



Doncaster
Metropolitan Borough Council



Dealing with allegations of abuse against all staff working with children in education policy

(Including any allegations made by young people and staff against governors, volunteers, parents, contractors working in educational establishments)

“Thinking the Unthinkable”

POLICY AND PROCEDURE

Author:	DSCB Education Sub Group Policies and procedures task group
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Introduction

All staff employed by Saltersgate Junior School have a duty to report any concern they may have about the behaviour of a colleague, or any allegation of abuse they may receive, to the relevant member of staff who will be required to consider the concern and take appropriate action.

Employer's should:

- Put in place and operate arrangements for handling allegations in accordance with these procedures;*
- Identify a senior manager to whom allegations or concerns should be reported, and a deputy in his/her absence or if he/she is the subject of the allegation.*

DSCB Section 2.3 Section 1.5 Procedure for Allegations Against Staff, Carers and Volunteers

Any allegations of abuse, neglect or exploitation will be reported immediately – within 24 hours to the LADO and the School will take part fully in any investigation of inappropriate behaviour, as directed by the LADO. Contact 01302 737748 9.00 am – 5.00 pm. Outside hours contact the emergency social services team ESST on 01302 796000, please note this service has no LADO facility but will follow up any concerns with the LADO following *Working Together 2013*.

If you have any doubt relating to any of the procedures please contact the Doncaster Local Authority Designated Officer (LADO) on 01302 737748/737332.

Any recommendations for policy changes to be forwarded by email to sarah.stokoe@doncaster.gov.uk

Saltersgate Junior School
Designated Safeguarding Persons

Headteacher: Mrs M Oxe
Governor: Mrs A Haywood (Chair)

Table of Contents	Page Number
Purpose and Principles	4
Scope	4
Introduction	5
Key Definitions and Concepts	7
General Principles	8
Prevention	9
Concerns	9
Types of Allegation	11
Doncaster Procedures	13
Social Media Management	13
Appendix 1	
DSCB Education Task and Finish Group Allegations of Abuse Against Staff Factsheet	
Appendix 2	
Doncaster LADO Process Referral and Flow Chart	
Appendix 3	
LA/DSCB Model Code of Conduct for Staff	

POLICY

1 Purposes and Principles

Saltersgate Junior School strives to ensure that all its pupils in education settings remain safe and free from harm and is committed to playing a full and active part in the multi-agency response to child protection concerns. The purpose of this document is to ensure that all staff including staff working with children are aware of the conduct and behaviour expected of them. It outlines the potential circumstances in which an allegation of abuse may be made against them. It gives guidance to assist staff who may be subject to an allegation of abuse, to enable them to understand the process that will be followed, and to give them access to appropriate support and guidance. It also outlines what staff should do if they receive an allegation about another member of staff, or if they themselves have concerns about the behaviour of any staff working with children.

This policy is cross referenced within:

- Saltersgate Junior School Safeguarding Children and Young People Policy based on the approved Doncaster Safeguarding Childrens Board (DSCB) model policy September 2013*
- Saltersgate Junior School Code of Conduct for Staff Working with Children based on the DSCB approved version June 2013*
- Whistleblowing Policy
- Equalities, Inclusion and Diversity Policy
- Health and Safety
- Safer Recruitment Policy
- Safeguarding Induction for new staff
- School Disciplinary Policy
- E-safety Policy / Social Media Guidance
- Complaints Procedure
- Record Keeping
- Positive Handling Policy

*available from [doncastersafeguardingchildrensboard education](http://doncastersafeguardingchildrensboard.education) link or [doncaster.gov.uk education safeguarding new safe and sound](http://doncaster.gov.uk/education/safeguarding/new-safe-and-sound/) folder.

2 Scope

The policy and procedures apply to all full and part time employees working in any capacity paid or voluntary in Saltersgate Junior School, including those

employed on temporary or fixed-term contracts. Governors, volunteers and contractors who offer their services to the school will be made aware of the fact sheet (Appendix 1).

Disciplinary Policy and Procedures will apply only after consultation with LADO and HR (Flow Chart Appendix 2).

All staff are reminded of the DSCB approved code of conduct for staff on a regular basis (Appendix 3) and safer working practice.

This policy and procedures document will be reviewed annually and may be amended from time to time. Should any deficiencies or weaknesses in child protection and/or other safeguarding the welfare of children arrangements become apparent, these will be remedied without delay.

3 Introduction

The duties imposed by section 175 of the Education Act 2002, (and section 157 in respect of independent schools), along with The Education (Independent Schools Standards) (England) Regulations 2010, as amended in January 2013), make explicit the responsibility of proprietors to safeguard and promote the welfare of children as part of their common law duty of care towards the children for whom the school is responsible. They also prohibit the administration of corporal punishment to a pupil during any activity, whether or not within the School's premises and the responsibility for making sure arrangements are in place, in accordance with the guidance given by the Secretary of State, lies with the Governors.

Saltergate Junior School has a duty to address, and to deal appropriately, with any allegation of abuse made against a teacher or other member of staff, Governor, volunteer or contractor. The framework for managing cases of allegations of abuse against people who work with children is outlined in the DfE Guidance document "Dealing with Allegations of Abuse against Teachers and Other Staff" 2012 and in the document entitled "Working Together to Safeguard Children" (DCSF March 2013), specifically Appendix 5.

The education establishment has adopted the detailed procedures provided, and will apply them fairly and consistently, should the need arise. In some circumstances elements of the process will require the education establishment to work and co-operate with other agencies, specifically the Children's Multi-Agency Referral and Assessment Service (CMARAS) / the Local Authority Designated Teacher (LADO) Human Resources and the Police, in order to safeguard and promote the welfare of the children, and Saltergate Junior School is committed to do this by open and honest communication.

This policy and procedure relates to any complaint or allegation about the behaviour of a member of staff, Governor, volunteer, or contractor, towards a pupil or other child who comes to the School. It also makes specific reference to how the School will manage cases of allegations which may indicate that a person is unsuitable to continue working with children in their present position,

or in any capacity. It will be used in respect of all cases in which it is alleged that a teacher, member of Saltersgate Junior School, Governor, volunteer, or contractor has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child, or
- behaved towards a child or children in a way that indicates they are unsuitable to work with children or in relation to teachers and staff (including volunteers) in a school would pose a risk of harm if they work regularly or closely with children.

(This amendment arises as a result of the DfE statutory guidance 'Dealing with Allegations of Abuse Against Teachers and Other Staff', which was published in August 2012).

This policy document and related procedures are underpinned by

- "Safeguarding Children and Safer Recruitment in Education" (DCSF January 2007) * Please note you are advised to check the DfE for the most recent changes.
<http://media.education.gov.uk/assets/files/pdf/s/safeguarding%20children%20and%20safer%20recruitment%20in%20education.pdf>
- Dealing with allegations of abuse against teachers and other staff 2012 (DfE)
<http://media.education.gov.uk/assets/files/pdf/d/dealing%20with%20allegations%20of%20abuse%20october%202012.pdf>
- This is statutory guidance from the Department for Education. This means recipients must have regard to it when carrying out duties relating to handling allegations of abuse against teachers and other staff.

Working Together to Safeguard Children

<http://www.education.gov.uk/aboutdfe/statutory/g00213160/working-together-to-safeguard-children>

The South Yorkshire Child Protection / Doncaster Safeguarding Children's Board local procedures – updated every 72 hours.

http://doncasterscb.proceduresonline.com/chapters/p_alleg_staff_vols.html

- Doncaster Safeguarding Children's Board – Safer Working Practice Guidance.

[http://doncasterscb.proceduresonline.com/pdfs/safe_wp.pdf#search="safer working practice"](http://doncasterscb.proceduresonline.com/pdfs/safe_wp.pdf#search=)

The following legislation applies to this policy.

- The Children Acts 1989 & 2004
- Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector)
- Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010
- The Children Act 2004
- Section 11 of the Children Act 2004 (other agencies); and
- Sections 141F, 141G and 141H3 of the Education Act 2002

Key Definitions and Concepts

4.1 Child

In this document, as in the Children Acts 1989 and 2004, a child is anyone who has not reached their 18th birthday. The commitment to safeguarding and promoting the welfare of children however extends to all children who visit***

4.2 Child Protection

Is one part of safeguarding and promoting the welfare of children and refers to the activity that is undertaken to protect children who are suffering, or at risk of suffering, significant harm.

4.3 Significant Harm

This is defined within The Children Act at Section 31(9) and (10) as set out below:

Section 31 (9)

- “harm” means ill-treatment or the impairment of health or development;
- “development” means physical, intellectual, emotional, social or behavioural development;
- “health” means physical or mental health; and
- “ill-treatment” includes sexual abuse and forms of ill-treatment which are not physical.

Section 31 (10)

Where the question of whether harm suffered by a child is significant in terms of the child’s health or development, his/her health or development shall be compared with that which could reasonably be expected of a similar child.

Section 120 of the Adoption and Children Act added the following:

- Including for example impairment suffered from seeing or hearing the ill treatment of another.

The interpretation will depend largely on professional judgement, based on the known facts. It can include inappropriate touching, an assault, or a series

of compounding events e.g. bullying. Other factors to be considered include the age and vulnerability of the child, the degree of force used, the frequency of the harm, the nature of the harm in terms of ill treatment, and the impact on the child's health and development.

4.4 Dealing with allegations of abuse against all staff:

General Principles

- The child's welfare is paramount.
- Staff should adhere to the LA model code of conduct at all times and act within professional boundaries (Appendix 3).
- All children have an absolute right to protection from abuse, neglect or exploitation.
- All members of Saltersgate Junior School have a responsibility to be mindful of issues related to children's safety and welfare and a **duty to report and refer** any concerns however "minor" they appear to be.
- The duty to report will apply irrespective of whether the harm or abuse or allegation relating to any person inflicting harm or abuse to a child occurs on the premises or elsewhere.
- Managing allegations is about taking a purely objective stance, even if the allegation is about a colleague.
- Saltersgate Junior School will be proactive and take positive steps to inform staff of the conduct and behaviour expected, and about what to do to safeguard themselves against allegations of abuse.
- A member of staff against whom an allegation has been made will not be suspended automatically, until careful consideration has been given to the circumstances following LADO and HR advice.
- LADO will be consulted in all cases (See flow chart Appendix 1).
- Saltersgate Junior School will have in place systems that deter possible abusers and will manage fairly, quickly and consistently any allegations of abuse made against staff.
- Parents or carers of the child or children involved will be told about the allegation subject to LADO advice as soon as possible if they do not already know of it.
- The Headteacher or Chair, where appropriate / providing the allegation is not about them will subject to LADO / HR advice keep the person who is the subject of the allegation/s informed of the progress of the case and consider what other support may be appropriate for the individual.

- Every effort will be made to maintain confidentiality and guard against publicity whilst an allegation is being investigated/considered.

PROCEDURES

5 Procedures and Guidelines for Managing Allegations of Abuse

5.1 Prevention

A Doncaster education establishment takes seriously its duty to protect its staff and is proactive in seeking to prevent teachers and other staff behaving in a way that could result in an allegation of abuse or neglect against a child or children. It does this in a number of ways:

- Through stringent Department for Education, Disclosure and Baring Service and Ofsted safeguarding / safer recruitment procedures during any recruitment exercise to eliminate any possible risk posed to children
- Through the creation of an open culture which respects all individuals' rights and discourages bullying and discrimination of all kinds
- By ensuring members of staff receive information and training to equip them with the knowledge and understanding of the categories of abuse, giving examples of actions that may give rise to an allegation of abuse
- By informing staff of the child's right to be free from harm and encouraging staff to talk to their Line Manager if they have any concerns about colleagues or others
- Through an on-going programme of professional development and support, in relation to safe practice, classroom management, behaviour management and physical intervention

Saltersgate Junior School ensures that these procedures are followed during all after school activities, holiday clubs and anyone else using the education establishment's premises for any purpose involving children and young people.

This policy refers to Head teacher but other educational establishments may refer to this role as designated safeguarding person. In education the named Designated Safeguarding Person is usually the Headteacher. The setting is advised to ensure the named person who manages allegations against staff is made clear to all staff, students and parents. This role must be the head of the provision/ a senior role.

Allegations or concerns of serious harm or abuse by any person living, working, or looking after children, whether the allegations relate to harm or abuse committed at the School, Early Years setting or elsewhere will be reported immediately to LADO.

5.2 Concerns

All staff employed or acting in a voluntary capacity at Saltersgate Junior School have a duty to report any concerns they may have about the behaviour of a colleague, or any allegations of abuse they may receive, to the Designated Safeguarding Person who will be required to consider the

allegation and take appropriate action. In the first instance this would be the Headteacher (Designated Safeguarding Person). If absent the Deputy Designated Safeguarding Person. Unless the allegation is against them. At this stage LADO would be contacted. If an allegation is made against the Headteacher the member of staff receiving the allegation has a duty to refer this to the chair of Governors who will discuss the allegation with the LADO. The referrer and the Chair of Governor must not inform the Headteacher. If the allegation links to Chair of Governor and Headteacher/(DSP) the staff receiving the allegation must inform LADO immediately and again no details discussed with the person the allegation relates to. In all cases details of the allegations remain confidential and will not be discussed with anyone other than LADO.

Allegations or concerns may arise in a number of ways and the procedure to follow is outlined below.

The recipient of the report of an allegation will not investigate the alleged incident by interviewing those directly involved or any witnesses. They will simply establish:

- That an allegation has been made
- The general nature of the allegation
- When and where the incident is alleged to have occurred
- Who was involved
- Any other persons present

Schools must not undertake their own investigations of allegations without prior consultation with the LADO (Local Areas Designated Officer) or, in the most serious cases, the police, so as not to jeopardise statutory investigations. An initial assessment discussion will take place with whoever has the information regarding the concern), and the nominated person from the Local Authority (LADO).

The LADO working with other professionals will advise the school on the action to take to safeguard children and also to safeguard the member of staff / alleged perpetrator. This will involve a strategy discussion. (Appendix 2).

Doncaster Safeguarding Childrens Board Procedures

http://doncasterscb.proceduresonline.com/chapters/p_alleg_staff_vols.html.

Following South Yorkshire – Tri-ax procedures the person to whom an allegation or concern is reported **should not question** the child or investigate the matter further and should pass on details to the Headteacher/DSP. All staff receiving any allegations must:

- Treat the matter seriously
- Avoid asking leading questions and keep an open mind;
- Communicate with the child (if the complainant) in a way that is appropriate to the child's age, understanding and preferred language or communication style;
- Make a written record of the information (where possible in the child's own words), including:

- When the alleged incident took place (time and date);
 - Who was present;
 - What was said to have happened.
- Sign and date the written record;

(Section 4 DSCB Responding to a Complaint or an Allegation made to an Employer. Section 1.5 Procedure for Allegations Against Staff, Carers and Volunteers 6. Initial Action by the Designated Senior Manager).

The Designated Safeguarding Person / Head teacher **should not investigate** the matter by interviewing the accused person, the child or potential witnesses, LADO will advise on any action but may:

- Obtain written details of the allegation, signed and dated by the person receiving the complaint, or allegation (not the child/person making the allegation);
- Countersign and date the written details;
- Record any other information about times dates and location of incident(s) and names of any potential witnesses;
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

If the allegation meets any of the criteria the designated senior manager should report it to the LADO within 1 working day. The education establishment needs to make sure they are in possession of all relevant information. LADO will use definitions to determine the outcome of allegations.

The LADO and Designated Safeguarding Person should:

- Establish that the allegation is within the scope of these procedures;
- Verify whether there is evidence or information that establishes that the allegation is false or unfounded;
- Consider whether further details are needed.

The LADO will notify the Employer/Designated Manager of reports made via the Police and Children's Social Care. The allegation will be investigated (Appendix 2).

5.3 How concerns may come to notice

Concerns may be raised in a number of ways:

- Direct disclosure by the child
- Indirect disclosure e.g. through written work, art work or through friends
- Complaint from a parent or carer to a member of school staff, Children's Social Care office, or Police
- Reports by other colleagues or agencies
- Anonymously
- Via CEOP, NSPCC or other social media sites
- Complaints
- Whistleblowing policy

6 Types of Allegation

Staff are expected to familiarise themselves with the types of allegation of abuse that may be made against them and the examples of actions that may be interpreted as abusive. Ill treatment is an implicit element in all forms of abuse and it provides a measure, within the context of “significant harm” and alleged crime, for establishing a threshold for referral to CMARAS, the LADO, HR and/or the Police.

The following are examples of actions that may be interpreted as abusive. The list is not exhaustive and serves only as a guide. Many of these constitute a criminal offence, some do not, and some may not reach a threshold of significant harm. The designated safeguarding person alongside LADO/HR will consider whether, if any of these actions occur, the individual concerned has breached the code of professional conduct (Appendix 3).

6.1 Physical Abuse

- Physical attack of any form
- Giving of drugs including alcohol
- Excessive training in sport
- Or otherwise causing physical harm to a child

6.2 Sexual Abuse

- Inappropriate sexual acts by males or females
- Showing or taking part in any production of pornographic material or acts
- Inappropriate use of cameras and/or mobile phones, transferring, downloading, sending/receiving images/texts of a sexual nature
- Inappropriate touching

6.3 Emotional Abuse

- Constant threatening behaviour
- Repeated overprotection/control
- Unrealistic pressure to perform to high expectations
- Exposure to violence to other(s) within the child’s household
- Criticising or blaming a child unreasonably
- Ridiculing or mocking a child. This includes against race, religion, beliefs, sexual orientation.
- Denying a child opportunities to gain new experiences
- Denying a child the opportunity to fulfil intellectual development

6.4 Neglect

- Persistent failure to meet a child's basic needs, including food, sleep, clothes including emotional needs
- Failure to protect from harm
- Failure in ensuring access to medical treatment
- Leaving a child without supervision

7 Abuse of Trust

All staff should understand clearly the need to maintain appropriate boundaries in their dealings with young people. Inappropriate behaviour with, or towards, children is unacceptable. In particular, intimate or sexual relationships between staff and pupils will be regarded as a grave breach of trust and may be a criminal offence under the Sexual Offences Act 2003, even if the person concerned does not teach the pupil. It is an offence for a person aged 18 or over, who is in a specified position of trust, with a child under 18 to engage in sexual activity, even if consensual, with or in the presence of the child, or to cause or incite the child to engage in or watch sexual activity.

7.1 Other

- Any actions that single out a pupil for special attention and could therefore be interpreted as "grooming" a pupil (or a child who is linked to the education establishment in some way)
- Sexting; inappropriate images of a pupil (or a child who is linked to the education establishment in some way)
- Staff need to be fully aware of the dangers and risks associated with electronic communications. Consequently, they **MUST** ensure that they do **NOT** engage in inappropriate electronic communication / social media of any kind with a child.
- Staff must not give personal details to children over social media websites
- It is advised that staff do not provide their personal contact details to children and young people including e-mail, home or mobile telephone numbers. They should avoid doing this unless the need to do so is agreed with Senior Management e.g. in order to protect the safety of the children on a school trip where a school mobile is unavailable.

8.2 Media /Communication

The Council's Communications Services supports LADO in dealing with the principles of media liaison and communication.

It is advisable that schools do not respond to media requests for information or interview when an incident occurs.

The Lead at the School or Headteacher should contact the communications Service before any comment is made either via email: communications@doncaster.gov.uk or ideally by telephone 01302 737988/862351. A suitable response can then be discussed and how it should then be handled.

The Communications Service can offer advice and guidance free of charge, with the specific details of incident in mind. We also liaise with other agencies' Communications Services which might be involved in an incident ie police and health services to ensure communications activities are handled accordingly and relevant parties informed.

As dealing with the communications around such issues can be time consuming, complex and sensitive, the Communications Service now offers its expertise in a package of support for an annual subscription of £350 per educational setting per year as part of the traded services offer.

Under this package the team will manage all media relations including advice and guidance and dealing with the media direct. We will also advise and guide on internal communications within an educational setting ie with parents and students including drafting communication material and wider within the community if required. The subscription can be used multiple times within a 12 month period and is not restricted to a single use.

Restrictions on Identifying Teachers Against Whom Allegations of Criminal Misconduct Have Been Made

With effect from 1 October 2012, the Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. Breaching the reporting restrictions is a criminal offence.

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

- Who needs to know and, importantly, exactly what information can be shared;
 - How to manage speculation, leaks and gossip;
 - What, if any information can be reasonably given to the wider community to reduce speculation; and
 - How to manage press interest if and when it should arise.
- (Note that this provision applies only to teachers, not to other staff in educational establishments.)

Saltersgate Junior School is committed to ensuring this policy is cascaded to all staff and made available on the school website. It forms part of staff induction and the role of LADO is included in whole school safeguarding staff training.

The Saltergate junior School governor with responsibility for safeguarding is Mrs A Haywood (Chair).

September 2017

Appendix 1

Dealing with allegations of abuse against all staff working in an education setting with children.

Education fact sheet to support school / academy approved dealing with allegations of abuse against staff policy and procedures.

This document combines statutory guidance for allegations of abuse against adults who work with children & young people issued in 2006, 'Working Together to Safeguard Children', DCSF 2013 and 'Dealing with Allegations Against Teachers and other Staff' 2012. (Both documents can be found on the department for education website)

Scope of procedures:

The procedures will apply where an adult who works in any (paid or unpaid, supply, voluntary, locum, temporary or permanent) with children in any school or FE College has:

Behaved in a way that has harmed or may have harmed a child

Possibly committed a criminal offence against or related to a child

Behaved towards a child or children in a way that indicates that s/he would pose a risk of harm or unsuitability if they work regularly or closely with children.

The issue of harm/degree of risk is determined only after referral to the local authority designated officer (LADO).

They will also apply where:

Concerns arise about the adults behaviour with regard to her/his own children in a public setting.

Concerns arise about the employee's response to the behaviour or actions in the private or community life of a partner, member of the family or other household member.

Investigations:

There may be three strands to an investigation:

- Police investigation of a possible offence.
- A child protection investigation by Specialist Children's Services, possibly including the children of the member of staff.
- Disciplinary action by the employer.

Usually the police investigation and any subsequent prosecution will take precedence. Statements taken by the police and Children's Social Care can now be made available to the employer subject to consent.

Key Features:

1. Employer **must** designate a senior manager & deputy to deal with such matters. Staff below Head teachers should not become directly involved.
2. Make sure the child is safe.
3. Allegations against Head Teachers will be dealt with by the chair of governors (vice chair in their absence) but the allegation should not be communicated with the Headteacher. Seek LADO advice in all cases.
4. The nature of any investigation and actions will be determined by the LADO in consultation with the employer and, where appropriate, the police
5. Quick resolution is of benefit to everyone
6. Cases will be dealt with "expeditiously and fairly" (for both the alleged victim and the alleged perpetrator)
7. HR advice will determine suspension without prejudice
8. There will be a definite outcome from all investigations, even if alleged perpetrators resign
9. Detailed records will be kept on personnel files for 10 years or to normal retirement age, whichever is the longer (unless they are malicious), and mentioned in employment references (unless they are unsubstantiated, unfounded or malicious).
10. The Disclosure and Barring Service (DBS) and/or other regulatory bodies should be notified where appropriate.

The Doncaster LADO should be immediately contacted, within 24 hours after receipt of an allegation, by ringing:

Doncaster Children and Multi-Agency Assessment and Referral Service (CMARAS)

Telephone LADO on 01302 737748/737332 Monday to Friday 9am-5pm.

Outside hours contact the Emergency Social Services Team (ESST) on 01302 796000.

Employers Checklist:

- **Is action required to secure the immediate safety or well being of child/children?**
The child/children may need:
 - Medical attention
 - To be removed from the scene of an incident
 - A member of staff to look after them until parents arrive
- **Report to Head Teacher/Chair of Governors or Head of Service**
- **Head Teacher/Chair of Governors or Head of Service should:**
 - Record dates/times of alleged incidents
 - Details of those involved and any potential witnesses
 - Gather & secure already **existing** evidence
- **Do not take statements - this is a specialist role of the police. Do not ask leading questions. All you need to do is record what is said date and time, and pass on information to LADO for advice.**
- **Remain Calm, Listen to a child sympathetically, encourage them to speak, ask them if anything has happened, do not lead them, write everything down in the child's words. Do not promise confidentiality, ensure you can discuss this in privacy and respect the child's/young persons views, ensure the child is safe.**
- **Verify that the alleged event(s) could have happened**
 - Was the member of staff on duty and present when the alleged incident took place?
 - Are there credible witnesses who are able to confirm what happened?
 - **Contact the Local Authority Designated Officer (LADO)**
 - Provide all details of allegation and persons involved, where known
 - LADO will determine nature & scope of investigation & consultation with the police
 - Responsibility for employment matters rests with employer but will form part of advice
 - HR will provide on going support to maintained schools where appropriate
- **Inform parents when advised to by the LADO, police and professionals.**
- **Contact HR, especially if suspension or other action is being considered pending investigation –REFER TO DONCASTER FLOWCHART FOR STAGES IN THE LADO PROCESS.**
- **Decide what, if anything, you can tell other staff members only on advice from LADO**
 - The need for confidentiality is very important
 - Staff may be informed of a suspension because of an allegation/investigation – this can be agreed at the suspension meeting with the member of staff and their representative
 - No details of case should be discussed
 - Staff will need to observe a great deal of discretion

Remember : Process Affects Outcomes

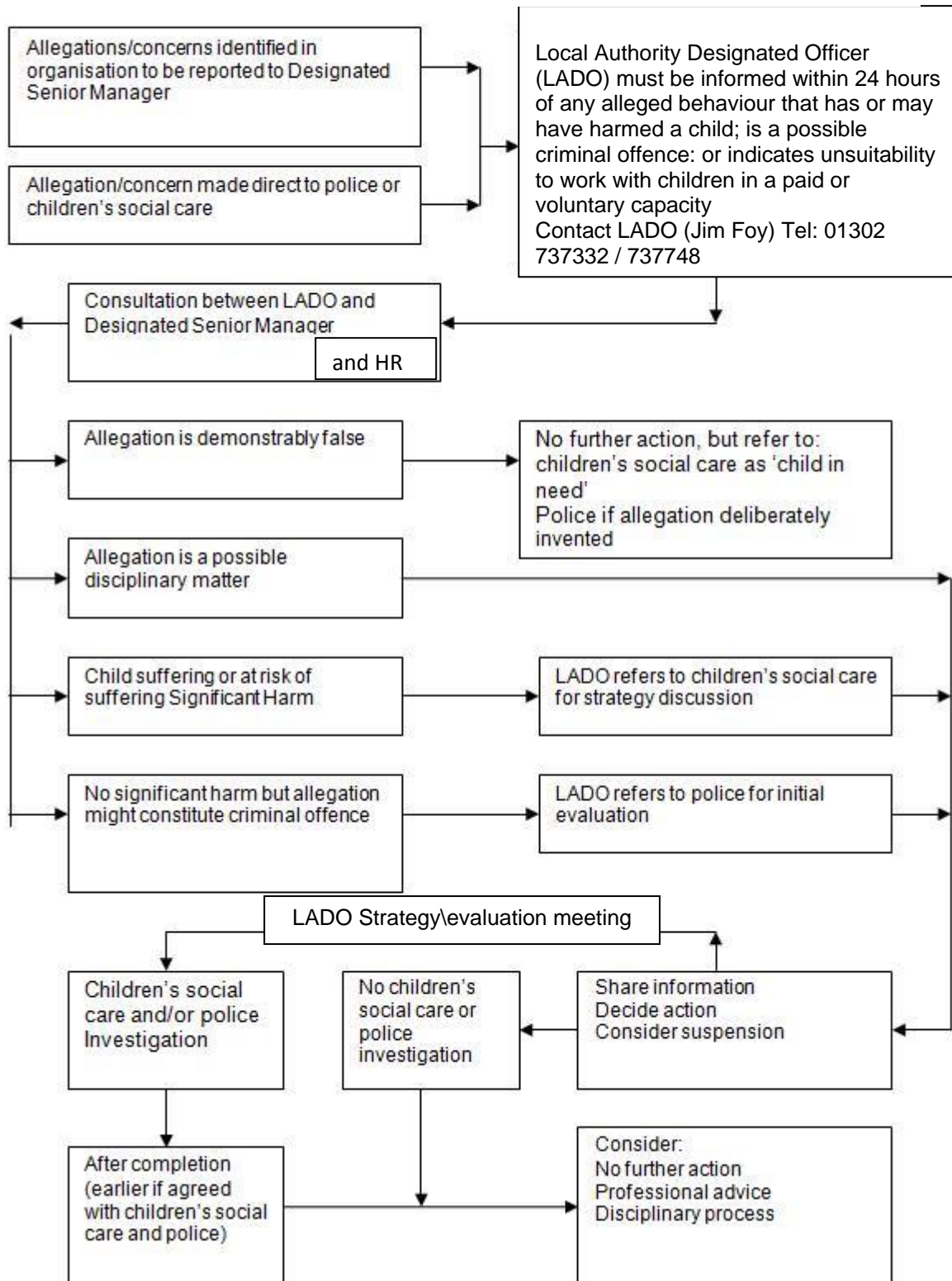
Useful web links/resources:

- **Safeguarding Children and Safer Recruitment in Education, DCSF 2006, at:**
www.education.gov.uk/publications/standard/publicationdetail/page1/DFES-04217-2006* Please note this is out to public consultation at time of writing this fact sheet. This will be revised September 2013 onwards.
- **Working Together to Safeguard Children, DCSF 2013, at:**
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00305-2010>
- **Doncaster Safeguarding Children Board Safeguarding & Child Protection Procedures, 2011, at**
www.doncastersafeguardingchildrensboard (top right hand yellow child protection policies and procedures book) search for managing / dealing with allegations of abuse against staff.
- **Dealing with Allegations of Abuse against Teachers and other Staff - Guidance for Local Authorities, Head Teachers, School Staff, Governing Bodies and Proprietors of Independent Schools, 2011 at:**
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00061-2011>

Fact Sheet produced by the DSCB policies and procedures task and finish group: redesigned by Sarah Stokoe lead advisory officer safeguarding : education September 2013.Acknowledgements to Sheffield MBC.. To be presented to DSCB Education Sub Group 15 October 2013.

ALLEGATIONS CONCERNING ADULTS WORKING WITH CHILDREN

PATHWAY OF ACTIONS COMPLETED BY THE SENIOR DESIGNATED MANAGER AND LADO



Appendix 3 Code of Conduct for Working with Children

Introduction

This guidance document describes the standards of conduct and practice that Doncaster employees and volunteers should follow when working with children. The guidance applies equally to schools where the Governing Body has adopted it. It is designed to complement other advice or codes of conduct produced by employers or national bodies, not to replace or take priority over them.

Whilst this document covers a wide range of situations, it is recognised that it cannot cover every eventuality, however the principals contained within it must apply in every circumstance.

Glossary

Term	Meaning
Child	Anyone who has not yet reached their 18th birthday
Welfare	Well-being in relation to the 5 outcomes defined in the Children Act 2004: stay safe, be healthy, enjoy and achieve, make a positive contribution and achieve economic wellbeing
Worker	Employee, self-employed person, contractor or volunteer.
Allegation	An allegation made by anyone, child or adult, where there is or believed to be a risk of harm to a child
Parent	Adult with parental responsibility

Purpose

The purpose of the guidance is to protect and promote the interests of workers and the children they work with. All adults who come into contact with children and young people, in their work, have a legal and moral duty to keep children and young people safe and to protect them from sexual, physical and/or emotional harm. The duty that rests on an individual is to ensure that all reasonable steps are taken to ensure the welfare of a child or young person is paramount.

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 in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided;
- Give 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 children;
- Reduce the incidence of positions of trust being abused or misused.

Diversity

At all times consideration needs to be given to the diversity needs of workers and children. Aspects of gender, culture or religion may be relevant when considering the nature of allegations or appropriateness of communications or physical interventions.

Reporting incidents

Any incidents of concern should always be reported to a senior manager and recorded. In cases where there is an allegation or risk of harm to a child to the senior designated officer for the service area or the Local Authorities Designated Officer (LADO). Contact details are listed at Appendix 1.

Procedures are in place adopted through the Doncaster Safeguarding Board (DSCB) for dealing with allegations against staff, and a whistle blowing policy is in place.

The DSCB'S Commitment

The DSCB will ensure:

- Appropriate safeguarding and child protection policies and procedures are in place in all areas that undertake work with children, that they are continually monitored and reviewed and made easily accessible to all workers;
- Workers are treated fairly and reasonably in all circumstances and if subject to an allegation will be supported and the principles of natural justice applied;
- The safe practice of workers is continually promoted through supervision and training;
- Workers have readily available access to senior management or other emergency contact person;
- Guidance is readily available to both adults and children;
- A culture of openness and support is fostered;
- Readily known systems are in place for situations and concerns, from either party, to be raised and recorded and for their outcomes to be analysed in order to review procedures and working practices;
- Agencies have procedures in place regarding lone working, physical intervention and risk assessment;
- That agencies will have agreed care plans in place when work involves intimate care;
- Clear eSafety policies are in place;
- A clear and easily accessible Whistle Blowing policy is in place.

Personal Conduct

Confidentiality

Workers must:

- Keep private and sensitive information confidential at all times and only share it to relevant people when it is in the interests of the child to do so;
- Not use information to intimidate, humiliate or embarrass the child;

- Be aware of the need to listen and support children whilst understanding the importance of not promising to keep secrets;
- Never request a child to keep secrets.

Making a professional judgement

Workers must:

- Make judgements about their behaviour in order to secure the best interests and welfare of the child;
- Record judgements taken and share them with a senior manager;
- Ensure actions taken are warranted, proportionate, safe and applied equitably;
- Discuss any misunderstandings, accidents or threats with a senior manager;
- Be aware of their position of trust and ensure an unequal balance of power is not used for their own or others personal advantage or gratification;
- Not use their position to intimidate, bully, humiliate, threaten, coerce or undermine children;
- Maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others;
- Not promote relationships which create a personal friendship or are of a sexual nature, or which may become so.

Personal/living space

Workers must:

- Not invite a child into their home or any home or domestic setting frequented by them, unless the reason for this has been firmly established and agreed with parents and senior managers or the home has been designated as a work place e.g. childminders, foster carers;
- Be vigilant in maintaining their own privacy and mindful of the need to avoid placing themselves in vulnerable situations;
- Not ask children to undertake personal jobs or errands;
- Maintain professional boundaries.

Gifts, rewards and favouritism

Workers must:

- Be aware of their organisation's policy on the giving and receiving of gifts;
- Ensure that gifts received or given in situations that may be misconstrued are declared;
- Only give gifts to an individual child part of an agreed reward system;
- Ensure that when operating reward systems, methods and criteria for selection of children for awards are fair and transparent.

Infatuations

Workers must:

- Deal with infatuations sensitively and appropriately to maintain the dignity and safety of all concerned;

- Make sure their own behaviour is beyond reproach;
- If they become aware of an infatuation developing or any indications that it may, record it and discuss it with a senior manager so that action can be taken to avoid any hurt, distress or embarrassment.

Communication (including the use of technology)

Workers must:

- Ensure communication takes 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.
- Not share any personal information with a child;
- Not request, or respond to, any personal information from a child, other than that which may be appropriate as part of their professional role;
- Not give their personal contact details to children, including their mobile number, home phone or personal e-mail address, unless the need to do so is agreed with senior management and parents;
- Only use equipment e.g. mobile phones, provided by their organisation to communicate with children, making sure that parents/carers have given permission for this form of communication to be used;
- Only make contact with children for professional reasons and in accordance with organisational policy;
- Only use text messaging as a last resort when no other forms of communication are possible;
- Not use internet or web-based communication channels to send messages;
- Use internal e-mail systems in accordance with the organisation's policy.

Social Contact

Workers must:

- Not have social contact with children unless the reason for this has been firmly established and agreed with Senior Managers;
- Not have secret social contact with children and/or their parent(s);
- Always approve any planned social contact with children with senior colleagues;
- Advise senior management of any social contact that has occurred which may raise concern;
- Report and record any situation which may place a child at risk or may compromise the organisation or their own professional standing.

Sexual Contact

Workers must:

- Not engage in sexual activity with or in the presence of a child, or cause or incite a child to engage in or watch sexual activity, to do so would be considered a criminal offence;
- Not have any form of communication which could be interpreted as sexually suggestive or provocative or make sexual remarks to, or about a child either verbally, written or electronically;

- Not discuss their own sexual relationships with or in the presence of children;
- Ensure relationships take place within boundaries of respect and professionalism;
- Ensure language, attitudes and demeanour do not give rise to comment or speculation;
- Be aware that consistently conferring in appropriate special attention and favour upon a child might be construed as part of a grooming process, and as such will give rise to concerns about behaviour.

Physical Contact

Workers must:

- 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;
- Only have physical contact with a child when it is necessary and in ways which are appropriate to their professional or agreed role and responsibilities, never touch a child in a way which may be considered indecent;
- Be aware of the child's reactions or feelings and, as far as possible, only use a level of contact which is acceptable to the child and for the minimum time necessary;
- Seek permission from the child or the parent, if the child is very young, before physical contact is made and agree what contact is acceptable;
- Not assume that when a child is distressed they seek physical comfort;
- Always be prepared to report and explain actions and accept that all physical contact is open to scrutiny;
- Not indulge in horse play;
- Always encourage children, where possible to undertake self-care tasks independently;
- Be aware of cultural or religious views about touching and sensitive to issues of gender;
- Where there is regular physical contact needed, the nature of this must be agreed with senior management and the parent as part of a formally agreed plan;
- Where a child initiates inappropriate physical contact, you must sensitively deter them and help them understand the importance of personal boundaries.

Behaviour Management

Workers must:

- Not use any form of degrading treatment to punish a child;
- Not use sarcasm, demeaning or insensitive comments;
- Ensure any sanctions and rewards are part of an agreed behaviour management policy;
- Try to defuse situations before they escalate;
- Never use corporal punishment;
- Follow the behaviour policy and only use physical intervention in exceptional circumstances and as a last resort, when other behaviour management strategies have failed and where there is a risk of physical injury or serious damage to property;
- When, using physical intervention, use the minimum force necessary and techniques in-line with recommended policy and practice and always report and document the incident;
- Be mindful of other factors which may be impacting on a child's behaviour, i.e. bullying, changes in home circumstances;

Note: the use of unwarranted physical force is likely to constitute a criminal offence.

Personal/Intimate Care

Workers must:

- Adhere to the organisation's intimate care guidelines or code of practice;
- Make other staff aware of the task being undertaken;
- Explain to the child what is happening;
- Carefully and sensitively observe the emotional responses of the child, and record and report any concerns to senior management and parents, if appropriate;
- Respect children's privacy at all times:
- Avoid any physical contact when children are in a state of undress, other than as part of an agreed care plan;
- Not change, in the same place as children;
- Not shower or bathe with children;
- Not assist with any personal care task which a child can undertake themselves.

First Aid and the administration of medicine

Workers must:

- Be suitably trained and qualified before administering first aid and/or any agreed medication;
- Ensure arrangements are in place to obtain parental consent for the administration of first aid or medication;
- Adhere to the organisations policy;
- Make adults aware of the task being undertaken;
- Explain to the child what is happening;
- Ensure an appropriate health/risk assessment is undertaken prior to undertaking certain activities.

One to one situations/home visits

Workers must:

- Ensure that, when lone working is an integral part of their role, full and appropriate risk assessments have been agreed;
- Avoid meetings with a child in secluded areas:
- Always inform colleagues and/or parents about one to one contact beforehand, assessing the need to have them present or close by;
- Avoid the use of engaged or equivalent signs, where ever possible, these create an opportunity for secrecy or the interpretation of secrecy;
- Carefully consider the need of the child when in one to one situation and always report any situation where the child becomes distressed or angry towards you;
- Agree the purpose for any home visit with senior management unless it is an acknowledged and integral part of your role;
- Never put yourself into a one to one situation when little or no information is available about the child.

Transporting

Workers must:

- Ensure requirements around seat belts and car seats are adhered to;

- Not offer lifts outside normal working duties unless this has been brought to the attention of senior management and been agreed with parents;
- Ensure they are fit to drive and free from any drugs, alcohol or medicine that is likely to impair judgement or ability to drive;
- Record details of the journey in accordance with agreed procedures;
- Ensure that there are proper procedures in place for vehicle, passenger and driver safety, including appropriate insurance;
- Ensure that any impromptu or emergency lifts are recorded and can be justified if questioned.

Trips and Outings

Workers must:

- Recognise that they are in a position of trust and ensure that their behaviour remains professional at all times and stays clearly within defined boundaries;
- Ensure staff/child ratios and gender mix are appropriate;
- Always have another adult present in out of work activities, unless otherwise agreed with a senior manager;
- Ensure risk assessments are undertaken;
- Have parental consent to the activity;
- Never share beds with children;
- Not share bedrooms unless it is a dormitory situation and the arrangements have been agreed with a senior manager, parents and children.

Photography and Videos

Workers must:

- Be clear about the purpose of any activity involving photography and what will happen to the images when the activity is concluded;
- Be able to justify the reason for having images of children in their possession;
- Avoid making images in one to one situations or situations that may be construed as secretive or which show a single child with no surrounding context;
- Only use equipment provided or authorised by their organisation;
- Immediately report any concerns if any inappropriate or intrusive images are found;
- Have parental consent to take, display and/or distribute any images of children;
- Not use images that may cause distress or offence;
- Not use mobile phones or any other devices that have a camera to take images of children.

Access to inappropriate images and internet usage

Workers must:

- Not access, make or store indecent images of children on the internet, to do so would be illegal and lead to a criminal investigation;
- Not make or store images of children, gathered as a result of their work, on personal equipment;
- Follow their organisation's guidance on the use of IT equipment;
- Ensure that children are not exposed to unsuitable material through ICT;
- Ensure that any materials shown to children are age appropriate;
- Immediately report any concerns, if any inappropriate or intrusive images are found, to the LADO.