

Safeguarding Policy for Victoria Primary School

**Named persons: Mrs. Lynn Clews
Mrs. Jane Dark
Miss J. Renton**

Named Governor: Ms. Elizabeth Kidman

Last reviewed: October 2015

Safeguarding Policy for Victoria Primary School

Victoria Primary School fully recognises its responsibilities and contribution it makes towards child protection and the safeguarding of children.

Our policy applies to all staff, governors and volunteers working in the school. There are five main elements to our policy:

- Ensuring we practice safe recruitment in checking the suitability of staff and volunteers to work with children.
- Raising awareness of child protection issues and equipping children with the skills needed to keep them safe.
- Developing and then implementing procedures for identifying and reporting cases, or suspected cases, of abuse.
- Supporting pupils who have been abused in accordance with his/her agreed child protection plan.
- Establishing a safe environment in which children can learn and develop and work proactively with outside agencies and support inter agency procedure.

We recognise that because of their day to day contact with individual children during the school terms, teachers and other school staff are particularly well placed to observe the outward signs of abuse, changes in behaviour or failure to develop.

Victoria Primary School will therefore:

- Establish and maintain an environment where children feel secure, are encouraged to talk, and are listened to.
- Ensure children know that there are adults in the school whom they can approach if they are worried.
- Include opportunities in the PSHE curriculum for children to develop the skills they need to recognise and stay safe from abuse
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Roles and Responsibilities

All adults working with or on behalf of children have a responsibility to protect them. There are, however, key people within schools, Education Bradford and the Local Authority who have specific responsibilities under child protection procedures. The names of those carrying out these responsibilities for the current year are listed on the cover sheet of this document.

It is the role of the Governing Body and the school leadership team to ensure that the Named Persons for Child Protection are properly supported to carry out this task and that they are given time to fulfil the duties that their role demands.

The school leadership team will ensure that Named Persons for Child Protection attend the required training and that they refresh their training every two years.

All other staff and the nominated governor must be offered an appropriate level of training and must undergo refresher training every three years.

It is the role of the Named Persons for Child Protection to ensure that the child protection procedures are followed within the school, and to make appropriate, timely referrals to Children's Social Care in accordance with the locally agreed procedures. Additionally, it is the role of the Named Persons for Child Protection to ensure all staff employed including temporary staff and volunteers within the school are aware of the school's internal procedures, to advise staff and to offer support to those requiring this.

The role of the Nominated Governor for Child Protection is to ensure that the school has an effective policy, that locally agreed procedures are in place, and that the policy and structures supporting Safeguarding children are reviewed annually. Governors must not be given details relating to individual child protection cases or situations to ensure confidentiality is not breached.

A statement in the school brochure will inform parents and carers about our school's duties and responsibilities under child protection procedures. Parents can obtain a copy of the school Child Protection Policy on request.

The Governing Body and school leadership team are responsible for ensuring that the school follows safe recruitment processes, including:

- Ensuring the headteacher, other staff responsible for recruitment and one member of the Governing Body completes safer recruitment training.
- Ensuring the upkeep of a Single Central Record of all staff and regular volunteers in accordance with government guidance

The Named Persons for Child Protection provide an annual report for the governing body detailing any changes to the policy and procedures; training undertaken by all staff and governors and other relevant issues.

Ethos

Victoria Primary School recognises the importance of creating an ethos within school that will help children feel safe and confident that they will be listened to.

We recognise that children who are abused or witness violence are likely to have low self-esteem and may find it difficult to develop a sense of self worth. They may feel helplessness, humiliation and some sense of blame. Our school may be the only stable, secure and predictable element in their lives.

Victoria Primary School will endeavour to support all pupils through:

- Ensuring the content of the curriculum includes social and emotional aspects of learning.
- Ensuring that child protection is included in the curriculum to help children recognise when they don't feel safe and to identify who they should tell.
- Promoting a positive, supportive and secure environment where pupils can develop a sense of being valued.
- The school behaviour policy which is aimed at supporting vulnerable pupils in the school.
- The school will ensure that the pupil knows that some behaviour is unacceptable but they are valued and not to be blamed for any abuse which has occurred.

Safe Working Practice

Victoria Primary School has developed a clear code of practice that staff understand and agreed to.

The code of practice offers guidance to staff on the way they should behave when working with children. (See Annex 1)

Child Protection Procedures

Victoria Primary School adheres to child protection procedures that have been agreed locally through the Local Children's Safeguarding Board.

(See Annex 2 for flow chart)

Confidentiality

All staff are aware that they must not promise to keep, 'secrets' with children and that if children disclose abuse this must be passed on to the Named Persons for Child Protection as soon as possible and the child should be told who their disclosure will be shared with.

Staff will be informed of relevant information in respect of individual cases regarding child protection on a "need to know basis" only.

Record Keeping

Child Protection records are kept centrally and securely by the Named Persons for Child Protection. Staff are aware that they must make a record of child protection issues and events as soon as possible and that these records must be signed and dated. Child protection records must not be made in the child's curriculum file.

Working with other agencies

Schools are not investigating agencies and it essential that child protection issues are addressed through agreed procedures however schools continue to play a role after referral and need to develop strong links with partner agencies particularly social care.

Victoria Primary School recognises the importance of multi agency working and will ensure that staff are able to attend all relevant meetings including case conferences, core groups and strategy meetings.

Allegations against members of staff

Victoria Primary School recognises that it is possible for staff and volunteers to behave in a manner that causes harm to children and takes any allegation made against members of staff or volunteers seriously. The local arrangements for managing allegations are understood and followed. All staff know who to talk to if they are concerned about the behaviour of an adult.

(See Annex 3)

The use of school premises by other organisations

Where services or activities are provided separately by another body, using the school premises, the Governing Body will seek assurance that the body concerned has appropriate policies and procedures in place in regard to Safeguarding children and child protection.

Cross reference to other school policies

Victoria Primary School recognises that a number of other policies and procedures developed and operated by school form part of the wider agenda of Safeguarding and Promoting Children's Welfare and this policy should be read in conjunction with the policies listed below:

- Whole school anti bullying policy
- Health and safety policy
- Procedures for accessing risk ie school trips
- Safer recruitment policies and practice
- Induction and Code of conduct for staff
- Policies that recognise specific vulnerable groups
- Tackling Extremism and Radicalisation Policy

Policy Review

The Governing Body is responsible for ensuring the annual review of this policy and that the list of key contacts on the cover sheet is kept up to date.

Annex 1

List of Named persons

Named Person 1 – Mrs Lynn Clews

Named Person 2 – Mrs Jane Dark

Named Person 3 - Miss Jackie Renton

Named Governor – Ms Elizabeth Kidman

Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings.

March 2009

Updated from an original document produced by a DCSF network of Advisors
department for
children, schools and families

This guidance has been updated from an original IRSC ¹document - ‘Guidance for Safe Working Practice for the Protection of Children and Adults in Education Settings 2006 commissioned by DfES².

¹ Investigation Referral and Support Co-ordinators network

² Department for Education and Skills. now known as Department for Children, Schools and Families (DCSF)

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For further information, please contact your Safeguarding Advisor in your local Government Office or the Local Authority Designated officer (LADO) in the Safeguarding unit of your local council.

Section 1: Overview

1.1. Background

All adults who come into contact with pupils in their work have a duty of care³ to safeguard and promote their welfare.

The Children Act 2004, through the Stay Safe outcome of the Every Child Matters Change for Children programme⁴, places a duty on schools/services to safeguard⁵ and promote the well-being of pupils. This includes the need to ensure that all adults who work with or on behalf of pupils are competent, confident and safe to do so.

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for pupils in their care. However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of adults can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children. It is therefore essential that all possible steps are taken to safeguard pupils and ensure that the adults working with them are safe to do so.

Some concerns have been raised about the potential vulnerability of adults in this area of work. It has been suggested that there is a need for clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. This document has been produced in response to these concerns and provides practical guidance for anyone who works with, or on behalf of pupils regardless of their role, responsibilities or status. It seeks to ensure that the duty to promote and safeguard the wellbeing of children is in part, achieved by raising awareness of illegal, unsafe and inappropriate behaviours.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their employer. It is expected that in these circumstances adults will always advise their senior colleagues of the justification for any such action already taken or proposed.

It is also recognised that not all adults who work with pupils work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by any adult whose work brings them into contact with pupils.

The guidance contained in this document has due regard to current legislation and statutory guidance. It has been updated from a previous 2006 version.

³ The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of, or working with pupils in any capacity is considered, both legally and morally, to owe them a duty of care

⁴ www.everychildmatters.gov.uk

⁵ Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables them to have optimum life chances... Working Together to Safeguard Children: 2006 HM Government

1.2. What to do if you are worried a child is being abused⁶

Everyone working with pupils should be familiar with local procedures and protocols for safeguarding the welfare of pupils. Adults have a duty to report any child protection or welfare concerns to a designated member of staff in their school/service and/or report any concerns to the local social care office. Anyone who has concerns or is in doubt should refer to the document '**What To Do If You're Worried a Child Is Being Abused**' and follow that guidance.

⁶ What to do If You are Worried a Child is Being Abused HM Government 2006

Section 2: Using the Guidance

2.1. Status of Document

This guidance document was originally commissioned by the Department for Children, Schools and Families⁷. (DCSF). It does not replace or take priority over advice or codes of conduct produced by employers or national bodies, but is intended to both supplement and complement any such documents.

The document should also complement existing professional procedures, protocols and guidance which relate to specific roles, responsibilities or professional practices within an Education setting.

2.2. Purpose of Guidance

It is important that all adults working with children understand that the nature of their work and the responsibilities related to it, place them in a position of trust. This practice guidance provides clear advice on appropriate and safe behaviours for all adults working with children in paid or unpaid capacities, in all settings and in all contexts. The guidance aims to:

- keep children safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- assist adults working with children to work safely and responsibly and to monitor their own standards and practice;
- support managers and employers in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided;
- support employers in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
- support safer recruitment practice;
- minimise the risk of misplaced or malicious allegations made against adults who work with pupils;
- reduce the incidence of positions of trust being abused or misused.

Employers should be familiar with, and know how to access, their Local Safeguarding Children Board's policy and procedures for managing allegations against staff.

2.3. Underpinning Principles

- The welfare of the child is paramount.⁸
- It is the responsibility of all adults to safeguard and promote the welfare of pupils. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with pupils.
- Adults who work with children are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.

⁷ Previously DFES

⁸ Children Act 1989

- Adults should work and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- Adults should continually monitor and review their practice and ensure they follow the guidance contained in this document.

2.4. Definitions

For ease of reading, references are often made to "**school**". This term is interchangeable with all other types of educational establishments e.g. FE Institutions, Sixth Form Colleges, Pupil Referral Units.

Pupils/Students/Children and Young people: Throughout this document references are made to "pupils, students and children and young people". These terms are interchangeable and refer to children who have not yet reached their 18th birthday.

Adults: References to 'adults' or 'volunteers' refer to any adult who is employed, commissioned or contracted to work with or on behalf of pupils in either a paid or unpaid capacity.

Headteacher/Manager: These terms refers to those adults who have responsibility for managing staff and/or services including the supervision of employees and/or volunteers at any level.

Employer: The term 'employer' refers to the school/service which employs, or contracts to use the services of individuals in pursuit of the goals of that school/service. In the context of this document, the term 'employer' is also taken to include 'employing' the unpaid services of volunteers.

Safeguarding: Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully⁹.

Duty of Care: The duty which rests upon an individual or school/service to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity or interaction for which that individual or school/service is responsible. Any person in charge of, or working with pupils in any capacity is considered, both legally and morally to owe them a duty of care.

2.5. How to Use the Document

This document is relevant to both individuals and schools/services working with or on behalf of pupils. Where an individual works independently and does not work as part of a school/service references made to the 'senior manager' should be taken to refer to parents or those with parenting responsibilities.

Each section provides general guidance about a particular aspect of work undertaken with pupils with, in the right hand column, specific guidance about which behaviours should be

⁹ Working Together to Safeguard Children 2006. HM Government (WT 2006)

avoided and which are recommended. Some schools/services may need to adapt or add to the guidance to meet their specific practices or contexts. There are also variations of this document which have been written specifically for a generic audience or have been adapted for specific agencies. The diagram in Appendix 1 illustrates how the guidance could be used as a basis for developing specific agency guidance. Appendix 2 provides a visual framework for understanding how the document fits with safer recruitment and selection and procedures and those which relate to disciplinary proceedings.

It is recommended that schools/services use this guidance to develop and promote safer working practice by ensuring that all employees and volunteers are made aware of its contents, have access to the document and understand the expectation that they will work to it.

Incorporating the use of this document in recruitment and selection processes will help to prevent and deter unsuitable people from working with children and young people. Providing employees and volunteers with clear guidance on appointment and revisiting this guidance through induction, supervision, performance management, training programmes etc, will also help to ensure a safer children's workforce. Headteachers, Chairs and Governing bodies will be better placed to deal with unsuitable or inappropriate behaviour if their expectations have been made clear and reinforced throughout a person's employment and there is evidence that this has been done.

Individuals should follow this guidance in their day to day practice. It should also be referred to when taking on new work, different duties or additional responsibilities.

Section 3: Guidance for Safe Working Practice

1. Context

Staff working in education settings have a crucial role to play in shaping the lives of young people. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring. This guidance has been produced to help adults establish the safest possible learning and working environments which safeguard children and young people and reduce the risk of adults working with them being falsely accused of improper or unprofessional conduct.

2. 'Unsuitability'¹⁰

The guidance contained in this document is an attempt to identify what behaviours are expected of adults who work with pupils. Adults whose practice deviates from this guidance and/or their professional or employment-related code of conduct may bring into question their suitability to work with pupils or children and young people in any capacity.

3. Duty of Care

Teachers and other education staff are accountable for the way in which they exercise authority; manage risk; use resources; and protect pupils from discrimination and avoidable harm.

All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from sexual, physical and emotional harm. Children have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of pupils. Failure to do so may be regarded as professional neglect.

The duty of care is, in part, exercised through the development of respectful, caring and professional relationships between staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgement.

This means that these guidelines:

- apply to **all** adults working in education settings whatever their position, role, or responsibilities
- may provide guidance where an individual's suitability to work with pupils has been called into question.

This means that adults should:

- have a clear understanding about the nature and content of this document
- discuss any uncertainties or confusion with their Headteacher or line manager
- understand what behaviours may call into question their suitability to continue to work with children and young people.

This means that adults should:

- understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached
- always act, and be seen to act, in the child's best interests
- avoid any conduct which would lead any reasonable person to question their motivation and intentions
- take responsibility for their own actions and behaviour

¹⁰ WT 2006 Chapter 6, page 153.

The public, local authorities, employers and parents have legitimate expectations about the nature of professional involvement in the lives of pupils. When individuals accept a role that involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers have a duty of care towards their employees under the Health and Safety at Work Act 1974¹¹ which requires them to provide a safe working environment for staff and guidance about safe working practices. Thus, employers have a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. Staff who are subject to an allegation should therefore be supported and the principles of natural justice applied

The Health and Safety Act 1974 also imposes a duty on employees¹² to take care of themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the staff duty of care towards children should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

The Governing Body of a school controls the use of the school premises both during and outside school hours, except where a trust deed allows a person other than the governing body to control the use of premises, or a transfer of control agreement has been made.

Where the Governing Body provides services or activities directly under the supervision or management of school staff the school's arrangements for safeguarding must be followed.

4. Confidentiality

Members of staff may have access to confidential information about pupils in order to undertake their every day responsibilities. In some circumstances staff may be given highly sensitive or private information. They should never use confidential or personal information about a pupil or her/his family for their own, or others' advantage (including that of partners, friends, relatives or other schools/services). Information must never be used to intimidate, humiliate, or embarrass the pupil.

Confidential information about a child or young person should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the child's identity does not need to be

This means that employers should:

- *foster a culture of openness and support*
- *ensure that systems are in place for concerns to be raised*
- *ensure that there is in place effective recording systems which confirm discussions, decisions and the outcomes of any actions taken.*
- *ensure that staff are not placed in situations which render them particularly vulnerable*
- *ensure that all staff are aware of expectations, policies and procedures*

This means that Governing Bodies should:

- *ensure that appropriate safeguarding and child protection policies and procedures are adopted, implemented and monitored in school*
- *ensure that, where services or activities are provided by another body, the body concerned has appropriate safeguarding policies and procedures*

This means that adults:

- *be clear about when information can be shared and in what circumstances it is appropriate to do so*
- *are expected to treat information they receive about pupils in a discreet and confidential manner*
- *should seek advice from a senior member of staff if they are in any doubt about sharing information they hold or which has been requested of them*
- *need to know to whom any concerns or allegations should be reported*

¹¹ Health and Safety at Work Act 1974 Part I, Section. 2 (1) and (2)

¹² Health and Safety at Work Act 1974 Part I, Section.7

disclosed the information should be used anonymously.

There are some circumstances in which a member of staff may be expected to share information about a child, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated child protection responsibilities.

If a member of staff is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff. Any media or legal enquiries should be passed to senior management.

The storing and processing of personal information about pupils is governed by the Data Protection Act 1998. Employers should provide clear advice to staff about their responsibilities under this legislation.

The booklet "What To Do If You're Worried A Child Is Being Abused"¹³ contains further guidance¹⁴ on sharing information to protect children.

5. Making a Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not appropriate behaviour for adults in all circumstances. There may be occasions and circumstances in which adults have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge. Such judgements should always be recorded and shared a member of the senior management team and with the parent or carer. In undertaking these actions individuals will be seen to be acting reasonably.

Adults should always consider whether their actions are warranted, proportionate and safe and applied equitably.

This means that where no specific guidance exists adults should:

- *discuss the circumstances that informed their action, or their proposed action, with the Headteacher, senior member of the team and the parent/carer.*
- *report any actions which could be mis-interpreted to their senior manager*
- *always discuss any misunderstanding, accidents or threats with a senior manager*
- *record any areas of disagreement about course of action taken and if necessary referred to a higher authority*
- *ensure they have copies of records which confirm decisions, discussions and reasons why actions were taken.*

6. Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working in education settings are in positions of trust in relation to the young people in their care. Broadly speaking, a relationship of trust can be

This means that adults should not:

- *use their position to gain access to information for their own or others' advantage*

¹³ What to Do if you are Worried that a Child is Being Abused. Department of Health May 2003

¹⁴ www.doh.gov.uk/safeguardingchildren/index.htm

described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.¹⁵

A relationship between an adult and a child or young person is not a relationship between equals. There is potential for exploitation and harm of vulnerable young people. Adults therefore have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Adults should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

Where a person aged 18 or over is in a specified position of trust¹⁶ with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

7. Propriety and Behaviour

All adults working with pupils have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of pupils. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, pupils or students public in general and all those with whom they work.

There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with pupils. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Adults in contact with pupils should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour of an adult's partner or other family members may raise similar concerns and require careful consideration by an employer as to whether there may be a potential risk to pupils in the workplace.

- *use their position to intimidate, bully, humiliate, threaten, coerce or undermine pupils*
- *use their status and standing to form or promote relationships which are of a sexual nature, or which may become so*

This means that adults should not:

- *behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model.*
- *make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or which might be interpreted as such*

This means that adults should:

- *be aware that behaviour in their personal lives may impact upon their work with pupils*
- *follow any codes of conduct deemed appropriate by their school/service*
- *understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with pupils*

¹⁵ Caring for Young People and the Vulnerable. Guidance for Preventing Abuse of Trust Home Office

¹⁶ Sexual Offences Act 2003. Sect 16-19 re-enacts and amends offence of abuse of position of trust

8. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However adults should dress in ways which are appropriate to their role and this may need to be different to how they dress when not at work.

Adults who work with pupils should ensure they are dressed appropriately for the tasks and the work they undertake.

Those who dress in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations.

This means that adults should wear clothing which:

- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory and is culturally sensitive*

9. The Use of Personal Living Space¹⁷

No child or young person should be in or invited into, the home¹⁸ of an adult who works with them, unless the reason for this has been firmly established and agreed with parents/carers and a senior manager or Headteacher.

It is not appropriate for any school/service to expect or request that private living space be used for work with pupils. Neither is it appropriate for school authorities to expect or request that private living space be used to see pupils for e.g. discussion of reports, academic reviews, tutorials, pastoral care or counselling. If these activities are required, management should ensure that appropriate accommodation is found elsewhere in the school.

Under no circumstances should pupils assist with chores or tasks in the home of an adult who works with them. Neither should they be asked to do so by friends or family of that adult.

This means that adults should:

- *be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations*
- *challenge any request for their accommodation to be used as an additional resource for the school or school/service*
- *be mindful of the need to maintain professional boundaries*
- *refrain from asking pupils/students to undertake personal jobs or errands*

10. Gifts, Rewards and Favouritism

All adults should be aware of their school or school/service guidance on rewards including arrangements for the declaration of gifts received and given.

The giving of gifts or rewards to pupils should be part of an agreed policy for supporting positive behaviour or recognising particular achievements. In some situations, the giving of gifts as rewards may be accepted practice for a group of children, whilst in other situations the giving of a gift to an individual child or young person will be part of an agreed plan, recorded and discussed with senior manager and the parent or carer.

This means that adults should:

- *be aware of their school//service's policy on the giving and receiving of gifts*
- *ensure that gifts received or given in situations which may be misconstrued are declared*
- *generally, only give gifts to an individual young person as part of an agreed reward system*
- *where giving gifts other than as above, ensure that these are of insignificant*

¹⁷ See also Section 13 Social Contact

¹⁸ This includes any home or domestic settings used or frequented by the adult

It is acknowledged that there may be specific occasions when an adult working with a child or young person may consider it appropriate to give a child or young person a small personal gift if of insignificant value. This is only acceptable practice where, in line with the agreed policy, the adult has first discussed the giving of the gift and the reason for it, with the Headteacher, senior manager and the parent or carer and the action is recorded. Any gifts should be given openly and not be based on favouritism. Adults need to be aware however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or 'groom'¹⁹ a young person.

Staff should exercise care when selecting pupils for school teams, productions, trips and/or specific work tasks in order to avoid perceptions of favouritism or injustice. Similar care should be exercised when pupils are excluded from an activity. Methods of selection and exclusion should always be subject to clear, agreed criteria.

Care should also be taken to ensure that adults do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children, young people or parents wish to pass small tokens of appreciation to adults e.g. on special occasions or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

11. Infatuations

Occasionally, a child or young person may develop an infatuation with an adult who works with them. These adults should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

An adult, who becomes aware that a child or young person is developing an infatuation, should discuss this at the earliest opportunity with a Headteacher, senior manager and parent/carer so appropriate action can be taken to avoid any hurt, distress or embarrassment.

value

- *ensure that all selection processes which concern pupils are fair and that wherever practicable these are undertaken and agreed by more than one member of staff*

This means that adults should:

- *report and record any incidents or indications (verbal, written or physical) that suggest a child or young person may have developed an infatuation with a member of staff*
- *always acknowledge and maintain professional boundaries*

¹⁹ 'grooming' – the act of gaining the trust of a child so that sexual abuse can take place.

12. Communication with Pupils *(including the Use of Technology)*

In order to make best use of the many educational and social benefits of new technologies, pupils need opportunities to use and explore the digital world, using multiple devices from multiple locations. It is now recognised that that e.safety risks are posed more by behaviours and values than the technology itself.²⁰ Adults working in this area must therefore ensure that they establish safe and responsible online behaviours. This means working to local and national guidelines on acceptable user policies.²¹ These detail the way in which new and emerging technologies may and may not be used and identify the sanctions for misuse. Learning Platforms are now widely established and clear agreement by all parties about acceptable and responsible use is essential.

Communication between pupils and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs. Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny.

Adults should also be circumspect in their communications with children so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to pupils including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with senior management and parents/carers. E-mail or text communications between an adult and a child young person outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites.

Internal e-mail systems should only be used in accordance with the school/service's policy.

Further information can be obtained from <http://www.becta.org.uk/>

This means that schools/services should:

- *have in place an Acceptable Use policy (AUP)*
- *continually self-review e.safety policies in the light of new and emerging technologies*
- *have a communication policy which specifies acceptable and permissible modes of communication*

This means that adults should:

- *ensure that personal social networking sites are set at private and pupils are never listed as approved contacts*
- *never use or access social networking sites of pupils.*
- *not give their personal contact details to pupils, including their mobile telephone number*
- *only use equipment e.g. mobile phones, provided by school/service to communicate with children, making sure that parents have given permission for this form of communication to be used*
- *only make contact with children for professional reasons and in accordance with any school/service policy*
- *recognise that text messaging should only be used as part of an agreed protocol and when other forms of communication are not possible*
- *not use internet or web-based communication channels to send personal messages to a child/young person*

²⁰ AUPs in Context: Establishing safe and responsible online behaviours

²¹ www.becta.org.uk/publications/aupsincontext

13. Social Contact

Adults should not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. If a pupil or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response. There will be occasions when there are social contacts between pupils and staff, where for example the parent and teacher are part of the same social circle. These contacts however, will be easily recognised and openly acknowledged.

Nevertheless, there must be awareness on the part of those working with children and young people that some social contacts, especially where these are not common knowledge can be misconstrued as being part a grooming process. This can also apply to social contacts made through outside interests or through the staff member's own family.

It is recognised that staff can support a parent who may be in particular difficulty. Care needs to be exercised in those situations where the parent comes to depend upon the staff member for support outside their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

14. Sexual Contact

All adults should clearly understand the need to maintain appropriate boundaries in their contacts with pupils. Intimate or sexual relationships between children/young people and the adults who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

Any sexual activity between an adult and the child or young person with whom they work may be regarded as a criminal offence and will always be a matter for disciplinary action. All children and young people are protected by specific legal provisions in this respect regardless of whether the child or young person consents or not. The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Working Together to Safeguard Children'²², defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening".

This means that adults should:

- *have no secret social contact with pupils or their parents*
- *consider the appropriateness of the social contact according to their role and nature of their work*
- *always approve any planned social contact with children or parents with senior colleagues,*
- *advise senior management of any social contact they have with a child or a parent with who whom they work, which may give rise to concern*
- *report and record any situation, which may place a child at risk or which may compromise the school/service or their own professional standing*
- *be aware that the sending of personal communications such as birthday or faith cards should always be recorded and/or discussed with line manager.*
- *understand that some communications may be called into question and need to be justified.*

This means that adults should not:

- *have sexual relationships with pupils*
- *have any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact*
- *make sexual remarks to, or about, a child/young person*
- *discuss their own sexual relationships with or in the presence of pupils*

This means that adults should:

- *ensure that their relationships with pupils clearly take place within the boundaries of a respectful professional relationship*
- *take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when members of*

²² Working Together to Safeguard Children .A guide to interagency working to safeguard and promote the welfare of children HM Government 2006

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. Adults should be aware that consistently conferring inappropriate special attention and favour upon a child might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

staff are dealing with adolescent boys and girls.

15. Physical Contact

There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role.

This means that adults should:

A 'no touch' approach is impractical for most staff and will in some circumstances be inappropriate. When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. Appropriate physical contact in schools will occur most often with younger pupils.

- *be aware that even well intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described*
- *never touch a child in a way which may be considered indecent*
- *always be prepared to report and explain actions and accept that all physical contact be open to scrutiny*
- *not indulge in horseplay*
- *always encourage children, where possible, to undertake self-care tasks independently*
- *work within Health and Safety regulations*
- *be aware of cultural or religious views about touching and always be sensitive to issues of gender*
- *understand that physical contact in some circumstances can be easily misinterpreted*

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Staff should therefore, use their professional judgement at all times.

This means that schools/services should:

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible in the school's incident book and, if appropriate, a copy placed on the child's file.

- *ensure they have a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management*
- *make adults aware of relevant professional or school/service guidance in respect of physical contact with children and meeting medical needs of pupils where appropriate*
- *be explicit about what physical contact is appropriate for adults working in their setting*
- *provide staff, on a "need to know" basis, with relevant information about vulnerable pupils in their care*
- *make staff aware of most recent government guidance in respect of*

Physical contact, which occurs regularly with an individual child or young person, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. Where feasible, staff should seek the child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or feelings and – so far as is possible - use a level of contact and/or form of communication which is acceptable to the child for the minimum time necessary.

The general culture of 'limited touch' should be adapted,

where appropriate, to the individual requirements of each child. Children with special needs may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

physical contact with pupils²³ and meeting medical needs of children and young people in school²⁴

It is recognised that some children may seek inappropriate physical contact. Adults should be particularly aware of this especially when it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to some actions being misinterpreted. In all circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to sensitively deter the child and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager and the parent/carer.

16. Other Activities that require Physical Contact

Some adults who work in certain settings, for example sports, drama or outdoor activities or teach specific subjects such as PE or music, will have to initiate some physical contact with children, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child so they can perform an activity safely or prevent injury. Such activities should be carried out in accordance with existing codes of conduct, regulations and best practice.

This means that adults should:

- *treat children with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a child the reason why contact is necessary and what form that contact will take*
- *seek consent of parents where a child or young person is unable to do so because of a disability.*
- *consider alternatives, where it is anticipated that a pupil might misinterpret any such contact,*
- *be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*
- *be aware of gender, cultural or religious issues that may need to be considered prior to initiating physical contact*

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear to the parent/carer and once agreed, should be undertaken with the permission of the child/young person. Contact should be relevant to their age or understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

This means that schools/services should:

- *have up to date guidance and protocols on appropriate physical contact in place that promote safe practice and include clear*

Guidance and protocols around safe and appropriate physical contact are provided by national school/service, for example sports governing bodies or major arts school/service, or the school employing school/service and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported

²³ Section 93 of the Education and Inspections Act 2006

²⁴ Managing Medicines in schools and early years settings: DCSF/Department of Health 2005

to the senior manager and parent or carer.

It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers, pupils informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

17. Behaviour Management

All pupils have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

Adults should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards pupils is not acceptable in any situation. Any sanctions or rewards used should be part of a behaviour management policy which is widely publicised and regularly reviewed.

The use of corporal punishment is not acceptable and is unlawful in schools. Whilst there may be a legal defence for parents who physically chastise their children, this does not extend, in any circumstances, to those adults who work with or on behalf of pupils.

Where children display difficult or challenging behaviour, adults must follow the behaviour policy outlined by their school or service and use strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

Where a child has specific needs in respect of particularly challenging behaviour, a positive handling plan may be drawn up and agreed by all parties. Only in these circumstances should an adult deviate from the behaviour management policy of the school/service.

18. Use of Control and Physical Intervention

There are circumstances in which adults working with children displaying extreme behaviours can legitimately intervene by using either non-restrictive or restrictive physical interventions. This is a complex area and adults and school/service must have regard to legislation²⁵ and government guidance^{26,27} in the development and implementation of their own policies and practice.

expectations of behaviour and conduct.

- *ensure that staff are made aware of this guidance and that safe practice is continually promoted through supervision and training.*

This means that adults should:

- *not use force as a form of punishment*
- *try to defuse situations before they escalate*
- *inform parents of any behaviour management techniques used*
- *adhere to the school/service's behaviour management policy*
- *be mindful of factors which may impact upon a child or young person's behaviour e.g. bullying, abuse and where necessary take appropriate action*

This means that schools/services should:

- *have in place appropriate behaviour management policies*
- *where appropriate, develop positive handling plans in respect of an individual child or young person.*

This means that adults should:

- *adhere to the school/service's physical intervention policy*
- *always seek to defuse situations*
- *always use minimum force for the shortest period necessary*

²⁵ Education and Inspections Act 2006 (93)

²⁶ The use of force to control or restrain pupils: non statutory guidance for schools in England (DCSF 2007)

The use of physical intervention should, wherever possible, be avoided. It should only be used to manage a child or young person's behaviour if it is necessary to prevent personal injury to the child, other children or an adult, to prevent serious damage to property or in what would reasonably be regarded as exceptional circumstances. When physical intervention is used it should be undertaken in such a way that maintains the safety and dignity of all concerned

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they may cause. The minimum necessary force should be used and the techniques deployed in line with recommended policy and practice.

Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to all adults and school/service working with pupils requires that reasonable measures are taken to prevent children being harmed. The use of unwarranted physical force is likely to constitute a criminal offence.

In settings where restrictive physical interventions may need to be employed regularly, i.e. where adults are working with children with extreme behaviours associated with learning disability or autistic spectrum disorders, the employer should have a policy on the use of such intervention, as part of a wider behaviour management policy. Individual care plans, drawn up in consultation with parents/carers and where appropriate, the child, should set out the strategies and techniques to be used and those which should be avoided. Risk assessments should be carried out where it is foreseeable that restrictive physical intervention may be required.

In all cases where physical intervention is employed the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the child or young person. The parents/carers should be informed the same day.

19. Children and Young People in Distress

There may be occasions when a distressed child needs comfort and reassurance and this may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. Adults should use their professional judgement to

- *record and report as soon as possible after the event any incident where physical intervention has been used.*

This means that schools/services should:

- *have a policy on the use of physical intervention in place that complies with government guidance and legislation and describes the context in which it is appropriate to use physical intervention*
- *ensure that an effective recording system is in place which allows for incidents to be tracked and monitored*
- *ensure adults are familiar with the above*
- *ensure that staff are appropriately trained*

This means the adult should:

- *consider the way in which they offer comfort and reassurance to a distressed child and do it in an age-*

²⁷ Screening and searching pupils for weapons: guidance for school staff (DCSF 2007)

comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

Where an adult has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager and parents/carers.

- *appropriate way*
- *be circumspect in offering reassurance in one to one situations, but always record such actions in these circumstances*
- *follow professional guidance or code of practice*
- *never touch a child in a way which may be considered indecent*
- *record and report situations which may give rise to concern from either party*
- *not assume that all children seek physical comfort if they are distressed*

20. Intimate Care

Some job responsibilities necessitate intimate physical contact with children on a regular basis, for example assisting young children with toileting, providing intimate care for children with disabilities or in the provision of medical care. The nature, circumstances and context of such contact should comply with professional codes of practice or guidance and/or be part of a formally agreed plan, which is regularly reviewed. The additional vulnerabilities that may arise from a physical or learning disability should be taken into account and be recorded as part of an agreed care plan. The emotional responses of any child to intimate care should be carefully and sensitively observed, and where necessary, any concerns passed to Headteacher or senior managers and parents/carers.

This means that adults should:

- *adhere to the school/service's intimate care guidelines or code of practice*
- *make other staff aware of the task being undertaken*
- *explain to the child what is happening*
- *consult with senior managers and parents/carers where any variation from agreed procedure/care plan is necessary*
- *record the justification for any variations to the agreed procedure/care plan and share this information with parents*
- *ensure that any changes to the agreed care plan are discussed, agreed and recorded.*

All children have a right to safety, privacy and dignity when contact of a physical or intimate nature is required and depending on their abilities, age and maturity should be encouraged to act as independently as possible.

The views of the child should be actively sought, wherever possible, when drawing up and reviewing formal arrangements. As with all individual arrangements for intimate care needs, agreements between the child, parents/carers and the school/service must be negotiated and recorded.

21. Personal Care

Young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard young people and/or satisfy health and safety considerations. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for

This means that adults should:

- *avoid any physical contact when children are in a state of undress*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms announce their intention of entering*

This means that adults should not:

embarrassment.

Adults need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the pupils with whom they work.

- *change in the same place as children*
- *shower or bathe with children*
- *assist with any personal care task which a child or young person can undertake by themselves*

22. First Aid and Administration of Medication

Health and safety legislation places duties on all employers to ensure appropriate health and safety policies and equipment are in place and an appropriate person is appointed to take charge of first-aid arrangements. Any employee may volunteer to undertake this task but it is not a contractual requirement and appropriate training should be given before an individual takes on a role which may require administering first aid or medication.

Some pupils may need medication during school hours. In circumstances where children need medication regularly a health care plan should be drawn up to ensure the safety and protection of pupils and staff. With the permission of parents, children should be encouraged to self administer medication or treatment including, for example any ointment, sun cream or use of inhalers.

If a member of staff is concerned or uncertain about the amount or type of medication being given to a pupil, this should be discussed with the appropriate senior colleague at the earliest opportunity. When administering first aid, wherever possible, staff should ensure that another adult is present, or aware of the action being taken. Parents should always be informed when first aid has been administered.

There should be due regard to current guidance.^{28,29,}

This means that schools/services should:

- *ensure staff understand the extent and limitations of their role in applying basic care and hygiene tasks for minor abrasions and understand where an injury requires more experienced intervention*
- *ensure there are trained and named individuals to undertake first aid responsibilities*
- *ensure training is regularly monitored and updated*
- *always ensure that arrangements are in place to obtain parental consent for the administration of first aid or medication*

This means that adults should:

- *adhere to the school/service's policy for administering first aid or medication*
- *comply with the necessary reporting requirements*
- *make other adults aware of the task being undertaken*
- *explain to the child what is happening.*
- *always act and be seen to act in the child's best interests*
- *report and record any administration of first aid or medication*
- *have regard to any health plan which is in place*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*

23. One to One Situations

Every organisations working with or on behalf of children and young people should consider one to one situations when drawing up their policies. This includes schools and other education settings.

This means that adults should:

- *ensure that when lone working is an integral part of their role, full and appropriate risk assessments have*

²⁸ DfES/DOH Managing Medicine in Schools and Early Years Ref 1448-2005 DCL-EN March 2005

²⁹ DfES Guidance for First Aid in School 1988.

<http://www.teachernet.gov.uk/wholeschool/healthandsafety/firstaid/>

It is not realistic to state that one to one situations should never take place. It is however, appropriate to state that where there is a need, agreed with a senior manager and/or parents/carers, for an adult to be alone with a child or young person, certain procedures and explicit safeguards must be in place. Adults should be offered training and guidance in the use of any areas of the workplace which may place themselves or children in vulnerable situations.

One to one situations have the potential to make child/young person more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with pupils may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure the safety and security of pupils and the adults who work with them.

There are occasions where managers will need to undertake a risk assessment in relation to the specific nature and implications of one to one work. These assessments should take into account the individual needs of the child/young person and the individual worker and any arrangements should be reviewed on a regular basis.

Pre-arranged meetings with pupils away from the school premises should not be permitted unless approval is obtained from their parent and the Headteacher or other senior colleague with delegated authority.

24. Home Visits

All work with pupils and parents should, wherever possible, be undertaken in the school or other recognised workplace, There are however occasions, in response to urgent or specific situations where it is necessary to make one-off or regular home visits.

In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard pupils and the adults who work with them.

A risk assessment should include an evaluation of any known factors regarding the child/young person, parents and others living in the household. Risk factors such as hostility, child protection concerns, complaints or grievances can make adults more vulnerable to an allegation. Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following an assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no information is available, visits should not be made alone.

been conducted and agreed.

- *avoid meetings with a child or young person in remote, secluded areas,*
- *always inform other colleagues and/or parents/carers about the contact(s) beforehand, assessing the need to have them present or close by*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a child becomes distressed or angry to a senior colleague*
- *carefully consider the needs and circumstances of the child/children when in one to one situations*

These means that adults should:

- *agree the purpose for any home visit with senior management, unless this is an acknowledged and integral part of their role e.g. home tutors*
- *adhere to agreed risk management strategies*
- *always make detailed records including times of arrival and departure and work undertaken*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate action is taken*
- *never make a home visit outside agreed working arrangements*

This means that employers should:

- *ensure that they have home visit and*

Where a programme of work is to be undertaken in the home an appropriate works space should be provided and a written work plan/contract should be agreed with the pupil and parent. This should include: clear objectives; content; timing; and duration of sessions; ground-rules; child protection and confidentiality statements. The plan should take into account the preferences of pupil and parent. There should also be an agreement that the parent or other suitable adult will remain in the home throughout the session.

Where the situation is such that changes in agreed work arrangements are required, a quick assessment will be necessary to determine if the session can continue. The Headteacher or line manager should then be informed as soon as is practically possible. Emergency situations should be reported to the police or social care and to the Headteacher/parent as appropriate.

25. Transporting Pupils

In certain situations e.g. out of school activities, staff or volunteers may agree to transport children. A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties that may arise.

Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting as an escort. There will be occasions when adults are expected or asked to transport children as part of their duties. Adults, who are expected to use their own vehicles for transporting children should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded.

It is a legal requirement that all passengers should wear seat belts and it is the responsibility of the staff member to ensure that this requirement is met. Adults should also be aware of current legislation and adhere to the use of car seats for younger children. Where adults transport children in a vehicle which requires a specialist license/insurance e.g. PCV or LGV³⁰- staff should ensure that they have an appropriate licence and insurance to drive such a vehicle.

It is inappropriate for adults to offer lifts to a child or young person outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/carers.

There may be occasions where the child or young person

lone-working policies of which all adults are made aware. These should include arrangements for risk assessment and management

- *ensure that all visits are justified and recorded*
- *ensure that adults are not exposed to unacceptable risk*
- *ensure that adults have access to a mobile telephone and an emergency contact person*

This means that all school/service:

- *should have appropriate policies for transporting pupils*

This means that adults should:

- *ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/ or ability to drive*
- *be aware that the safety and welfare of the child is their responsibility until they are safely passed over to a parent/carers*
- *record details of the journey in accordance with agreed procedures*
- *ensure that their behaviour is appropriate at all times*
- *ensure that there are proper arrangements in place to ensure vehicle, passenger and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven*
- *ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified if questioned*

³⁰ For further information see www.dvla.gov.uk

requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

26. Educational Visits and After-School Activities

Adults should take particular care when supervising pupils on trips and outings, where the setting is less formal than the usual workplace. Adults remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries. .

Where out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Children, young people, adults and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings must pay careful attention to ensuring safe staff/child ratios and to the gender mix of staff especially on overnight stays.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual workplace.

27. Photography and Videos

Working with pupils may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well being of pupils. Informed written consent from parents or carers and agreement, where possible, from the child or young person, should always be sought before an image is taken for any purpose.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings.

It is not appropriate for adults to take photographs of children for their personal use.

This means that adults should:

- *always have another adult present in out of workplace activities, unless otherwise agreed with a senior manager*
- *undertake risk assessments in line with their school/service's policy where applicable*
- *have parental consent to the activity*
- *ensure that their behaviour remains professional at all times(see section 7)*
- *never share beds with a child/pupils.*
- *not share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with senior manager, parents and pupils*

This means that adults should:

- *be clear about the purpose of the activity and about what will happen to the images when the activity is concluded*
- *be able to justify images of children in their possession*
- *avoid making images in one to one situations or which show a single child with no surrounding context*
- *ensure the child/young person understands why the images are being taken and has agreed to the activity and that they are appropriately dressed.*
- *only use equipment provided or authorised by the school*
- *report any concerns about any inappropriate or intrusive photographs found*
- *always ensure they have parental permission to take and/or display photographs*

This means that adults should not:

- *display or distribute images of*

It is recommended that when using a photograph the following guidance should be followed:

- if the photograph is used, avoid naming the pupil
- if the pupil is named, avoid using their photograph
- schools should establish whether the image will be retained for further use
- images should be securely stored and used only by those authorised to do so.

children unless they have consent to do so from parents/carers

- *use images which may cause distress*
- *use mobile telephones or any other similar devices to take images of children*
- *take images 'in secret', or taking images in situations that may be construed as being secretive.*

28. Access to Inappropriate Images and Internet Usage

There are no circumstances that will justify adults possessing indecent images of children. Adults who access and possess links to such websites will be viewed as a significant and potential threat to children. Accessing, making and storing indecent images of children is illegal. This will lead to criminal investigation and the individual being barred from working with pupils, if proven.

This means that schools/services should

- *have clear e-safety policies in place about access to and use of the internet*
- *make guidance available to both adults and pupils about appropriate usage.*

Adults should not use equipment belonging to their school/service to access adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work with children.

This means that adults should:

- *follow their school/service's guidance on the use of IT equipment*
- *ensure that children are not exposed to unsuitable material on the internet*
- *ensure that any films or material shown to pupils are age appropriate*

Adults should ensure that pupils are not exposed to any inappropriate images or web links. School/service and adults need to ensure that internet equipment used by children have the appropriate controls with regards to access. e.g. personal passwords should be kept confidential.

Where indecent images of children or other unsuitable material are found, the police and Local Authority Designated Officer (LADO) should be immediately informed. Adults should not attempt to investigate the matter or evaluate the material themselves, as this may lead to evidence being contaminated which in itself can lead to a criminal prosecution.

29. Overnight Supervision and Examinations

There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process. In these circumstances, staff may be asked to volunteer to supervise students perhaps in their own homes.

This means that:

- *a full health and safety risk assessment should have been undertaken*
- *all members of the household should have the appropriate checks made.*
- *all arrangements should be made in partnership and agreement with the student and parents/carers*
- *arrangements involving one to one supervision should be avoided*

Most Local Authorities, professional bodies and teaching unions do not endorse this practice. Where there are no staff volunteers, the examination awarding bodies allow for alternative supervisory arrangements to be made.

- wherever possible.
- staff should have regard to any guidance that exists
- as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision
- whenever possible, independent oversight of arrangements should be made
- any situation which gives rise to complaint, disagreement or misunderstanding should be reported
- LEAs and schools should ensure that all arrangements reflect a duty of care towards pupils and staff

30. Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity and care should especially be taken in those areas of the curriculum where usual boundaries or rules are less rigorously applied, ie drama

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to pupils' questions can require careful judgement and staff may wish to take guidance in these circumstances from a senior member of staff.

Care should also be taken to abide by the governing body's required policy on sex and relationships education and the wishes of parents. Parents have the right to withdraw their children from all or part of any sex education provided (but not from the biological aspects of human growth and reproduction necessary under the science curriculum)

31. Whistle blowing

Whistle blowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. Each employer should have a clear and accessible whistle blowing policy that meets the terms of the Public Interest Disclosure Act 1998. Adults who use whistleblowing procedure should be made aware that their employment rights are protected.

Adults should acknowledge their individual responsibilities to bring matters of concern to the attention of senior

This means that adults should:

- have clear written lesson plans
- take care when encouraging pupils to use self expression, not to overstep personal and professional boundaries
- be able to justify all curriculum materials and relate these to clearly identifiable lessons plans.

This means that adults should not:

- enter into or encourage inappropriate discussions about sexual activity or any behaviours which may offend or harm others

This means that schools/services should:

- ensure they have appropriate whistle-blowing policies in place
- ensure that they have clear procedures for dealing with allegations against staff which are in line with their Local Safeguarding Children Board's procedures.

This means that adults should:

management and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

32. Sharing Concerns and Recording Incidents

Individuals should be aware of their school/service's child protection procedures, including procedures for dealing with allegations against adults. All allegations must be taken seriously and properly investigated in accordance with local procedures and statutory guidance. Adults who are the subject of allegations are advised to contact their professional association.

In the event of any allegation being made, to someone other than a manager, information should be clearly and promptly recorded and reported to a senior manager without delay.

Adults should always feel able to discuss with their line manager any difficulties or problems that may affect their relationship with pupils so that appropriate support can be provided or action can be taken.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of adults working with or on behalf of pupils.

- *report any behaviour by colleagues that raises concern regardless of source*

This means that adults:

- *should be familiar with their school/service's system for recording concerns*
- *should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the workplace*

This means that schools/services:

- *should have an effective, transparent and accessible system for recording and managing concerns raised by any individual in the workplace*

APPENDIX 1

This (Education) document has now been adapted for use by a generic audience and other versions are being developed which relate to specific disciplines/agencies.

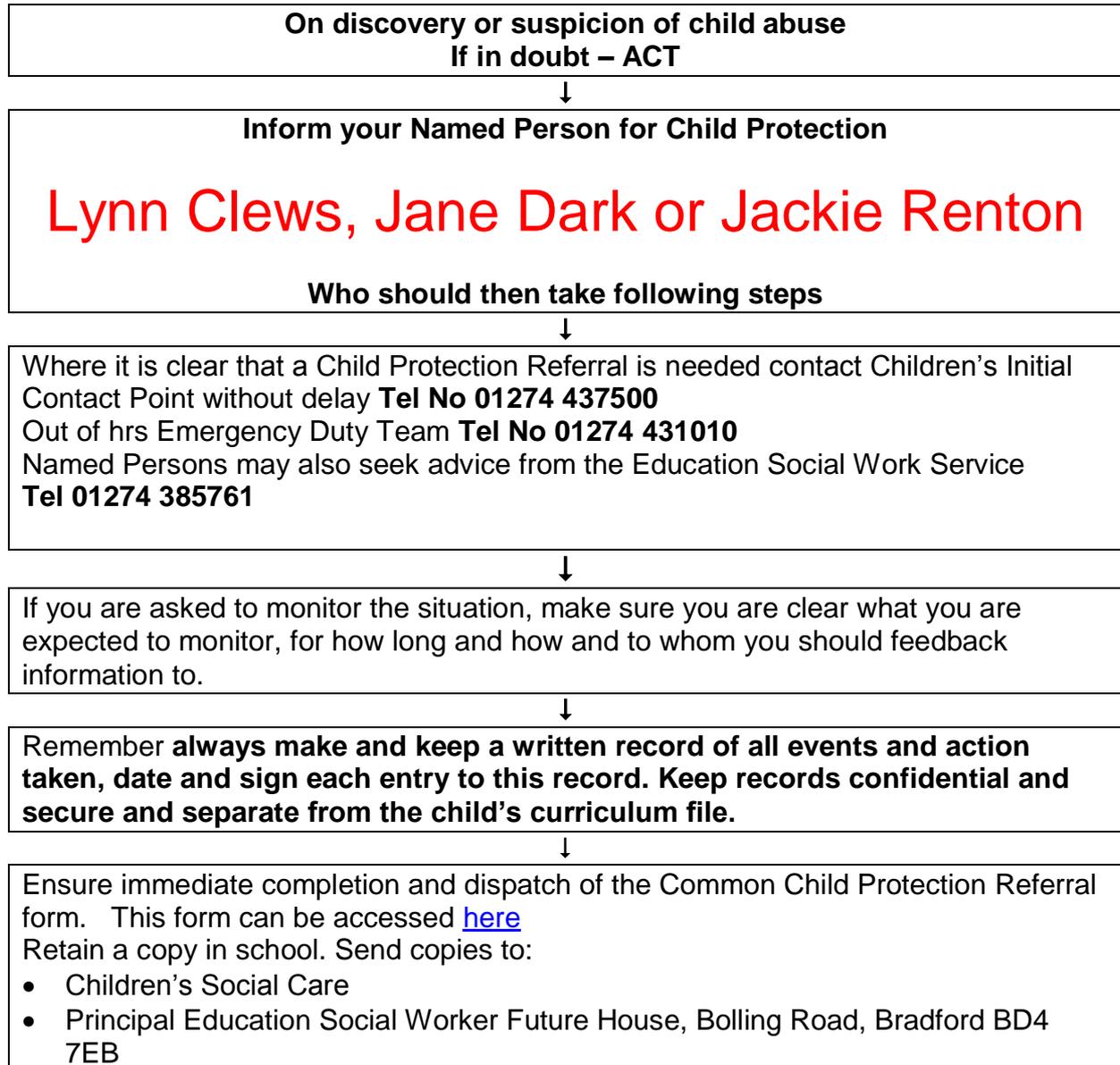


APPENDIX 2

This generic document can be used to support safer recruitment and selection practices, induction and on-going training programmes and where necessary, disciplinary and child protection procedures.



Child Protection Procedures Flow Chart December 2014



USEFUL TELEPHONE NUMBERS

Children's Social Care Initial Contact Point: 01274 437500
Emergency Duty Team: 01274 431010
Education Social Work Service: 01274 385761
Police: Javelin House, Child Protection Unit: 01274 376061

Annex 3

Managing Investigations

PACT HR

Victoria Primary School
Guidance for School Staff

October 2011

City of Bradford MDC

www.bradford.gov.uk

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1. Introduction

The Managing Investigations Toolkit aims to provide a framework which may assist School Managers to carry out a fair and consistent investigation into staff conduct or complaints. This document offers best practice guidance to school management and governors on dealing with the practicalities of carrying out investigations.

The guidance contained within this document should be used in accordance with the relevant School policy or procedure, as determined by the nature of the issue under investigation.

This guidance should be used in conjunction with the following policies;

- Disciplinary Procedure for Staff Employed in Schools
- Complaints & Grievance Procedures for Schools

This document is a practical guide to schools on undertaking investigations. Managers are strongly advised to contact Human Resources prior to undertaking an investigation; Human Resources are available to advise the investigating officer (Headteacher, Deputy Headteacher, Assistant Headteacher or Governors) at all stages of the process.

When should an investigation be conducted?

An investigation may be required in the following circumstances;

- Allegations of misconduct (including child protection allegations)
- Allegations of bullying / harassment / discrimination
- Dealing with employee complaints e.g. complaints regarding perceived unfair treatment

If there is an occasion when an employee's conduct has the potential to lead to a disciplinary hearing it is most important that a full and fair investigation is undertaken that is consistent with the guidance that is provided within this document.

Examples of Misconduct

The following are examples of misconduct. The list is not exhaustive:

- Unauthorised absence
- Negligence
- Inadequate standards of work caused by carelessness
- Careless damage to or wastage of school property and/or equipment
- Failure to carry out reasonable instructions
- Insubordination
- Improper behaviour or conduct
- Disregard of safety instructions
- Aggressive behaviour
- Timekeeping offences
- Improper disclosure of confidential information
- Smoking in prohibited areas
- Harassment and/or bullying
- Breach of the School's guidelines on e-mail/internet use
- Breach of the School's approach to equality

- Conduct which contravenes school policy or procedure

Examples of Gross Misconduct

Gross Misconduct is generally seen as misconduct serious enough to destroy the employment relationship between the employer and the employee and make any further trust and confidence and future working relationships impossible.

The following list provides some examples of actions which may constitute gross misconduct:

- Theft of school, staff or public property
- Fraud and/or deliberate falsification of records
- Deliberate damage to or neglect of school property and/or equipment
- Gross insubordination
- Serious harassment, bullying, discrimination and/or intimidation
- Physical violence
- Actions which risks bringing the school into disrepute
- Incapability whilst on duty brought on by alcohol or drugs
- Conduct at work likely to offend decency, including improper relationship with students
- Gross negligence which causes or might cause unacceptable loss, damage or injury
- Serious infringement of health and safety procedures
- Serious breach of confidence e.g. disclosure of confidential information and breach of data protection requirements.
- Criminal activities outside work where such conduct is incompatible with the individual's employment
- Matters/conduct relating to child protection
- Sexual Misconduct
- Refusal to follow a reasonable instruction

When to consider informal or formal action

Consideration should always be given to whether it is appropriate to deal with a matter formally or informally (and the process to be followed).

If you are concerned that the allegation may be serious or you are uncertain as to whether initially to tackle the matter informally or formally, you are strongly advised to contact Human Resources before any action is taken to decide the most appropriate method of dealing with the matter.

Human Resources will discuss options with the manager, potential outcomes and mechanisms for dealing with the matter. Human Resources will also suggest any other sources of advice and support. The decision on how to proceed will ultimately rest with school management.

For guidance on dealing with complaints and allegations informally, please refer to the appropriate School Procedure.

NB. If the matter relates to Child Protection the Behaviour Support Service Manager must be contacted for advice before any action is taken.

Child Protection Allegations

In the event of an allegation of a child protection nature a basic fact finding exercise may be required to establish the initial details, however, it is most important that you contact Human Resources as well as one of the colleagues below, before commencing a full investigation.

Jennie Sadowskyj – Behaviour Support Service Manager
01274 385617 – 07730544800
jennie.sadowskyji@bradford.gov.uk

Jenni Whitehead – Lead Officer for Child Protection
01274 385726 – 07730544810
Jenni.whitehead@bradford.gov.uk

2. Suspension

Who can suspend / lift suspension?

In cases where suspension is considered, please contact Human Resources for advice.

Headteachers

- Head teachers can suspend any member of staff employed or engaged at the school
- If suspension occurs, the governing body must be immediately informed
- Head teachers do not have the power to lift suspensions, this must be done by the governing body

Governors

- The governing body can suspend / or lift the suspension of any member of staff employed or engaged at the school, including the Headteacher
- If suspension occurs, the governing body must inform the Headteacher (in these circumstances this function would either be carried out by the Chair of Governors or a delegated governor). Suspension should not be discussed at full governing body level, in order to avoid the impartiality of governors that may be required to consider matters at a later stage

When suspension may be appropriate

Suspension is a neutral act, not a disciplinary sanction and the employee will receive normal pay. However, suspension may be considered at any stage of the process.

Suspension may be appropriate in the following circumstances;

- When a child(ren) is/are at risk
- Where the allegation is so serious that dismissal for gross misconduct is possible
- Where suspension is necessary to allow the conduct of the investigation to proceed unimpeded
- Where the Police are involved in a criminal investigation or are likely to be

Where the police are involved, management must consult with the Police Officer in charge prior to suspension being considered. In these circumstances please contact Human Resources.

Alternatives to Suspension

Suspension can in some cases be a traumatic experience for all parties involved. The member of staff, whom the allegation is against, should not automatically be suspended and alternatives to suspension can be considered, these may include;

- Paid leave of absence or Mutual agreement to refrain from work (known as Garden Leave). This should only be considered as a short term arrangement while further information is being gathered.
- Alternative duties/locations
- Removal from contact with child(ren) that may be involved in the investigation

In the case where issues relate to a child protection matter, please consult with the appropriate Child Protection Officer, prior to making a decision regarding suspension.

In the case where immediate referral to the Behaviour Support Service Manager is accompanied by consideration of disciplinary procedures, suspension may or may not be appropriate. The Headteacher or Chair of Governors should consult with the Behaviour Support Service Manager and consider any recommendation which may be made by the child protection agency/Police or strategy meeting before a decision to suspend is taken.

Process for suspension

Meet the member of staff

- A meeting with the member of staff should normally be undertaken outside pupil contact time³¹ and as soon as possible in a discreet location.
- Where suspension is being considered, the employee should be advised that they may seek advice from his or her trade union representative
- The employee may be accompanied by a work colleague not involved in the matter or a trade union representative. Where a trade union representative is not available to attend the meeting, the member of staff may be suspended and then given the opportunity to make representations while accompanied by their trade union representative at a later date.
- The Headteacher / Governors conducting the meeting, will in most cases, be accompanied by a member of Human Resources

At the meeting

- The member of staff should be informed that at the conclusion of the meeting, they may be suspended
- Explain that the meeting is not a formal disciplinary hearing but is for the purpose of raising a serious matter which may lead to suspension and further investigation

³¹ In accordance with the relevant ACAS Code of Practice, where the person is a trade union or safety representative, the interview should not be arranged without prior discussion with the relevant branch secretary or a full-time official of the trade union concerned. From the outset it should be established that the action being taken is not an attack on the functions of a trade union.

- The member of staff should be given information regarding the allegation(s) and the reasons for any proposed suspension
- The employee may make representations regarding the consideration of suspension
- Management may also want to give consideration to alternatives to suspension
- A brief adjournment should be offered to the member of staff prior to management's response
- If suspension is considered necessary, the individual should be advised that he or she is suspended from duty with immediate effect and should also be informed of the reasons for and the terms of their suspension
- Advise the employee that access to ICT systems & other relevant equipment will be immediately removed for the duration of the suspension
- Written confirmation of the suspension may be given at the end of the meeting or otherwise provided as soon as possible (normally within one working day, see Appendix 1)

In cases where suspension occurs, contact with the employee should be maintained and the suspension reviewed monthly.

Support for Staff during the Period of Suspension

According to the needs and wishes of the member of staff to be kept informed, an appropriate senior member of staff may provide information about developments in the life of the school. The suspended member of staff will also be given the name of a Human Resources Representative as a contact. The role of the contact person is to provide information with regards to the progress of the investigation.

Social contact with colleagues and friends at the school should not be precluded except where it is likely to be prejudicial to child protection enquiries, criminal investigations or disciplinary processes.

In some cases, it may be appropriate to ask whether welfare counselling or the support of the Employee Health & Wellbeing Unit (or the schools Occupational Health provider), would be helpful, or to respond to a request for such further support.

Confidentiality

Where a parent has made the allegation they may be confidentially informed of the suspension and any developments where it is necessary to provide reassurance. The reasons given should be agreed between the concerned employee, their representation and the Headteacher.

Senior teachers in the school who need to know of the reason for the suspension should be informed as far as is necessary. The Headteacher/Chair of Governors should take a decision on informing other staff colleagues in the school of the suspension, however, the number of people informed of the suspension should be kept to a minimum.

In certain circumstances, e.g. child protection investigations, it may be necessary for the Head teacher (in consultation with the Chair of Governors) to provide immediate reassurance to parents and children in the school and there may be a need for information to continue to be provided during the course of an investigation to parents, children and other colleagues.

Guidance should be sought from the Lead Officer for Child Protection or, where relevant and appropriate, from Social Services or the Police.

3. The Investigation

Who Should Investigate?

- When it is decided that a formal investigation is appropriate school management or governors should determine who will be the investigating officer. If it is likely that the investigation may result in a disciplinary or grievance hearing, where the Headteacher may hear the case, It is advisable that an alternative member of the senior leadership team or an external investigator is commissioned in order to conduct the investigation
- If it is likely that the investigation may result in a disciplinary or grievance hearing, where the governors may hear the case, it is advisable that the Head teacher, an alternative member of the senior leadership team or an external investigator is commissioned in order to conduct the investigation.
- If a hearing is required and there is no alternative the Headteacher can investigate and present the case to themselves at a hearing. Whilst it is not recommended that the Head teacher undertake this dual role, this would be a pragmatic approach in the circumstances. Please contact Human Resources before making a decision.
- If the Headteacher or senior member of staff is a key witness, or has knowledge which could be seen to prejudice the investigation, it is not recommended that they conduct the investigation, present the case at a hearing or hear the case. (Please contact Human Resources for further advice).

External Investigators

The school may also contact Human Resources with a view to commissioning an external investigator. If an external investigator is commissioned, he/she will report to the nominated governor/s that will retain responsibility for the case. This is outside the agreed SLA's and will be at an additional cost to the school.

The Investigator should liaise with the Human Resources for advice on procedural matters and to keep the Human Resources apprised of developments in the case.

The final report shall be the joint property of Bradford MDC and the Governing Body of the school. (Please see appendix 3 for the protocol for external investigators)

How to conduct the Investigation

Principles of conducting an investigation

- The investigation should be free from bias and meet the requirements of natural justice. All concerns should be put to the employee and they should be allowed to respond
- At all stages of the process, confidentiality must be maintained by all parties
- A timescale should be provided at the beginning of the investigation to all parties concerned and every effort should be made to achieve this. However, if this is not possible, all parties should be informed and given reasons why
- All parties have the right to be accompanied by a trade union representative or work colleague not involved in the case throughout the investigation process

Meet the Member of Staff

The investigating officer will meet the member of staff whom the allegation/complaint is against (with their Trade Union Representative or a work colleague should they wish) and explain that this is a formal investigation. The member of staff will be given information about the allegation/complaint (verbally and in writing) and the procedure to be followed will be explained. The information to be given in sufficient detail for the member of staff to understand the overall matter of concern.

Before commencing the investigation

- Identify details of the precise issue to be investigated, e.g. details of allegations/complaint made etc.
- Suggested methodology for conducting investigations, e.g. identification of initial witnesses, copies of policy being breached etc.
- Under which school policy or procedure the investigation is being conducted under
- Clarify what purpose and by whom any Investigation Report will be used.

Investigation Interviews

Preparation for the investigation interviews

The Investigating Officer should:

- Ensure that enough time has been set aside to hold the interview confidentially, in a private room that is available without any interruptions.
- Ensure that all necessary information is available during the course of the meeting. e.g. copies of policies / procedures etc.
- Prepare a list or structure of challenging questions in relation to the alleged incident / allegation
- Ensure that an appropriate person is available to take detailed notes of the meeting, for use within the investigation process / report where appropriate.

All staff interviewed as part of the investigation are entitled to be accompanied by a trade union representative or a work colleague (who is not involved in the matter). The employee should be written to stating the date/time and venue, the purpose of the meeting and the right to be accompanied.

Conducting the Investigation Interviews

Where possible the interviews should be conducted in the following suggested order;

- The person raising the allegation/complaint should be interviewed first
- Witnesses should be interviewed one at a time. There may be a need to re-interview witnesses during the investigation process. Additional witnesses may be identified during the investigation and must also be interviewed.
- The person whom the allegation/complaint is against should be interviewed last
- Care should be taken to avoid any opportunity for collusion

When interviewing children that may be involved as witnesses please refer to Human Resources for advice.

The structure of the investigation interview

- Explain the context of the interview and the member of staff's right to representation.
- For what purpose the meeting notes and subsequent record of interviews will be used

- How and when the interviewee will be able to check the notes /record of interviews
- Reiterate the importance of confidentiality.

The interview itself is to ascertain facts and there may be times when a series of specific questions requiring specific answers may need to be put to interviewees. Fair, open and challenging questions may be used to probe answers to establish the facts. The interviewer should avoid any speculation or opinion.

Introductions & Greetings

To the person making the allegation, witnesses (or others with information) explain;

- *The procedure to the interviewee and try to put them at their ease.*
- *Their right to be accompanied by a trade union representative*
- This is part of a formal process, their evidence may be used if the matter proceeds to a hearing and they may have to be called as a witness
- They will be given a copy of their final record of interview
- The member of staff will have the right to know who is making the allegation/complaint (or providing information about the matter).The member of staff will also receive a copy of the record of interview should the matter proceed to a hearing
- This matter is strictly confidential and must not be discussed at any stage. Reassure the interviewee that management will also strictly maintain confidentiality.
- This should appear in the record of interview

Taking a record of interview from the member of staff

Explain that:

- **This is part of a formal process**
- **They have a right to representation**
- **The allegations/complaint against them may proceed to a disciplinary hearing, and the potential outcomes.**
- They will be given a copy of their final record of interview

Questioning

- Use open questions (who, what, why, when, how etc)
- Use closed questions in order to clarify points. Leading questions should not be used when interviewing witnesses
- Discuss and enquire into any additional information for clarification
- Ensure that specific examples are provided when unsubstantiated descriptions are given, i.e. 'bullying' or inappropriate behaviour' etc
- Where physical force is alleged to have been used then the degree of force used should be clarified
- Once questioning is complete, re-cap and clarify main points of discussion, ensuring that the notes taken are accurate and answer any appropriate questions or concerns raised

Closing Statement

- Explain the next steps, confirming how / when the record of interview is to be prepared and verified and when the investigation is expected to be completed.

- Ensure that contact details of the Investigating Officer are provided, and ensure confidentiality is fully understood.

At the end of the investigation interview the Investigating Officer should have obtained from each witness:

- The names of those present or involved
- Date / time / place of the alleged incident / allegation
- Details of what took place, and the order in which they happened
- How the individual reacts to any other documents or witness evidence which is inconsistent with their account
- The steps taken since the alleged incident / allegation, including any steps taken to resolve the matter
- Their preferred outcome (in cases of complaint)

Records of Interviews

- Any notes taken during the investigation interviews should be typed, checked and signed by the interviewee. The record of interview should record the facts, written (within reason) in the language used by the interviewee following the train of events. (For a template record of interview please see Appendix 6)
- If there is any ambiguity or gap in the account these should be clarified with the interviewee
- The interviewee must be given the opportunity to review the statement and must only sign to confirm it as a true and accurate version of events
- Once the record of interview is typed the employee should be allowed sufficient time to read it through, make any amendments/additions as necessary and sign and date the record at the bottom of each page. Any amendments should be initialled. Where possible it is advised that the record is typed and signed as soon as the interview has been completed.
- Where records of interviews cannot be taken the Investigating officer may ask the interviewee to provide a written statement which can be prepared with their Trade Union representative. In these cases the statement should be checked by the Investigating officer and included in the Investigation Report. In these circumstances please contact Human Resources

Evaluating the Evidence

All of the relevant evidence gathered during the investigation should be reviewed and collated for use within the Investigation Report (For a template investigation report, please see appendix 7). This should include;

- Any record of interviews
- Notes from investigation interviews
- Relevant policies & procedures
- Evidence of custom and practice etc.

This evidence should be evaluated, particularly where there are contradictions or conflicts which the Investigating Officer must consider. In evaluating evidence, each case should be judged on its merits; however, the following points should be considered;

- Direct witness evidence will usually be stronger than indirect information relating to the incident / allegation
- Evidence which is inconsistent with documents produced at the time is questionable

- Evidence which is vague, is unsubstantiated opinion or hearsay, omits significant details or contains inherent contradictions is questionable
- Anonymous evidence should be reviewed with caution as it is often difficult to substantiate
- Consideration should be given to any bias, motivation or influence individual witnesses may have
- Where possible the factual accuracy of points raised in records of interviews should be verified by the investigating officer if they are material to the allegations/complaints

It is important to remember that in reviewing the evidence and recommending appropriate courses of action, the Investigating Officer only has to show they have a **reasonable belief** of what happened based on their assessment of the evidence. Unlike a legal case there is no requirement to prove a case 'beyond reasonable doubt'.