create an atmosphere where all our children can feel secure, valued and listened to
- Recognise signs and symptoms of abuse
- Respond quickly, appropriately and effectively to cases of suspected abuse

If you have a concern that a child is being harmed, is at risk of harm, or you receive a disclosure (intentionally or unintentionally) you must contact the following staff member as quickly as possible.

DSP name: .....

If this person is not available please contact  
Deputy DSP name .....

Head Teacher/ Head of Service .....

Everyone working with our children their parents and carers should be aware that:

- Their role is to listen and note carefully any observations which could indicate abuse.
- They should not attempt to investigate once the initial concern is raised
- They should involve the Designated Senior Person (DSP) immediately
- If the DSP is not available the Head or the Deputy DSP should be contacted.
- Disclosures of abuse or harm from children may be made at any time.

***If anything worries you or concerns you, report it straight away.***

## **Section 5 When there is a Child Protection Concern**

### 5.1 Dealing with evidence, disclosures, or allegations of abuse.

(This section deals with all situations other than allegations about members of staff - refer to the next section (6) for any allegations about members of staff.)

Specific additional guidance can be found in Section 8.

Due to their day-to-day contact with children, staff are in a good position to observe signs of abuse, changes of behaviour or failure of a child to develop. They are therefore in a particularly good position to refer concerns on to the appropriate person.

Information relating to a child protection concern may come to any member of staff through visible direct evidence, disclosure of information from a child or adult, an allegation from a child or adult or indirect evidence.

#### **5.1.1 If, as a result of any of the above, there is a concern then inter agency Child Protection Procedures apply:**

- a) Identify **the reasons** for concern. **Do not however attempt to investigate the matter yourself** - this is the responsibility of others and action on your part may inhibit any subsequent investigation.
- b) **Refer the concerns immediately** to the Designated Senior Person - even a short delay can cause difficulties for the child or for any investigation. Do not discuss your concern at this stage with anyone other than the Head Teacher/Head of Service/DSP. If you are responding to a child protection concern raised by a parent/carer you may simply say that you must discuss the matter with a senior colleague. In the event of the DSP being unavailable the Head Teacher or Deputy Head Teacher should be contacted.
- c) **The Designated Senior Person will decide whether to refer to Social Care Services.** The DSP may sometimes wish to take advice from the EWS Duty Team Manager prior to contact with SCS. The DSP may also discuss the matter with Social Care Services making it clear that this is a request for advice rather than a referral. However if Social Care Services, or Education support services feel there is sufficient concern the matter must then be treated as a child protection referral.
- d) **Once you have spoken to the DSP, record any concerns carefully in the Child Protection Incident Report (see Appendix A) noting dates, times, specific observations and any relevant verbal statements. If you are no longer concerned record the reasons for this.**
- e) In exceptional circumstances, if the DSP decides against a referral but a member of staff continues to have concerns, they have a duty to make a referral to Social Care Services. If you believe it is difficult to discuss this with the DSP you should discuss the matter with the Head

or you may contact the Education Services Child Protection team in confidence before making the referral. However, there should be no delay in seeking advice or making a referral to Social Care Services.

### 5.1.2 Before making a referral to Social Care Services

- a) The first concern must be for the child's safety. If the child is in immediate danger and/or is in need of immediate medical help appropriate action should be taken to protect the child and obtain medical help and advice if necessary. Such situations will be very rare as in most instances the child will be safe whilst a referral is being made.
- b) The DSP is responsible for making the judgement on when to refer to Social Care Services. If the DSP is in doubt the matter should be discussed immediately with Social Care Services or an Education Welfare Service Duty Team Manager who will give advice. When making such calls always make it clear to the receptionist that this concerns a potential child protection issue on which you are seeking urgent advice. Child Protection matters can be difficult to assess, even for the most experienced individuals, so it is often wise to seek advice. **Remember that you can ring Social Care Services or Education Welfare Service Duty Team Manager for advice and support.**
- c) If, following advice, you decide not to refer you must record the concerns and the reasons for not referring.

### 5.1.3 Contacting Parents or Carers

All referrals to Social Care Services of a possible Child in Need are assessed under the "Framework for Assessment of Children in Need and their Families". In such referrals of children in need, it is normal to notify parents or carers.

**However in Child Protection referrals the DSP must always first be satisfied that notifying the parents or carers will not:**

- a) Lead to the child or other children being placed at risk.  
*This could be the case where it may be suspected that a family member could be the perpetrator of the abuse.*
- b) Place any member of staff at risk.  
*This could clearly apply where there are concerns raised by/involving staff. It could also apply where it is considered that parent/carers may react aggressively to a referral being made.*
- c) Hinder or impede a proper criminal investigation by allowing possible interference with evidence.

It is therefore clear that, in all cases, the decision whether to contact parents or carers before making the referral should be a matter for careful judgement by the **DSP** also taking into account the timescale for any planned intervention by the child protection services.

DSP's are strongly advised to record the reasons for their decision to notify or not

parents or carers, before making the referral.

If you feel there is a risk in the particular case then you must make this clear when referring to Social Care Services, and the decision whether to inform parents or carers may then be made jointly in light of these factors.

Where there is a difference in view between Social Care Services and the **DSP** and/or a referral is being hindered, the Education Services Child Protection Team must be consulted.

#### 5.1.4 Information for the Referral

It will be helpful to have the following information:-

- Child's name, date of birth, address
- Names of other children in the family/care relationship
- Contact numbers and names of parents', or carers and anyone else with parental responsibility
- Child's GP
- Names of any contacts in support agencies involved with the child or family, whether statutory or voluntary
- Child's and parents' or carers' ethnic origin
- Language spoken at home and any need for interpretation
- Any background information or previous concerns

Whilst reasonable effort should be made to assemble the above information quickly, if this will cause delay a referral should be made with the available information.

#### 5.1.5 Making a referral to Social Care Services

- a) Referrals should be made to the Social Care Services office covering the child's address(s). This information is provided in the Child Protection Newsletters and on the BGFL. Always state initially that this is about a child protection concern - this will help the Referral and Advice Officer give this priority.
- b) Note that the Emergency Duty Team (0121 475 4806) can be contacted out of normal hours - if you haven't got this number with you any Police Station can give it or initiate the contact for you.**
- c) Referrals must be made directly by telephone and then followed up in writing within 24 hours using the standard referral form.
- d) If there is a problem getting through to the Social Care Services Office, the Education Welfare Service Duty Manager may be able to assist the contact and give immediate advice.
- e) Once you have discussed your concerns, clarify with the Social Worker that the information has been recorded accurately. Check whether this has been received as a child protection referral or whether this has been seen as a consultation. Make sure you record the name of the

Social Worker and make it clear how and when you can be contacted. Try to make a definite time for someone to report back to you on progress

#### 5.1.6 What should happen next

- a) Once a referral has been received as a child protection issue an "Approved Officer" (Team Manager or more senior) in SCS will supervise the process, ensuring that appropriate checks are made and that initial information is gathered quickly. Urgent action should be taken if there is a concern about the immediate safety of the child.
- b) The referrer will be advised of the next steps to be taken and you should ask what, if anything, to say to parents or carers. Nothing should be said to parents or carers about the referral before a Social Worker sees them unless this has been explicitly agreed with SCS.
- c) Social Care Services will gather as much information about the child and family as possible by contacting all the agencies involved (GP, Health Visitor, other schools, social workers, ESWs, etc) and making various other checks (Police, Probation, SCS and Health records).
- d) It is possible that schools/services may be asked to support the child whilst attempts to contact parent/carers are taking place. Schools will want to give the child as much support as possible in a very stressful period for the child. If however this seems to be beyond reasonable expectations for the school it is important to contact Social Care Services for advice and support..
- e) In some cases the information gathered will lead to a decision not to proceed with the enquiries. You should always be informed of these decisions. **If you are concerned about this decision you can request a strategy meeting (which is a meeting of relevant professionals).** If this is refused you should seek advice from the Area Principal Officer (EWS). The Social Care Services Principal Officers for Child Protection can also give advice and support on request. If you continue to have concerns it is best to put these in writing to Social Care Services immediately.

#### 5.1.7 Further enquiries, including the interviewing of parents, carers, child(ren) and the conducting of medical and other examinations.

- a) When a decision is made to proceed to Child Protection enquiries the DSP is likely to be invited to take part in a strategy discussion to help in the planning of the investigation.
- b) If there is a need for a medical examination, Social Care Services will arrange this. It is important that Schools/Services do not arrange medical examinations unless this is in agreement with Social Care Services.
- c) Note that an "Investigating Social Worker" will be identified, who will not be the person who received the initial information on duty. It is wise

to anticipate this possibility and ask who will be involved and how you can keep in contact with them.

- d) The Investigating Social Worker will liaise with the Police and arrangements will be made to interview the parents/carers and the child and any other relevant person. The Police will normally interview any suspected perpetrator. There may need to be a number of interviews.
- e) It is not appropriate for children or parents/carers to be interviewed on school premises as the investigating agencies have specific facilities for this purpose.
- f) It is wise to anticipate that parents/carers will be distressed, and may even resent that a referral has come from the school. The DSP may find it helpful to ask the Social Worker who will be investigating the concerns to express clearly the positive concern of the school for the child and the parent/carers, and to reinforce that the school has an absolute duty to make such referrals (as stated in the school's/services prospectus). In cases where the DSP has not already notified the parents or carers the Social Worker will need to indicate the source of the referral. The school/service should expect the Social Worker to put across a positive and personal message about the schools/services duties and intentions.
- g) If there is any particular concern that a parent or carer could be violent, aggressive or intimidating this information should always be passed on to SCS.
- h) It is also very important to prepare the school/service as much as possible for the potential arrival of distressed or angry parents or carers. Social Care Services should let the DSP know how the home visit went before school/service starts the next day - it is wise to make contact arrangements very explicit as often Social Care Services offices start later than schools. Where information is not forthcoming, then the DSP should make immediate contact with SCS.
- i) This stage of the enquiry should usually be completed within 5 working days. If the Approved Officer is fully convinced that the child is not at risk she/he will conclude the enquiry. Consideration will be given to whether it is appropriate to offer any specific family support services. The DSP should be consulted about this. If you have concerns you could ask for a child protection strategy meeting to be convened and/or seek advice (see above).
- j) The BSCB procedures provide detailed guidance for all agencies on the procedures in cases leading to further assessment and action.

#### **5.1.8 General Considerations**

- a) Staff, parents, carers, governors and children should be made aware of the procedures in the school for reporting and investigating concerns and allegations. In drawing up procedures within a school consideration should be given to how more vulnerable children (e.g.

younger children and children with disabilities) may express concerns. Children in residential schools should have unsupervised access to a telephone.

- b) Speed and decisiveness are essential elements in responding to allegations, but all investigations and subsequent actions must be carefully planned and must be within the agreed framework of procedures. Over-hasty or ill-judged action can have devastating effects on the person subject to the allegation as well as the child concerned. Schools and Services have access to advice and support from the Education Services and are strongly advised to use this at the earliest stage. These matters will be given the highest priority by the Education Services Support Team (for contact numbers see Appendix D). Where a matter seems likely to come into the public domain the Schools Management Support Team should be informed immediately for advice and support.
- c) ***Any member of staff in a school or support service or any school governor who feels they need independent advice about a concern or allegation may contact the Education Services Child Protection Team on a confidential basis at any stage on 0121-303-5119.***

## **Section 6: Child Protection concerns about any Member of Staff**

- 6.1 All staff have a responsibility for the active protection of children from harm. Our staff work closely with children on a day to day basis and are in a position of trust and care for children in their charge.
- 6.2 All staff have a responsibility to report any concerns if they believe a member of staff is harming, or has harmed a child. Any allegation must be taken seriously and the allegation must be immediately reported to the Head Teacher/Head of Service.

### **The Child Protection procedures must be followed irrespective of the source of information leading to a concern.**

- 6.3 A potential child protection concern about a member of staff may arise from a variety of sources, and the concern may relate to a single incident or a pattern of events such as:
- Direct observation of particular behaviour
  - A complaint about particular behaviour
  - Observations or comments made by other staff members of apparent inappropriate behaviour
  - Observation of the behaviour or appearance of children in contact with the staff member
  - Hearing something from a child whether or not this is intended as a complaint about a member of staff
  - Hearing something from the member of staff which suggests apparent inappropriate behaviour
  - Concerns or observations reported by parent/carers or members of the public

An allegation may be received from the child concerned, from a number of children, from a parent/carer witness, a staff witness, or other person. On rare occasions, the disclosure may be made by the member of staff concerned.

- 6.4 All concerns must be taken seriously, and acted upon within these procedures
- 6.4.1 Due to their close professional relationship with children, staff in schools, and in the Education Services, are particularly open to allegations of misconduct or abuse.
- 6.4.2 Staff can harm children accidentally, deliberately or as a result of failure to follow procedures, policies or good practice.
- 6.4.3 Experience of the Education Services CP team suggests that it is very rare for allegations of abuse to be made with an intention to be malicious. This does not mean that unfounded or malicious allegations do not occur and in rarer cases unfounded counter-allegations may be made by a child or parent or carer in response to action taken by the school or service.

The impact of a malicious allegation upon the member of staff cannot be minimised and in such cases additional support will be provided by the

Education Services CP Team in securing effective closure of the case (See Section 6.5.11.2 vii).

- 6.4.4 The disclosure will be made from the perspective of the person reporting the incident. Following initial enquiries it may be found that a staff member has acted inappropriately, but the incident is not considered appropriate for a child protection investigation. In such cases internal disciplinary procedures may apply.
- 6.4.5 The allegation, or concern, may arise from staff action within the care and control policy and procedure. In such cases, the circumstances leading to staff action and their reasonable compliance with the procedures will also be key to deciding appropriate action within these procedures.
- 6.4.6 Whether an allegation is found to be true; a matter for disciplinary action; or a matter raised in error; falsely or maliciously; the rigorous use of these procedures will act to protect children, staff, and the ability to best deliver education and learning in a safe and secure environment.

## 6.5 **Receiving an allegation or disclosure.**

**Note: As soon as a concern is raised, the Education Services CP Team should be consulted before any action is taken to interview any witnesses.**

### 6.5.1 **From a child**

- 6.5.1.1 Children should be listened to and taken seriously and reassurance given, whatever form their attempts to communicate may take.
- 6.5.1.2 On no account should suggestions be made to the child or alternative explanations offered.
- 6.5.1.3 Extreme care should be taken to avoid leading questions.
- 6.5.1.4 A member of staff receiving an initial concern should only use sufficient questions to establish basic information at this stage.
- 6.5.1.5 If more than one child is involved in a potential disclosure, care should be taken to prevent possible collaboration by arranging for the children to be kept apart and for each child involved to be heard separately.

Further advice on listening to children can be found in Section 4 (3.2). (Listening to Children and Obtaining Information from Children).

### 6.5.2 **From a parent, carer or other adult.**

- 6.5.2.1 The above advice is as relevant for listening to parent or carers as it is for children. However adults may be more assertive in seeking an immediate response from a member of staff. It is important for staff receiving information to be clear that the Head Teacher/ Head of Service will need to respond to all staffing matters, whilst any concern for the safety of children will need to be acted upon directly within the BSCB procedures.

6.5.3 **Action by the member of staff hearing the allegation.**

6.5.3.1 All child protection concerns and allegations about staff must be reported immediately to the Head Teacher or Head of Service as the person responsible for discipline (not the DSP). This should be done without informing the subject of the concern/allegation.

6.5.3.2 Members of staff identifying a potential child protection concern or receiving an allegation should note carefully the facts, events, and any questions asked of a child and the actual words used by a child. This is essential in order to pass on accurate information to the Head Teacher/Head of Service. **On no account should children, or adults, making a disclosure be required to write down their account at this stage.**

6.5.4 **Where the Head is the subject of the allegation or concern staff must refer directly to the Education Services Child Protection Team**

Staff or governors who identify a potential child protection concern/allegation about a Head Teacher/Head of Service must act on those concerns. They should immediately contact the Education Services Child Protection Lead Officer for a confidential consultation without alerting the Head Teacher/Head of Service.

6.5.5 **Action to be taken by Head Teacher/Head of Service on receipt of an allegation or complaint.**

6.5.5.1 Safeguarding the child

The Head Teacher/Head of Service, must first ensure the immediate safety of any child who appears to be in imminent danger.

6.5.5.2 Informing the member of staff

When a child protection referral is being considered an urgent discussion with the Education Services CP Team must take place before any decision to inform the member of staff.

- a) The member of staff who is the subject of the concern/allegation will be informed of the allegation as soon as possible. In such circumstances consideration will be given to informing the staff member that a child protection allegation (unspecified at this stage) has been received and is being investigated. (Discussion with the Education Services CP team will cover what information to release to member of staff concerned and at what stage)
- b) In certain serious situations, such as potential organised abuse, absolute confidentiality will be needed during the investigation and the staff member will not be informed that there is an allegation until it is considered safe to do so.
- c) In some cases the police may require that the specific details of the allegation, and/or their source are withheld pending

their contact with the member of staff in order to ensure this will not interfere with the gathering of evidence or place a child at risk.

- d) When a Head Teacher/ Head of Service informs a member of staff of an allegation, the member of staff should be advised to seek assistance and advice as soon as possible from their Union/Professional Association representative.

#### 6.5.6 **Great care must always be taken to maintain confidentiality.**

Once procedures have started, it is very important that strict confidentiality is observed by both staff and governors. Any attempts to discuss matters amongst governors or staff more widely will make investigations very difficult, could place children at risk and prejudice the rights to a fair hearing of the staff member.

If the Head Teacher/Head of Service requires additional help to manage situations at any stage of the process, they should consult Employee Relations or the Education Services Child Protection team.

#### 6.5.7 **Where allegations call for an immediate referral to the Child Protection agencies:**

6.5.7.1 In the following instances it will be necessary for an immediate referral to be made to the Social Care Services:

- a) Where the child has suffered, is suffering, or is likely to suffer significant harm.
- b) Where the child is alleging that a criminal offence has been committed. Any physical injury to a child may constitute a criminal offence of assault and must therefore be treated as a Child Protection referral.
- c) Any allegation of a sexual nature.

6.5.7.2 **In such cases the Head must first make the referral and then contact the Education Services CP Team.**

6.5.7.3 **If you have any doubts about whether a referral is required consult the Education Services CP Team immediately.**

#### 6.5.8 **In all other cases:**

6.5.8.1 The Head should immediately obtain a careful factual written record of any concerns or allegations from the staff member reporting the matter. This should note facts, times, direct observation made, actual words used and avoid interpretation or subjective judgements. This report should be countersigned by the Head Teacher/ Head of Service.

6.5.8.2 **The Head Teacher/Head of Service must not take any other action or commence investigations before consulting the Education Services CP Team.**

6.5.8.3 The child, staff member or other potential witnesses must not be interviewed.

**6.5.9 Where there are Concerns or Allegations relating to Head Teachers/ Heads of Services**

6.5.9.1 Staff or Governors who identify a potential child protection concern/allegation about a Head Teacher/Head of Service must act on those concerns. **They should immediately contact the Education Services Child Protection Lead Officer for a confidential consultation without alerting the Head Teacher/Head of Service.**

The Education Services Lead Officer will liaise with the Schools & Governor Support Manager and will decide upon any action required, including making contact if appropriate with the Chair of Governors.

6.5.9.2 **No attempt should be made to initiate an independent investigation prior to this discussion**

**Schools**

In Schools, the Chair of the Governing Body (or the Vice/Deputy Chair only in the Chair's absence) has certain specific responsibilities in relation to child protection concerns relating to Head Teachers:-

- a) oversight of procedures relating to liaison with the Education Services CP Team, the Police and SCS in relation to any allegations of child abuse made against a Head Teacher
- b) urgent decisions, which may be necessary, on suspension of a Head Teacher or alternative measures during an investigation (subject to reporting any outcome to the Governing Body).

6.5.9.4 The Education Services lead officer will consult the School & Governor Support team and will decide whether the matter requires referral under the child protection procedures, and if so, will; arrange for the Chair of Governors to be informed; agree who will make the appropriate referral to Social Care Services; and who will notify the Head Teacher. The School Support Manager will advise and assist the Chair of Governors regarding all other matters relating to the management of the Head Teacher and school during the process of enquiries. Where a decision is made that the case does not merit any formal referral, the lead officer will arrange for the Head Teacher to be informed and for a decision to be made on the appropriate response to the allegation.

6.5.9.5 The Chair of the Governing Body will have no direct part in the investigation of a child protection concern - this is the responsibility of SCS and the Police with support from the Education Services Child Protection Lead Officer, and a

designated School & Governor Support Manager. The designated School & Governor Support Manager or Education Services Child Protection Lead Officer will ensure that the Chair of Governors is kept well informed about any child protection investigations, and is enabled to make informed decisions.

6.5.9.6 A Principal Advisor will also be allocated in each case to undertake the role of Contact Person for the Head Teacher. See Section 3: "Contact Person".

6.5.9.7. **Support to Chair of Governors**

6.5.9.7.1 The Education Services CP Lead Officer will decide with the relevant School & Governor Support Manager on the appropriate course of action and will liaise with the Chair of the governing body. If there is a referral under the child protection procedures, the Education Services CP Lead Officer and designated School & Governor Support Manager will attend any planning meetings, and strategy meetings, and keep the Chair of Governors/Principal Advisor informed about the development of any child protection investigation.

6.5.9.7.2 The Education Services School & Governor Support Team will also assist in giving advice and support to the Chair of Governors on action required of the Chair of Governors or the Governing Body, particularly if a disciplinary inquiry is recommended.

6.5.9.7.3 At all times the Chair of Governors and members of the governing body must follow the procedures of the BSCB and the Disciplinary Code.

6.5.9.7.4 In other respects the procedure will be the same as for allegations against other members of staff with the Chair of Governors acting in place of the Head Teacher. (See Flowchart - Appendix C).

6.5.9.7.5 As soon as it is deemed appropriate to notify the Head of an allegation, the Chair of Governors and/or Principal Advisor/Assistant Director should always advise the Head Teacher/Head of Service that they should also seek assistance and advice as soon as possible from their Union/Professional Association representative.

6.5.9.8 **Services**

6.5.9.8.1 In Education Services any allegation against a Head of Service will require the relevant Assistant Director, or Director, to act as the Manager for any investigation, and to act within these procedures as a Head would do for a member of their staff. Assistant

Directors, or the Director, must consult the Education Services CP Lead Officer prior to any action in response to an allegation against a Head of Service.

6.5.9.8.2 The Education Services CP Lead Officer, and the relevant Employment Relations Officer, will provide direct guidance to the Assistant Director/Director on the appropriate course of action and will act as liaison between the Child Protection agencies. The Lead Officer will support the Assistant Director/Director in jointly attending strategy meetings and keep the Assistant Director/Director informed about the development of any child protection investigation.

#### **6.5.10 Reporting Child Protection concerns about Staff in Other Services or Other Schools**

6.5.10.1 A staff member who is aware of child protection concerns regarding a member of staff at another school or service should report the matter to their own Head of School/Service immediately. The Head should then consult with the Education Services CP Team prior to notifying the Head of that other school or service.

#### **6.5.11 Consultation with the Education Services CP Team or Lead Officer:**

6.5.11.1 Consultation will cover:

- a) information received by the Head, staff member, governor, or other
- b) specific known details of times, location, events
- c) the nature of the allegation
- d) whether the staff member had contact with the child
- e) whether there are known or potential witnesses.

6.5.11.2 There are seven possible outcomes following this consultation:

- i) That further enquiries are required

In rare cases the Education Services CP Team and Head Teacher/Head of Service may decide that further enquiries are necessary to determine the nature of the allegation. The Head Teacher/Head of Service must not investigate the allegation but make these further enquiries initially to establish or clarify facts as agreed with the Education Services CP Team.

- ii) There is reason to suppose that abuse could have occurred/has occurred and an immediate referral to SCS needs to be made.

An immediate referral should be made under the child protection procedures

An urgent planning meeting or strategy discussion with SCS will decide how to pursue any enquiry and assessment.

When you consult the Education Services CP Team it will be agreed who is best placed to make the referral. It will normally be the Head Teacher/Head of Service.

iii) There is reason to believe that a child appears to be at risk of significant harm.

An immediate referral should be made under the child protection procedures

An urgent planning meeting or strategy discussion with SCS will decide how to pursue any enquiry and assessment.

When you consult the Education Services CP Team it will be agreed who is best placed to make the referral. It will normally be the Head Teacher/Head of Service

iv) The concern is considered to be without foundation and requires no further investigation.

A confidential record should be kept by both the Head Teacher/Head of Service and the Education Services CP Team about this conclusion. The person making the allegation or disclosure of information should receive a written response from the Head Teacher/Head of Service as a conclusion to the enquiry. A decision may be made on occasions to inform SCS when it is considered that a referral might be received from another party. It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached, is kept on a person's confidential personnel file and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future CRB Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. And it will help to prevent unnecessary reinvestigation, if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

v) The concern appears to have been prompted by inappropriate behaviour by a member of staff but that a child protection issue does not arise.

These cases should be considered under the schools/services own internal procedures (complaints

procedure/disciplinary procedure as appropriate). The Head Teacher/Head of Service should follow the appropriate code with advice as necessary from the Education Services Personnel team, School & Governor Support team and the Education Services CP Team. The Education Services CP Team must be informed of developments and the eventual outcome. The person making the allegation or disclosure of information should receive a written response from the Head at the conclusion of the schools/services procedures. A judgement will be made on an individual basis as to whether Social Care Services needs to be contacted for information.

vi) The allegation was false or unfounded.

This will include:

- Allegations that relate to the use of reasonable force to restrain a child and may relate to a matter of the child's perspective.
- Genuine misunderstandings of a child caused by the complexity of events.
- Cases of information being received second, or third, hand by a concerned person who properly brings the matter to the notice of school/service.
- Allegations that are shown to have been unfounded, but where it is clear there was no ill intent by the complainant.

In all such cases communication with the child; parent or carer; or interested other will need, in writing, to give a clear outcome to any investigation, and where appropriate explain that the staff members actions were appropriate within school policy. A copy of this letter should be given to the member of staff concerned, and a record retained on the member of staff's personal file. (see iv above)

vii) The allegation was found to be false and malicious.

False and malicious allegations cause significant concern and anxiety to staff subjected to them and to the school/service. The impact of such allegations upon staff must not be minimised and in all cases Head Teachers and Heads of Service must consider any appropriate use of sanctions against the perpetrator of the malicious allegations.

In such cases communication with the child; parent or carer; or other will need, in writing, to give clear grounds for the finding, and indicate that the Head is seeking advice on what further action may be appropriate. The School & Governor Support Team should be immediately consulted. A copy of this letter should be given to the member of staff concerned, and the Head should meet with the staff member in order to

ensure any arrangements required for their return to work/continued work are in place.

(For record keeping see iv above)

In all cases of malicious allegations, there will also be a review meeting convened by the Education Services Lead Officer for CP, the Head Teacher/Head of Service, and the member of staff concerned, along with any representative, (and involving other management support officers where appropriate) in order to agree action that can be taken to safeguard the reputation of the member of staff and consider other support actions that may be appropriate. As a part of this discussion, the Head will agree with the staff member any arrangements required to advise other staff, parents or carers, governors, children and others who were aware of the allegation, of the outcome. Consideration will also be given to the appropriateness and benefit of any action against the perpetrator of the malicious allegation. If the perpetrator is a pupil, consideration under the school's own disciplinary policy is most likely to be appropriate. If the perpetrator is an adult, consultation with legal services and/or the police may be necessary to determine appropriate action.

## 6.6 **Referrals to Social Care Services**

6.6.1 Where the matter requires a referral to SCS, the Head Teacher or Head of a Support Service will make the referral. The Education Services Child Protection Team will offer support where difficulties in referral are experienced.

6.6.2 A strategy meeting should be convened within 5 working days to decide how to pursue any enquiries. The Education Services Child Protection Officers will give support to the Head and participate with them in the strategy discussions.

## 6.7. **Allegations implicating Head Teachers**

Where the allegation is against the Head Teacher the Education Services CP team will liaise with the School & Governor Support Manager and/or the Chair of Governors in order to assess the above.

## 6.8 **Where allegations have already been referred to the Child Protection agencies**

6.8.1 Parent, carers, other adults, or children themselves may make a direct referral to the Police or SCS regarding a member of staff. Any such referral must be dealt with by these agencies in accordance with the BSCB guidelines.

6.8.2 In these cases the Police and SCS will liaise and agree contact with the Head of School/Head of Service and Education Services CP Team as appropriate. A strategy meeting will then be convened.

6.8.3 In such cases the school/service must ensure that the Education Services CP Team have been notified.

## 6.9 **Disciplinary Action**

6.9.1 A child protection investigation will take precedence over an internal disciplinary investigation. Any decision on disciplinary action will normally be made following the child protection strategy meeting, and in line with the agreed action plan.

## 6.10 **Suspension of staff**

**Consult the Education Services Employee Relations Team (or your alternative HR provider) in all cases where you are considering the possible suspension of a member of staff.**

6.10.1 A member of staff against whom an allegation is made against must not be automatically suspended. Suspension is not only a traumatic experience for the individual involved but also for their family, colleagues and the whole school community.

6.10.2 Suspension may be considered at any stage of an investigation. Suspension is a neutral act, not a disciplinary sanction, and will be on full pay.

6.10.3 A Risk Assessment must be completed by the Head for each individual case, to determine whether the member of staff should be suspended, or some other action taken. This assessment should take into account the context of the allegation, background information regarding the member of staff and information regarding the child and their family.

6.10.4 This assessment must be recorded and a copy kept on the file and the Education Services CP Team and ER must be notified of the reasons for the Head's decision.

6.10.5 If a decision is made that the member of staff should be suspended either at the beginning of the process or at any time during the investigation, the Head Teacher/Head of Service must consult with Education Services ER, or their alternative HR provider, to ensure the correct procedure is followed.

6.10.6 A decision to suspend and/or take disciplinary action is for the Head Teacher/Governing Body/Head of Service and must only be considered if:

6.10.6.1 information received indicates that the member of staff may have committed an act of gross misconduct and/or

6.10.6.2 his/her continued presence at the school could impede an investigation and/or

6.10.6.3 he/she could pose a risk to the child/other children at the school and/or

6.10.6.4 remaining within the school community may leave the member of staff vulnerable.

6.10.7 Where suspension is in place for more than one month a tracking and review exercise will be undertaken by the Education Services CP Team, School & Governor Support Manager and E.R. in communication with the Head

Teacher or Head of Service. This is to ensure that progress in the case investigation is regularly monitored and that developments are communicated.

6.10.8 The Education Services CP Team will communicate directly with Legal Services to establish sharing of information as soon as possible in order to assist the Head Teacher/Head of Service in progressing any internal disciplinary process that might be necessary to enable the matter to be concluded at the earliest opportunity.

6.10.9 Any employee who has been suspended will be offered a contact person from within their school or service. Head Teachers will be offered contact by a nominated Principal Advisor: and Heads of Service will be offered contact by a Senior Manager, nominated by the appropriate Assistant Director. (This is complimentary to the duty and function of the Contact Person as detailed in Section 3.1.5)

#### 6.11. **Following a referral to SCS: The Child Protection Procedure**

When an allegation has been referred as a child protection matter, a Strategy Meeting should be arranged within 5 working days. These meetings are crucial for effective information sharing and for the necessary coordination of action by all parties.

#### 6.12 **Structure of and Attendance at Strategy Meetings**

6.12.1 The Strategy Meeting will be chaired by a Social Care Services Principal Officer and will be attended by the Head Teacher/Head of Service (or only where they are unable to attend, their SMT representative); an Education Services CP officer; representatives from the Police Child Abuse Investigation Unit; and representatives from Health. The School & Governor Support Manager may also be in attendance as appropriate. Head Teachers/Head of Service will be required to provide relevant employment and contact details on the member of staff and relevant information on the child.

6.12.2 The agenda for the strategy meeting should generally be as follows:

- i) Explanation of purpose of meeting and rules applying to information being given
- ii) Confirmation of subject(s) of meeting
- iii) Record of those present/apologies
- iv) Chair should outline purpose of meeting
- v) take information from the agency who received the referral, usually SCS, outline details of allegations/concerns
- vi) Background – gathering of information by agencies. Details of any investigation undertaken
- vii) Child/family
- viii) Details of alleged perpetrator
- ix) Any other information from those present to inform enquiry
- x) Main discussion
- xi) Gaining views of the key agencies present
- xii) Conclusion
- xiii) Action plan
- xiv) Review date

6.12.3 Minutes of the strategy meeting will be provided to all in attendance and retained. However, it is also good practice for all present to take notes and these should also be retained.

6.12.4 No member of the Governing Body will be required to attend strategy meetings.

6.12.5 In cases of allegations against Head Teachers the School & Governor Support Manager will represent the Chair of Governors.

6.12.6 The member of staff who is the subject of the allegation will not be invited to attend the meeting, however he/she will be informed by the Head or Principal Advisor and advised as to whether the matter will be investigated.

### 6.13 **Purpose of the Strategy Meeting**

6.13.1 The strategy meeting is used to gather as much information as possible and to agree and co-ordinate all required actions and will therefore:

- i) Consider the risk to the child and to any other children
- ii) Gather information
- iii) Determine the need for an investigation and by whom.
- iv) Gain agreement with the Police for investigation material to be made available to the Directorate, at a time appropriate for the purposes of any disciplinary action.
- v) Establish a clear action plan with timescales
- vi) Ensure staff and child(ren) receive appropriate support
- vii) Ensure that school/service can respond appropriately to parents, carers, children and stakeholders
- viii) Consider the need to inform other relevant parties
- ix) Jointly consider how to manage any related complaint and any media interest
- x) Whilst the strategy meeting will consider offering advice on any appropriate disciplinary action and may consider the appropriateness of suspension, it must be noted that either decision can only be taken by the Head (or in the case of the Head teacher, by the Chair of Governors).

6.13.2 Those party to the discussion will balance the welfare of the child (which is the first priority), the welfare of the school/service, and the interests of the member of staff.

### 6.14 **Investigating the Allegation**

6.14.1 The nature of any investigation will be determined at the strategy discussion. The enquiries may have three related but independent strands:

- 6.14.1.1 Enquiries under Section 47 of the Children Act 1989 (the Local Authority's duty to make enquiries into child welfare concerns)
- 6.14.1.2 A Police investigation relating to a possible criminal act e.g. assault.
- 6.14.1.3 A disciplinary investigation: As outlined previously any disciplinary investigation should be clearly separated from the Child Protection

enquiries and the Child Protection enquiries must take precedence. It is normally the case that any disciplinary investigation must await the outcome of the criminal investigation is known unless that action can be taken without need to refer to evidence that would form part of a potential criminal case. **In any case where a Head wishes to commence a disciplinary investigation ahead of the criminal investigation approval must first be given by the Police, SCS, Education Services CP Team and E.R.**

## 6.15 Interviews

6.15.1 Interviews with children will be conducted by Social Care Services and the Police.

6.15.2 Interviews with individuals who are the subject of allegations will be conducted by the Police. The Police should be given every assistance with their enquiries but confidentiality must be maintained. The Police must not conduct interviews on school premises but may sometimes need to visit locations where incidents are alleged to have occurred. Social Care Services staff do not interview staff who are the subjects of allegations but may refer the matter to the Head Teacher / Head of Service if the Police decide that this does not appear to be a matter for criminal investigation. Social Care Services has a duty to complete all Section 47 enquiries and will need to ensure it can ascertain the views of the staff member(s) as to what may or may not have occurred in each case.

6.15.3 During the investigation, support for children and members of staff affected will need to be considered very carefully but always as separate matters. In the process of the investigation consideration should be given by all parties as to how to minimise stress. Support for staff is available from Unions and Teacher Associations.

## 6.16 During the Investigation

6.16.1 Action to be taken during Child Protection enquiries (Section 47 Children Act 1989) and or Police investigation:

6.16.1.1 The Education Services CP Team (along with Head Teacher/Head of Service) will track progress of all investigations. The initial strategy meeting will have determined the need for any further strategy meetings and how the progress of the investigation will be monitored and reported.

6.16.1.2 If the Police refer the matter to the CPS as a result of an alleged criminal offence by the member of staff and/or the matter is placed before the Court, tracking will be undertaken by the Education Services CP Team with the Police/CPS to check the progress of the case except where a future progress date has clearly been set. (e.g. a court date).

6.16.1.3 The member of staff must be kept informed with regular progress reports. Generally this will be the responsibility of the Head Teacher/Head of Service.

6.16.1.4 It is also important that the member of staff has support throughout the process. Generally this will be from their Trade Union or

Professional Association representative. Where the member of staff is not represented by either of these bodies the Head Teacher or Head of Service must advise the member of staff of the appropriate support that could be made available.

- 6.16.1.5 Where the individual has no professional representation or support and asks a friend or a colleague to assume this role they must be advised that written consent to share information will be required and that some details may be withheld and only shared directly with the member of staff. Any such arrangements should be confirmed in writing.
- 6.16.1.6 A record should be kept by the Head Teacher/Head of Service of all actions outlined above.

## 6.17 **After the Investigation**

### 6.17.1 **Action to be taken if the Police/Section 47 investigation closes without charge or CPS decide not to proceed**

- 6.17.1.1 If the Child Protection investigation closes without a charge the Police/SCS representative must inform the Education Services CP Team immediately. A further strategy discussion may highlight professional conduct issues which need to be addressed by the Head Teacher/Head of Service through the disciplinary process.
- 6.17.1.2 In all such cases the Education Services CP Team will write to the Head of School/Service to advise on what further investigations are deemed to be appropriate for the Head to undertake, and will assist the school/service in accessing relevant enquiry materials to assist any disciplinary process.
- 6.17.1.3 Head Teachers/Heads of Service should always consult with ER or their alternative HR provider for personnel advice and guidance.
- 6.17.1.4 In all cases where action under disciplinary process has been deemed to be appropriate, a written response will be required from the Head of School/Service detailing the outcome of that process. In other cases confirmation of the delivery of personal support, advice, or training, may be the appropriate response.
- 6.17.1.5 Following receipt of the above written response, the Education Services CP Team will liaise with the Police/SCS representative, and where all appropriate action is deemed to have been completed, will write to the Head of School/Service to confirm closure of the case.

### 6.17.2 **Action to be taken if allegation is believed or found to be false/unfounded**

- 6.17.2.1 The Head Teacher or Head of Service and Education Services CP Team may conclude that the allegation is without foundation, or following a full investigation the Police

or SCS may determine the allegation is without foundation.

- 6.17.2.2 Without foundation means that no evidence has been found to support the allegation. The Head Teacher or Head of Service shall consult the Education Services CP Team to agree a plan detailing what action is to be taken, by whom and in what timescales.
- 6.17.2.3 In cases where it is considered a child's allegations were false and malicious the Head of School/Service will consider the use of appropriate sanctions (see Section 6 5.11 vii)
- 6.17.2.4 Children who make false allegations are entitled to receive education and full access to the curriculum, though not necessarily in the same school, class or tutor group. Additional support may be appropriate for that child.
- 6.17.2.5 In cases where a parent, carer or other adult makes false allegations that are considered malicious, the appropriateness of legal action will be considered. In such cases the School & Governor Support Manager will be consulted and the involvement of Legal Services may be sought.

### **Supporting the member of staff**

In all such cases, the Head should meet with the staff member concerned in order to:

- 6.17.2.6 ensure any arrangements, including counselling and liaison with their professional representative, required for their return to work/continued work are in place.
- 6.17.2.7 agree with the staff member any arrangements required to advise other staff, parent/carers and children who were aware of the allegation, of the outcome.
- 6.17.2.8 if the member of staff was suspended, discuss the necessary steps to support a return to work. As part of this process consideration should be given (in consultation with SCS and/or Police, Education Services CP Team and ER where appropriate) as to what information can be provided to the child and/or family who made the allegation.

## **6.18 Action to be taken following the conclusion of any criminal proceedings**

- 6.18.1 Regardless of the outcome the matter will need to be considered under disciplinary procedures, taking into account all the information to determine whether a disciplinary hearing should be convened.
- 6.18.2 In all such cases the Education Services CP Team will write to the Head of School/Service to advise on what further investigations are deemed to be appropriate for the Head to undertake, and will assist the

school/service in accessing relevant enquiry materials to assist any disciplinary process.

- 6.18.3 Head Teachers/Heads of Service should always consult with ER or their alternative HR provider for personnel advice and guidance.
- 6.18.4 In all cases where action under disciplinary process has been deemed to be appropriate, a written response will be required from the Head of School/Service, to the Education Services CP Team, detailing the outcome of that process. In other cases confirmation of the delivery of personal support, advice, or training, may be the appropriate response.
- 6.18.5 Following receipt of the above written response, the Education Services CP Team will liaise with the Police/SCS representative, and where all appropriate action is deemed to have been completed, will write to the Head of School/Service to confirm closure of the case.
- 6.18.6 At the conclusion of criminal proceedings, a member of staff who has been suspended (or is subject to other arrangements such as leave of absence), should not return to work until after the disciplinary process is completed and a clear action plan is in place to support the staff member and child. Any suspension must be formally lifted under the appropriate procedures prior to any return to work.

## **6.19 Concluding Investigations**

- 6.19.1 It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached, is kept on a person's confidential personnel file and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future CRB Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. It will also help to prevent unnecessary reinvestigation, if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.
  - 6.19.2 DfES guidance on CP barring or restricting people working with children in education identified the powers of the Secretary of State to bar or restrict a person's employment as contained in Section 142 of the Education Act 2002.
- 6.20 Where a disciplinary investigations and/or hearing takes place then E.R. must be advised and will keep appropriate records. The retention and/or removal of papers relating to any disciplinary proceedings should be determined in accordance with the school's/service's disciplinary procedures.

## **Section 7: Training Requirements for Education Services Staff**

### **7.1 All Staff who work with children:**

- 7.1.1 must have basic child protection training that equips them to recognise and respond to child welfare concerns. Staff should also undertake suitable refresher training at a minimum 3 yearly intervals thereafter to keep their knowledge and skills up to date.
- 7.1.2 All new staff should be given information and training about the child protection procedures and DSP as part of their induction. Child Protection training must be provided by a Designated Senior Person within the first 3 months
- 7.1.3 Training needed by different groups will vary according to the nature of their role and the extent of their involvement with children, but all staff should have a confident working understanding of:
- i) What is meant by abuse and how it would be identified
  - ii) What to do on receipt of a disclosure
  - iii) Procedures for reporting and recording information
  - iv) How to reduce the risk of an allegation being made against staff members

### **7.2 Designated Senior Persons (DSPs)**

- 7.2.1 When staff with designated senior responsibility for child protection take up that role, they must attend the Education Services recommended core training to enable them to work in partnership with other agencies, and give them the knowledge and skills needed to fulfil their responsibilities. They should also undertake the recommended LA refresher training at 2 yearly intervals after that to keep their knowledge and skills up to date.
- 7.2.2 It is recommended that following Education Services core training, DSPs should attend multi-agency BSCB training programme to enhance multi-agency training. These courses are not a substitute for Education Services DSP training but should be seen as additional support.

### **7.3 Governors**

- 7.3.1 It is strongly recommended that the Governor with lead responsibility for child protection should receive training on the requirements of this role and responsibilities of the school to child protection and should attend refresher training updates, every 3 years thereafter.
- 7.3.2 Section 175 of the Education Act 2002 placed a duty on governing bodies of schools to make arrangements for carrying out their functions with a view to safeguarding and promoting the welfare of children. Section 175 came into force in June 2004. Circular 0115/2004 "Safeguarding Children" states that whilst the Chair or Deputy Chair should still fulfil the role of Nominated Governor for child protection, this is an issue where there is a collective responsibility for the whole Governing Body.

7.3.3 Training is accessible through the governor training programme. Training is also available for whole governing bodies or sub-groups from the Health Education Unit (HEU).

7.3.4 The course addresses the role of the governor in child protection both in terms of meeting this demand and how governors can support their Head Teachers and Designated Senior Persons for child protection in meeting the new duty.

## **7.4 Approved Providers**

7.4.1 The policy of the Education Services is that the HEU is the key agency for the delivery of training on child protection for all staff working in educational settings and governing bodies. Training may be delivered centrally or in school.

7.4.2 Training will be informed by consultation with BSCB and other relevant bodies. The HEU has a wide range of materials and resources that can also support relevant curriculum issues.

7.4.3 The HEU offers training to all schools, FE colleges and wider educational establishments and agencies.

7.4.4 A number of other agencies and private consultants offer child protection training. Schools and Services accessing such providers must ensure that the training has been subject to local BSCB agreement and accurately reflects agreed local Birmingham BSCB and Education Services procedures.

## **7.5 Monitoring**

7.5.1 The Education Services Child Protection Team is required to maintain a database of all DSPs who have attended approved core and refresher training. The team will contact DSPs, Head Teachers, Head of Services, Assistant Directors and Governors periodically to advise on training that is available, and to alert those responsible in cases where staff are not registered as appropriately trained.

Note: **Training on positive handling** is co-ordinated by the Behaviour Support Service.

## **Section 8: Specific additional guidance for educational organisations**

### **8.1 Listening to Children, and obtaining information from children**

School and Education Services staff working closely with children are well placed to observe signs of abuse, changes in behaviour or failure to develop. The general role of teachers and all staff in Education Services is to listen to children and note carefully any observations which could potentially indicate abuse. **Whilst it is appropriate to gather some initial information from the child, staff in schools and Education Services should not attempt to investigate the matter once there are indications of concern.** It is essential to involve the Designated Senior Person for child protection (DSP) immediately and for the DSP to refer the matter quickly to SCS where this is indicated.

### **8.2 If A Bruise or a Mark or a Change in Behaviour Is Noted**

8.2.1 It is appropriate to speak to the child about it in a simple way by using open ended questions, i.e. being careful not to suggest a cause. The child's response should be carefully noted and recorded accurately if there is any concern. The child's general demeanour and explanation may also give concern, particularly if the child's behaviour is unusual or if there appear to be inconsistencies in the child's explanation. This must be carefully recorded as an observation of what is seen and heard. The DSP must be contacted immediately once a concern is identified and no attempt should be made to enquire further.

8.2.2 Children may show that they have marks which are relatively easily visible without a full personal examination. Marks which are visible must be noted and described, identifying the position, shape, size and colour. Whilst recording what is seen is an essential task for schools and services, it is not appropriate for non-medical staff to make a medical judgement on their significance. Photographs of marks or bruises must not be taken and children must not be asked to remove clothes for the purpose of a detailed personal examination. Schools must never attempt to arrange medical examinations for child protection purposes.

8.2.3 Medical examinations are arranged, where required, as a part of any investigation by SCS. The BSCB Procedure ensures that children do not have repeated medical examinations and that the person conducting the examination is properly briefed and qualified for the purpose.

8.2.4 The recording of information from a child needs to be very accurate and the DSP must be contacted immediately if there is any concern. An Incident Report must be completed (see Appendix A for the Incident Report Proforma). If the child gives what appears to be a satisfactory explanation this should be recorded on the Incident Report. The DSP will make a referral if there is concern.

### 8.3 If Children Begin To Disclose Information about Abuse

- 8.3.1 **The main role of all staff when a child begins to disclose something painful is to listen reassuringly and to be supportive to the child in expressing what he/she is trying to say without leading the child.** Children and young people may try a number of times to speak to adults about matters which are very personal so a supportive, caring, patient, listening attitude is required.
- 8.3.2 If children are disclosing information it is important to listen without asking questions. However you may need clarification in some instances in which case it is important not to ask leading questions but ask open ended questions (e.g. "tell me what happened?") but care must be taken not to put words into a child's mouth (e.g. "your mother/father must have made you very upset ...").
- 8.3.3 Professional sensitivity is essential but children cannot be guaranteed confidentiality. Children must be assured however that only those who need to know will be informed. Teachers and other staff in Education Services have a duty to report any matter which may involve significant harm to a child even when the child is concerned about this. Children should be given assurances that the information will be handled very carefully and older children will certainly be involved in the discussion about what to do about the concern. Any anxieties of a child should be carefully noted and this information should be passed on as part of the referral.

### 8.4 Obtaining Information from Children

- 8.4.1 **Schools or Education Services should never attempt to investigate child protection concerns - their role is limited to establishing basic initial information to pass on to SCS. The guidance below is intended to help in obtaining that limited initial information from a child.** This guidance may also assist in internal enquiries (e.g. under the Disciplinary Codes) when it has been determined with SCS that child protection procedures will not be pursued.
- 8.4.2 Questions should be limited and open-ended and sensitive to the child's age, ability and understanding. They should never be Leading questions. Examples of open ended questions are:
- Has something happened to you?
  - Can you tell me what happened?
  - Where did it happen?
  - When did it happen?
  - What has upset you? (after being told by the child s/he was upset)
- 8.4.3 Examples of Leading questions (to be avoided) are "was it your Dad who hit you?" or "does your brother bully you?" or "so that must have upset you".

- 8.4.4 Very accurate recording is essential. This should be verbatim, using the actual words of the child and noting any questions raised with the child. The written record should carefully avoid any attempt to interpret or make judgements - the purpose of the recording is to report absolutely faithfully what occurred. The record should note dates, times, who was present, positions in the room, anything factual about the child's appearance. Records taken at the time of interview must be dated, signed and kept secure.
- 8.4.5 Where possible a silent witness to record clearly and verify what was said should be brought in. This could be another member of staff.
- 8.4.6 Children must not be interviewed in groups. Only where it is essential in identifying a cause for concern should children be spoken to. Where more than one child may have information, these children must be kept apart from each other while information is being obtained.
- 8.4.7 Once a concern is evident no further interviews with children should take place. The process for any investigation will be for S&CH and the Police to determine.
- 8.4.8 Any notes taken of a meeting with a child should be checked with the child carefully but sensitively to make ensure it is an accurate record of what the child has said.
- 8.4.9 It is not appropriate to ask a child to write down their concerns or to provide drawings of events, unless they are unable to disclose to you otherwise. Such written accounts can result in serious complications within an investigation as the conditions surrounding the recording can leave staff open to suggestions of influence.
- 8.4.10 You must never attempt to tape record an interview or take photographs. Children's clothing must not be removed for the purposes of an investigation. If this is being considered it is already clear that the matter should immediately be referred to SCS as part of the child protection procedures

## **8.5 The Importance and Purpose of Recording**

- 8.5.1 Careful record-keeping is an essential part of child protection responsibilities. As soon as practicable any concerns and incidents should be recorded carefully by individuals involved using the Child Protection Incident Report and adding any further pages required (see Appendix A, Child Protection Incident Report proforma).
- 8.5.2 The initial recording is particularly crucial as part of the process of assessing the risk to a child. It may also be used as evidence in subsequent proceedings and may even need to be produced in court. It is essential therefore that schools and services adopt the highest professional standards in recording (See 8.4.4).

- 8.5.3 Recording is an important safeguard in schools and services against any possible claims that they may not have responded to particular concerns.
- 8.5.4 The general requirements regarding access to educational records and exemptions for child protection records are laid out in The Education (Pupil Information) (Explained) Regulations 2000.
- 8.5.5 For guidance on the recording of details of allegations relating to staff members, and the outcomes of any investigations, see Section 6.19.

## 8.6 **Basic Principles of Recording and Storage of Information**

- 8.6.1 It is important to record **factually** what has been said and observed, detailing times, dates, places and the sequence of events. Recording must report actual words used in questions and answers rather than an interpretation or summary. Similarly what was actually observed must be recorded rather than an interpretation or summary.
- 8.6.2 The date of all entries must be clear and all entries must be signed by the staff member. Individual staff members who actually made the observations or heard the words used should each sign their own record.
- 8.6.3 Records on child protection matters must be maintained in a confidential and secure place with access on the basis of "need to know" only - see below. They should be kept separately from the child's main school record, although an indication that such information exists should be kept with the main records.
- 8.6.4 Care must be taken to ensure confidentiality when storing child protection information in electronic information systems (PCs, networks and disks). It is advised that a simple record may be inserted in the school's child information system to indicate where a confidential child protection record is stored without disclosing any confidential detail. Detailed records and related material (e.g. letters) can be stored separately in a confidential place.
- 8.6.5 In written records, it is advised that a simple note is inserted in a child's file to indicate that there is a separate record elsewhere without giving further confidential detail.
- 8.6.6 Please note that video or tape recording of interviews must not be attempted by schools or services. Whilst this may appear initially to be a useful option, there are complex legal protocols involved which cannot be satisfied within a school setting and there would be a strong risk of invalidating potential evidence. Similarly, photographs of marks on children must not be attempted as they are likely to result in disputed interpretations and complaints of infringement of parent/carer responsibilities.

8.6.7 The confidential child protection record should be retained whilst the child remains at the school/education service.

8.6.8 **Once a child leaves the school/education provision** the child protection records should be sent on to the next school but a copy of the record should be retained for a period of three years after the child leaves the school (or 3 years after the last remaining sibling leaves the school if this is later), in case there are any queries arising subsequently. The child protection records should be kept for 3 years after the child has completed his/her statutory education at the last school/education provision attended by the child (or 3 years after the last remaining sibling leaves if this is later).

## 8.7 **The Data Protection Act 1998: Dissemination on a Need to Know Basis**

Information about child protection concerns must be disseminated confidentially **only to those who need to know**. Each school or service will need to devise its own systems carefully. Information to staff should be disseminated in a controlled manner by the DSP or Head, with care taken to pass on only the essentials needed for particular roles. In the majority of instances staff will simply need to be aware that "there is a concern about a particular child and the DSP must be contacted regarding any concern or information which might be relevant". Some thoughts on the need to know principle in relation to specific roles are given below as guidance:

Please refer to the Data Protection Act 1998 and related guidance for further information)

### A Recording System

A system for child protection records is recommended as follows:

RECORD	DETAILS	STORAGE
INCIDENT REPORTS (see Appendix A)	Started at time of incident by any member of staff and given to DSP who approves or carries out the appropriate action and completes forms, which is signed and dated by all persons recording an entry.	Blank Proformas need to be readily available for members of staff to complete when situations arise. All completed sheets can be stored with DSP (possibly in a loose leaf folder). Exempt from access by parent/carers or children.
INCIDENT BOOK (Hardbound)	Hardbound book containing consecutive number of report forms, name of child, name, date, signature and date of person submitting the report, name, signature and date of DSP receiving the report	In a secure place with DSP. Easy access for staff in order to cross reference incident reports.

LOOSE LEAF FOLDER or INDIVIDUAL FILES IN SECURE CABINET	Purpose is to keep together child protection records related to particular children (i.e. incident sheets, ongoing recording of contacts with child, interviews with child, contacts with agencies, contacts with parent/carers and cases conference records.	In secure place with DSP. Access strictly limited. No access for parent/carers and children.
CHILD'S SCHOOL RECORD	Contains dated entries referring to records stored elsewhere, e.g. "An incident report was made...", "a child protection conference held...". Does not contain detailed information about the incidents.	Available to all staff and can be seen by parent/carers.  A pupil is also entitled to see their record unless it is considered that the pupil does not understand the nature of the request. However a parent or carer can also make a request on their behalf.

## 8.8 Access to Records by solicitors

8.8.1 Schools and services should bear in mind that records may be required by Court hearings of various sorts. Confidential information should never be given simply at the request of a solicitor. Solicitors have no powers to require schools/services to give information and advice should be sought on such occasions from Schools & Governor Support Teams. Schools, however, will need to respond to an order from a Court, which will come either directly from the Court or through either SCS or the City's Legal Services. Advice should be obtained from Schools Management Support Team.

## 8.9 Missing children for whom there are child protection concerns. (cross reference with BSCB Section 12-3)

### 8.9.1 Missing children

8.9.1.1 If a child on the child protection register is not attending school/service and/or is thought to be missing SCS and the Education Welfare Service must be contacted immediately. Careful monitoring of absences for children on the child protection register is essential. The Education Welfare Service will prioritise contacts to families where there are unexplained absences of such children and will liaise closely with SCS in such cases. The Education Welfare Service will plan with SCS how to best check with other schools and other LA's and SCS Department.

8.9.1.2 **For missing children not on the child protection register** but about whom there is a concern, the Education Welfare Service should be contacted immediately. Urgent consideration should be made as to whether there is any child protection concern, in which case SCS must be contacted

immediately. The Education Welfare Service will make urgent checks with other schools and other LA's as indicated by the information available.

### 8.9.2 Changes of School

When a child on the child protection register moves school, the following action should be taken by the school:

- the SCS key worker should be informed immediately by phone
- the new school should be informed immediately by phone
- relevant child protection records should be sent within fourteen days under confidential cover to the Head Teacher of the new school marked "personal and confidential"
- copies of child protection records should be kept at the original school in a confidential place for three years in case there are any future enquiries

The same action should be taken with children who transfer into new phases (i.e. Nursery, Primary or Secondary).

It is particularly important that information passes quickly to the new school when children transfer.

## 8.10 Attending Child Protection Conferences

(Cross reference BSCB Section 6)

8.10.1 There are 2 types of child protection conferences

- **"initial"** conferences (called as part of the immediate investigation of a referral)
- **"review"** conferences (any subsequent conferences)

8.10.2 The Child Protection Conference draws together staff from all agencies with specific responsibilities in the child protection process. It provides the forum for agreeing their joint approach to work with the child and family.

## 8.11 Initial Child Protection Conferences

(cross reference BSCB Section 6)

8.11.1 The Initial Conference should be held within 15 working days after the referral.

8.11.2 Conferences should be held at times which are reasonable for the participants although initial conferences need to be arranged at short notice. Schools/Services should send a suitable representative. If it is absolutely impossible to attend, a written report should be sent and contact made after the conference to establish the outcome and expectations of the school. (See Appendix A)

- 8.11.3 The Chair of the conference must determine the best place for a conference given all the circumstances, occasionally this may be held at a school
- 8.11.4 The DSP will normally be the person representing the school/service. Consideration will be needed on some occasions to whether another member of staff would be more appropriate.
- 8.11.5 Section 6 in the BSCB Procedures gives a summary of the purpose and duties of the child protection conference and should be read carefully by anyone attending a conference.
- 8.11.6 The person attending should prepare by:
- Understanding the purpose of the conference
  - Gathering appropriate information
  - Consulting with relevant colleagues
  - Preparing a written report wherever possible (see Child Protection Conference School Report)
  - Being able to make a commitment for the school to a child protection plan
- 8.11.7 The information from a school or education service might include:
- Brief history of the involvement with the child and family
  - Precise record of any child protection concerns or incidents
  - Any other concerns or information which might be relevant , e.g. mood swings, concentration difficulties, communication difficulties, changes in communication, bruising which appeared to occur accidentally
  - The child's educational progress, trends and any developmental barriers
  - Any special educational needs assessed and any individual educational plan (IEP)
  - The child's attendance record (a print out is useful) and reasons for absences
  - Dates when child seen by school nurse or other health professionals in contact with school/service
  - Comments on the nature of the child's social relationships with peer group and adults
  - The nature of contacts between the school/service and parents or carers
  - Information about the child's family background
  - Support which the school/service may be able to offer
- 8.11.8 Child Protection Conferences are chaired by an independent person, i.e. SCS senior officer who was not involved in the investigation. This will usually be one of the Principal Child Protection Officers.
- 8.11.9 Parent/carers will normally be invited to all or part of the conference. There is research evidence that the outcomes for children are more positive when there is parent/carer

involvement in the conference. However, this is not always appropriate and if this seems likely to cause any difficulty the representative should speak to the chair of the conference before it starts. The chair of the conference has the responsibility decide whether and how to involve parent/carers.

- 8.11.10 Children aged 14 or over will normally be invited, depending on the issues under discussion. If children are not present a Social Worker will give a report on the child's views. Children may also confide in their teachers so an accurate account of any views or feelings expressed in the school by the child which are relevant.
- 8.11.11 SCS have leaflets for parents/carers and children about child protection conferences
- 8.11.12 Section 6 of the BSCB Child Protection Procedures outlines the format of child protection conferences.
- 8.11.13 The decision on whether to place the child's name on the child protection register is made by all participants in the conference. Minority views should be recorded - if the representative is in disagreement they should ask for your opinion to be recorded
- 8.11.14 If the child is put on the child protection register a decision will be made as to which categories of abuse apply to this child, i.e.
  - neglect
  - emotional abuse
  - physical abuse
  - sexual abuse
- 8.11.15 For each child on the Child Protection register a Multi-Agency Child Protection Plan will be drawn up by the core group who are designated to work together as part of the Child Protection Plan. Each agency will be asked to sign up to their part of the plan.
- 8.11.16 If the child's name is not put on the Child Protection Register, the conference should consider whether there is a need for any follow up support and whether any other services are required.
- 8.11.17 Following the conference the minutes will be sent to all those who were invited. Any disagreements with the minutes should be sent to the chair with the request that this is circulated to all those receiving minutes. Minutes are strictly confidential and should only be seen on a need to know basis. Note that minutes of conferences can be copied and passed on to a new school/service if the child remains on the Child Protection register.

## **8.12 Review Conferences**

- 8.12.1 Review Conferences should be held regularly for every child on the Child Protection Register and at least once every 6 months

until there is a decision to remove the child's name from the register. Attendance of schools/services at review conferences is particularly important as schools/services often have the best perception of how a child is developing. If impossible to attend then a written report should be sent. (See Appendix B)

CHILD PROTECTION INCIDENT REPORT

THIS FORM MUST BE COMPLETED, DATED AND SIGNED BY MEMBERS OF STAFF WHO IDENTIFY POSSIBLE CHILD PROTECTION CONCERNS

(See LEA Child Protection Procedures Section 6.1)

- 1. All child protection concerns must be reported immediately to the Designated Senior Person for child protection
2. Record facts and do not make judgements (state dates, times, places, actual words used, what was observed, who was present, questions asked etc.).
3. If support is needed filling in this form do not delay, the DSP will help.
4. Any concerns about staff should be reported directly to the Head Teacher/Head of Service. Concerns about Head Teachers should be reported directly to the LEA Child Protection Lead Officer (see below).

The Designated Senior Person for child protection is:

If s/he is not available contact:

Details of Incident

Date of Incident:

Child

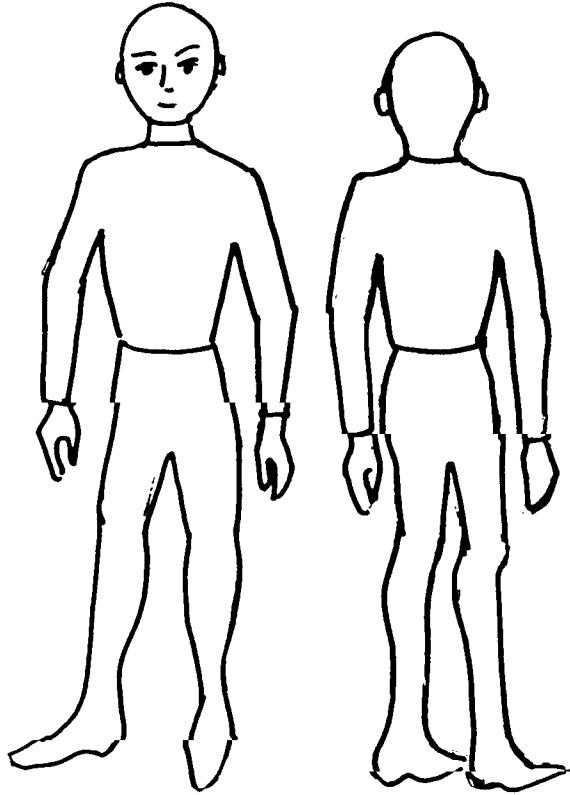
Class

Multiple horizontal lines for writing details of incident and date.

Signed \_\_\_\_\_ Date \_\_\_\_\_

(ATTACH AND SIGN ADDITIONAL PAGES IF NEEDED)

INDICATE POSITION OF ANY MARKS OBSERVED BELOW



**Action taken by Designated Senior Person/ Head Teacher**

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**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**SOCIAL CARE SERVICES (referral/advice)**

**Area Office: .....**

**Principal Child Protection Officer: .....**

**Outside normal hours: 0121 475 4806**

**EDUCATION (advice/support)**

**EWS Office: .....**

**Child Protection Lead Officer: 0121 303 5119**

**School & Governor Support: 0121 303 2279 (N), 303 2259 (C), 303 2337 (S)**



5. **ATTENDANCE PATTERN** (include a register printout where possible)

Who (if anyone) normally brings child to school:

6. **GENERAL BEHAVIOUR AND RELATIONSHIPS WITH ADULTS AND PEERS**  
(note any significant changes)

7. **ANY INCIDENTS OF RELEVANCE**

8. **PARENTAL CONTACT WITH SCHOOL**

9. **ANY OTHER SUPPORT PROVIDED BY SCHOOL**

10. **OTHER AGENCIES/ SUPPORT SERVICES KNOWN TO BE INVOLVED**

**11. PROGRESS ON CHILD PROTECTION PLAN (REVIEW CONFERENCES ONLY):**

**12. OTHER COMMENTS/OBSERVATIONS**

**13. VIEW ON REGISTRATION OR DE-REGISTRATION (If appropriate)**

Signed:

Date:

Contact person in school if not DSP:

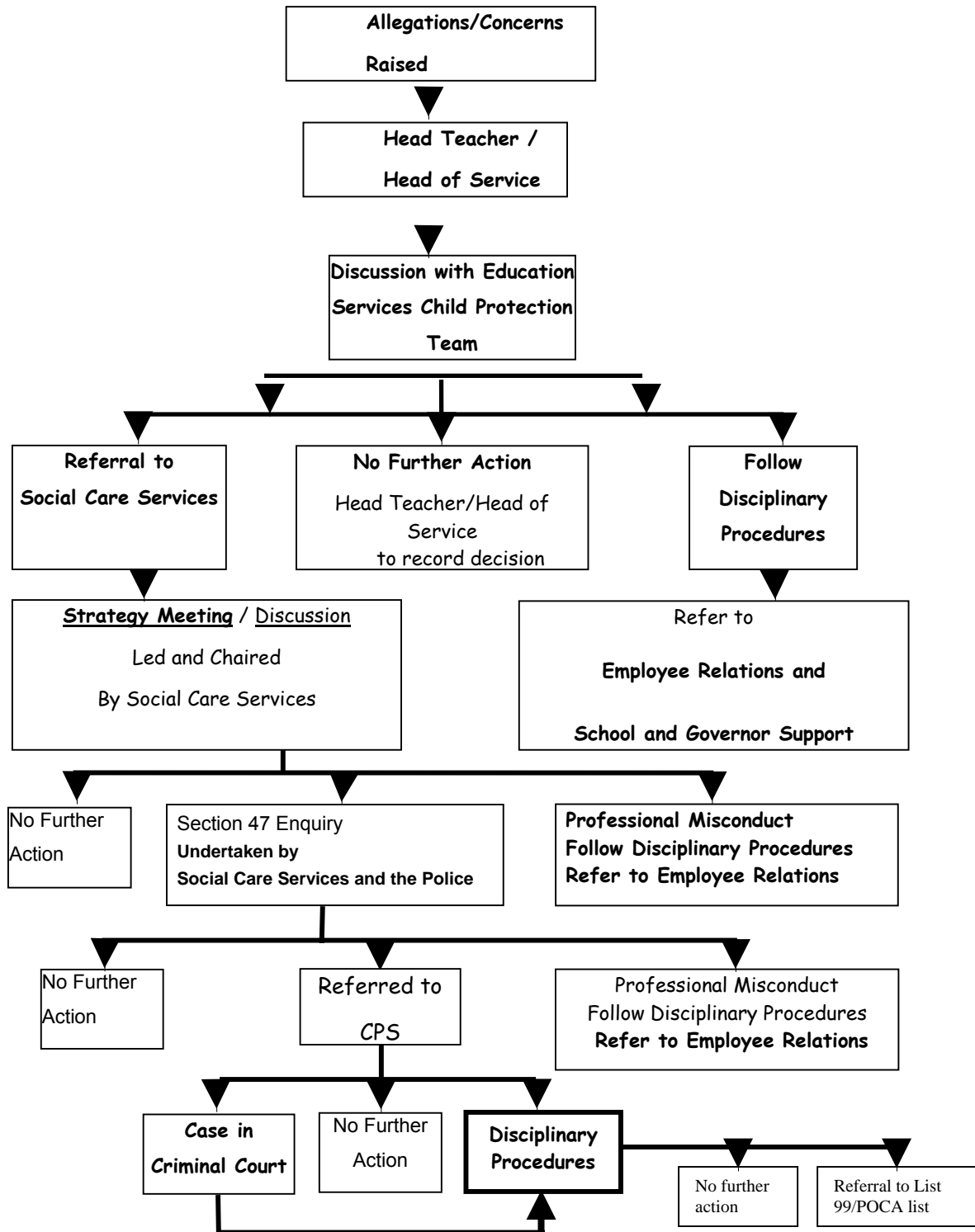
Signed:

Date:

Head Teacher:

**14. NOTES OF DECISIONS MADE AT CONFERENCE**

## Procedures for Managing Allegations of Abuse by Education Staff



Further detailed guidance is contained within the Birmingham Schools and Education Services Child Protection Procedures and the Birmingham Safeguarding Children Board Child Protection Procedures

**Allegations against Head Teachers must be referred to the Education Services Lead Officer for Child Protection**

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Prompt actions protects **EVERYONE** the child, staff, other pupils and the school/service

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## APPENDIX D

### USEFUL CONTACT NUMBERS

Education Services Child Protection Team	0121 303 5119
Education Welfare Service Duty/ EWS Area Managers:	
North Area	0121 303 8900
Central Area	0121 303 1200
South Area	0121 303 8050
Health Education Unit (for Education Services Child Protection Training)	0121 303 8200
School and Governor Support - North	0121 303 2541
School and Governor Support - Central	0121 303 2259
School and Governor Support - South	0121 303 4692
Employee Relations	0121 303 2411
Police – Head Office	0845 113 5000
Social Care Services Area Offices:	
• Edgbaston & Northfield	0121 303 1888
• Erdington & Sutton Coldfield	0121 464 8022
• Ladywood & Perry Barr	0121 303 4362
• Selly Oak & Hall Green	0121 303 5050
• Small Heath & Sparkbrook	0121 303 2334
• Yardley & Hodge Hill	0121 303 6541
• <b>Emergency - out of office hours</b>	0121675 4806