



SAFEGUARDING POLICY

Date of last review: November 2018

Date of next review: November 2019 (or following any changes in legislation or practice)

This policy was last approved by the Independent Schools Inspectorate in September 2017

An overview

The Governors, Head and staff are committed to keeping our pupils safe and actively promoting their welfare, ensuring pupils’ fundamental right to be protected from harm. We are aware that needs and risks change over time and are alert to these changes and able to manage change quickly as appropriate. Governors who are responsible for promoting the welfare of all pupils oversee the effective implementation of this policy. We, the staff know our school population, local community and emerging national themes and issues. As a consequence, we ensure that staff are well informed on specific issues and matters supported by four DSLs who are well-informed by Kent Safeguarding Authority. All staff read Part 1 of Keeping Children Safe in Education 2018 (KCSIE). The school keeps a record of when staff have confirmed they have read these documents.

Pupils are informed they have a voice in the school and that their wishes and feelings will always be considered. The overriding consideration in all safeguarding matters is what is in the best interests of the child at all times. Pupils are taught that they can always ask for quiet time with a familiar teacher, are taught to use TAG (Tell them how you feel, Ask them to stop, Get an adult) and have worry boxes in the junior classrooms. Such means of conveying anxiety to an adult are discussed in all years through PSHE lessons as well as e-safety lessons and other ways of helping children to keep themselves safe. The school also provides information to parents and carers to enable everyone to share this safeguarding commitment to children.

Managing information and referrals are always conducted within a framework of confidentiality.

Designated Safeguarding Leads are currently Miss A Cordingly Head, Mrs S Baumhauer Deputy Head, Mrs G Palmer Nursery Manager, and Ms N Cosby Kindergarten Manager.

Local Authority Designated Officer Contacts

Local Authority Designated Officer (LADO) Team contact number: 03000 410 888 One number for the whole LADO Team covering Kent Local Authority Email: kentchildrenslado@kent.gov.uk

Claire Ray Principal Officer (Safeguarding) Kay Ashman Safeguarding Admin Support (part-time) Office: 03000 415788 Mobile: 07920 108828 claire.ray@kent.gov.uk

Rebecca Avery Education Safeguarding Adviser – Online Protection Office: 03000 415797 Mobile:07789 968705 rebecca.avery@kent.gov.uk or for general enquiries: esafetyofficer@kent.gov.uk

Ashley Assiter e-Safety Development Officer Office: 03000 422148 Mobile: 07545 743310 ashley.assiter@kent.gov.uk or for general enquiries: esafetyofficer@kent.gov.uk

Kent Safeguarding Children’s Board Room 2.60, Sessions House, County Hall, Maidstone, ME14 1XQ 01622 694859

Other key contacts and information

NCPC Whistleblowing Advice Line: 0800 028 0285

Police 999

Local Safeguarding Children’s Board Claire Ray Principal Officer (Safeguarding) Office: 03000 415788 Mobile: 07920 108828 claire.ray@kent.gov.uk

Disclosing and Barring Service DBS(previously called CRB) 0844 453 0162

Childline/NSPCC text 88858, phone 0808 800 5000

Early Years (Ofsted) 08456 40 40 40

Principles of effective arrangements to promote pupil welfare and to safeguarding

With reference to *Working Together 2018* and *KCSIE 2018*



- Safeguarding is ‘everyone’s responsibility’ We ensure staff, volunteers and Governors are regularly updated on safeguarding annually. Part of the school culture is the knowledge that “it could happen here!”
- We listen to peoples’ views, adults and children.
- We look for changes in children’s behaviour which could be an indication of a problem.
- We look beyond school to what may be happening in the child’s life outside school.
- We place the interests of the individual child above any other consideration, with sensitivity towards culture, disability or history with an awareness of female genital mutilation (FGM)) and radicalisation.
- We are rigorous in safe recruiting practices, seeing it as a process and not as an end in itself
- We keep children safe when using electronic devices and the internet at school, and teach them to stay safe when not at school (see e-safety policy)
- We ensure children are taught about safeguarding and keeping safe through the curriculum and daily pastoral care
- We work closely if required with children’s services in re4spect of issues relating to children and Local Authority Designated Officer *LADO* (03000 410888) for safeguarding concerns relating to adults. Where any concerns are raised about Female Genital Mutilation *FGM* (- see more on this below) and sexual exploitation the Police will be contacted without delay. The school is also alert to issues of radicalisation in all its forms and will maintain a close link to the *Prevent* with the *Channel process*. (see below in respect of Prevent, dedicated to preventing radicalisation).
- The first point of contact will be Kent Children’s services and LADO even if the child lives in another county.
- The school will always seek advice and guidance of children’s services and/or the LADO and will always act on the advice provided.
- We are persistent in making referrals if we feel appropriate action is not being taken by the statutory agencies and this is recorded.

What other policies are relevant to Safeguarding?

Anti-bullying, Behaviour and Discipline, Health and Safety, E-safety, Missing Child and child missing education, Exclusion, Whistle Blowing, Staff Code of Conduct, Taking and Storing Pictures of Children, Equal Opportunities including SENDA and inclusion, ‘Prevent’, Collection Procedures, Child not collected on time, Data Protection, Intimate Care Policy, Pupil Supervision, Staff Code of Conduct.

This policy refers to current statutory guidance and other national guidance, including:

- Children Act 1989
- Education Act 2002 Section 175 (Regulatory Compliance – ISSRs and National Minimum Standards for Boarding or EYFS))
- Working Together to Safeguard Children (Inter-agency working) 2018
- Keeping Children Safe in Education 2018
- Disqualification under the Childcare Act 2006 (by association)
- ‘Prevent’ Counter-Terrorism and Security Act 2015)
- What to do if you are worried a child is being abused – Advice for practitioners

This policy is fully in accordance with Kent inter-agency procedures and made available to parents on the school website or by sending a copy to parents on request. The policy is applicable to all on and off-site activities undertaken by pupils whilst they are the responsibility of the School. It is to be used in conjunction with Part 1 and Annex A KCSIE (2016), Safer recruiting processes, E-safety PREVENT and FGM policies.

These policies are drawn up by the Head in accordance with the aims of the school, and following advice from various bodies (see above) The Board of Governors agrees the policy which is updated in the light of any national or Kent Safeguarding Board changes and reviewed annually by the Head and Board of Governors. Any changes to the policy are quickly updated and staff advised of all changes.

**Who is responsible?**

Every adult working in this school (including visiting staff, volunteers and students on placement) are required to report instances of actual, suspected, or likely child abuse or neglect to the Head or other Designated Safeguarding Lead. In effect, safeguarding is ‘everyone’s responsibility’. Additionally every adult will ensure that the general welfare of pupils is actively promoted in order to ensure that individual needs are being met, (this includes issues such as eating disorders, depression or additional needs),

The Designated Safeguarding Leads (DSLs) have been given the status and authority by the board to take responsibility for welfare and safeguarding, including child protection matters. This also applies fully to the Early Years Foundation Stage. They receive training (updated every two years) in child welfare, safeguarding and protection, inter-agency working and safer recruitment. All staff receive annual training in Safeguarding, ensuring that all understand their respective responsibilities. Pupils are taught that they have a voice, and know the procedure for what to do if they are worried about themselves or another pupil.

The Chairman of Governors is Mr Mark Waddington mark.waddington@live.co.uk 07770 988 477 and the Governor responsible for Child Protection is Mrs Carol Ranson whose contact details are available via the School Office and in the staff handbook.

PRINCIPLES UNDERPINNING EFFECTIVE SAFEGUARDING PRACTICE

Following advice from Working Together to Safeguard Children (Inter-agency working) 2018 and Keeping Children Safe in Education 2018

Key issues are:

- ‘Listening’ to the views/ and taking account of changing behaviours of children
- Making safeguarding **‘everyone’s responsibility’**
- **Establishing the school culture “it could happen here!”**
- Looking beyond the setting - what is happening in other areas of the child’s life?
- Placing the interests of children as a paramount consideration (considerations of culture, disability, history, with reference to female genital mutilation (FGM))
- Working collaboratively with other key agencies, including children’s services, the Police, LADO and in ‘Prevent’ with the Channel process
- Seeing safer recruitment in education as a process and not as an end in itself
- Using electronic devices and internet safely
- Operating within the policies of the school’s Local Safeguarding Children Board (LSCB) (the one where the school is located not the one from where the child comes)
- Ensuring staff, volunteers and Governors are regularly updated on safeguarding annually.

IDENTIFYING RISKS TO CHILDREN and DEFINITIONS OF HARM

Definition of Child Abuse following learning from serious case studies:

“Abuse: a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults **or another child or children**. It is understood that the list of possible abuse found in KCSIE of possible abuse is not exhaustive.

Through training and regular updates from Kent Safeguarding we at Fosse Bank are constantly learning from serious case reviews.

Most children suffer harm from within their own families or from someone they know and with whom they have formed a relationship. There are four main types of harm: physical, sexual, emotional and neglect.



Types of harm to children are not stand-alone issues but often overlap. It is also important to distinguish between ‘actual’ significant harm and the likelihood of significant harm. In effect, schools do not have to wait for an incident to occur if they believe a child might be significantly harmed in some way.

A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. They may be abused by an adult or adults or another child or children.

Physical abuse: a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

Emotional abuse: the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child’s emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child’s developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

Sexual abuse: involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Peer on Peer abuse Staff recognise that children are capable of abusing their peers. Age appropriate discussion in PSHE lessons and following the ethos of the school will minimise the risk of peer on peer abuse. Should it occur, allegations of peer on peer abuse will be investigated and dealt with the same procedures as bullying. It is made clear to pupils that that abuse is abuse and should never be tolerated or passed off as “banter” or “part of growing up”.

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

Fosse Bank constantly develops appropriate strategies as society changes and is quick to ask advice from outside agencies as required.



STAFF DUTIES AND RESPONSIBILITIES TO PROMOTE THE WELFARE OF PUPILS AT ALL TIMES AND TO TAKE ACTION TO SAFEGUARD THEIR WELFARE.

Key points:

- Vigilance
- Listening to children
- Observing changes in behaviours or attitude
- Responding to specific concerns at an early stage - self-harming, depression, eating problems etc.
- Reporting concerns to the appropriate designated professionals,
- School staff not conducting investigations but contacting relevant agencies who have the legal responsibility to investigate significant concerns
- Being prepared to whistle-blow where there are concerns about the conduct of colleagues or volunteers in respect of their handling of children
- Recognising the potential for child on child abuse
- Understanding the potential for ‘grooming’ through the Internet, or through ‘gaming’ activity
- There are tracking arrangements for school attendance and for children who are missing education.

Signs to look for, a child who:

- become aggressive
- display anti-social behaviour
- suffer from depression or anxiety
- not do as well at school - due to difficulties at home or disruption of moving to and from refuges.
- withdrawn
- suddenly behaves differently
- anxious
- clingy
- depressed
- aggressive
- problems sleeping
- eating disorders
- wets the bed
- soils clothes
- takes risks
- misses school
- changes in eating habits
- obsessive behaviour
- nightmares
- drugs
- alcohol
- self-harm
- thoughts about suicide

Children who are sexually abused may:

Stay away from certain people

- they might avoid being alone with people, such as family members or friends
- they could seem frightened of a person or reluctant to socialise with them.



Show sexual behaviour that's inappropriate for their age

- a child might become sexually active at a young age
- they could use sexual language or know information that [you wouldn't expect them to](#).

Have physical symptoms

- anal or vaginal soreness
- an unusual discharge
- sexually transmitted infection (STI)

Neglected children may

- be smelly or dirty
- have unwashed clothes
- have inadequate clothing, e.g. not having a winter coat
- seem hungry or turn up to school without having breakfast or any lunch money
- have frequent and untreated nappy rash in infants.
- untreated injuries, medical and dental issues
- repeated accidental injuries caused by lack of supervision
- recurring illnesses or infections
- not been given appropriate medicines
- missed medical appointments such as vaccinations
- poor muscle tone or prominent joints
- skin sores, rashes, flea bites, scabies or ringworm
- thin or swollen tummy
- anaemia
- tiredness
- faltering weight or growth and not reaching developmental milestones (known as failure to thrive)
- poor language, communication or social skills. For further advice see NSPCC guidance.

Other issues

- The school will always be alert to other forms of harm that may affect children. In this connection the school will consider any particular issue in the school population, local community or those which have been brought to the attention of the school through national guidance. Such issues include domestic violence, sexual exploitation, peer on peer abuse, FGM, radicalisation and ‘Willow’ Gang culture. Appendix 1 This is not an exhaustive list but indicators of matters where the school needs to remain alert at all times.

Action to be taken

- Advice and guidance from local children’s services where any promotion of welfare or child protection issues are identified - suggest named contacts and addresses are included in the policy (Legal framework Sections 17 and 47 Children Act 1989)
- Advice from the LADO where concerns about staff conduct or behaviour is identified (KCSIE 2018)
- Report to police where it is felt a criminal act may have been committed. (KCSIE 2018)
- The school must follow the advice given by Children’s services, LADO and/or Police. It is suggested such advice is clearly recorded.
- **Fosse Bank is persistent in making referrals if they feel appropriate action is not being taken by the statutory agencies – this should be recorded.**



RESPONDING TO THE NEEDS OF CHILDREN INCLUDING FOR EARLY-HELP OR TO PROTECT AND PROMOTE THEIR WELFARE

KEY POINTS:

- Listening to what children have to say and giving space for them to do this safely.
- Indicating that no child under the age of 16 years can give informed consent to sexual activity. It will be important to operate within the LSCB guidance with regard to the handling of such situations involving children under the age of 16 years.
- Recording actual comments or concerns raised without putting words in the child’s mouth.
- Recognising that the child will choose who they want to speak to - it could be any member of staff or volunteer and not necessarily the designated person or school counsellors
- Not keeping secrets and not giving any promises that information will not be passed on to others, who may need to take action as a result.
- Engaging with parents openly where there are concerns about welfare at home but not avoiding talking to children’s services if such concerns are regarded as being significant (the health and welfare of children is being avoidably prevented or neglected or the child is being ill-treated).
- Taking advice from external agencies as to the next steps and sources of early help.
- Cooperating fully with external agencies to ensure the welfare of children is being promoted and children are being suitably protected from harm.
- Recognising that significant harm can be **‘actual’** (that is happening now - bruises, injuries, neglect for example) or could be **‘likely’** (in the sense that unless action is taken now the child may be exposed to significant risk of harm in the future).
- Operating in the context of information sharing protocols
- Refer to the management of child on child abuse issues.
- In boarding situations refer to the arrangements for the provision of alternative accommodation if a member of boarding staff is suspended in circumstances of a child protection nature.
- Being alert to the risks of inappropriate internet activity
- Paying special attention to the vulnerabilities of children with special educational needs or who have a disability.

PRECISE STEPS TO BE TAKEN FOLLOWING ANY FORM OF DISCLOSURE: Refer to flow charts in Appendix and any specific referral processes set by the LSCB such as referral through the Multi-agency Safeguarding Hub – MASH - or location of the LADO – sometimes located in the MASH)

Concerns about child welfare or safety

- Reporting to the DSL or Deputy DSL
- Advising the Head



- Contacting Children’s Services/Police (where it is felt a crime has been committed).

Concerns about staff/volunteer conduct towards children

- Reporting to DSL/Head
- Where concerns relate to the Head, contacting the Chair of Governors
- Where concerns relate to the DSL, contacting the Head and not to a deputy DSL
- Contacting the LADO/Police (where it is felt a crime has been committed)
- Flow charts to highlight these processes are included in KCSIE and can be usefully included in the policy.
- Identify that actions will be in accordance with (Local) LSCB policy

Parents

It is our policy to work in partnership with parents or carers to secure the best outcomes for our children. We will therefore communicate as clearly as possible the aims of this School;

- We will try to use clear statements in our brochures and correspondence.
- We will involve parents and pupils in the development of Codes of Conduct and Equalities and Behaviour Management policies.
- We will liaise with agencies in the statutory, voluntary and community sectors and locality teams that are active in supporting families.
- We will be alert to the needs of parents/carers who do not have English as their first language.
- We will keep parents informed as appropriate. Early Years parents have very regular contact with key workers, Head of Early Years and the Head and any concerns will be aired with parents at an early stage.

The parent/carer will normally be contacted if the matter relates to a general welfare concern or before a referral is made to the Kent Safeguarding Team where the concern relates to safeguarding or child protection. However, if the concern involves alleged, suspected or likely sexual abuse or the designated person has reason to believe that informing the parent at this stage might compromise the safety of the child or a staff member a referral can be made without contacting parents. The school will always act on the advice provided by relevant external agencies.

All parents applying for places at this School are informed of our safeguarding responsibilities and the existence of this policy. In situations where pupils sustain injury or are otherwise affected by an accident or incident whilst they are the responsibility of the School, parents will be notified of this as soon as possible.

[Keeping children safe in education: for school and college staff \(part 1\)](#) contains the information acted on by all adults at this school and a flow chart of actions that would be taken in line with the Kent Safeguarding Children’s’ Board. This is made available to all staff as part of induction training and a record is kept that they have received and understood the requirements of this statutory guidance.

Duties and Responsibilities of staff

All teaching and support staff are considered to be in ‘regulated activity’

Regulated activity

The Safeguarding Vulnerable Groups Act 2006 provides that the type of work (Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children or work in schools or colleges with the opportunity for contact with children, but not work done by supervised volunteers) will be regulated activity if “it is carried out frequently by the same person” or if “the period condition is satisfied”. Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the



person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving a vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

To undertake annual training.

Vigilance.

Listening to children.

Observing changes in behaviours or attitude.

Responding to specific concerns at an early stage.

Communicating sensitively with parents/carers.

Reporting concerns to the appropriate Designated Safeguarding professionals, but not conducting any investigation themselves.

Being prepared to 'blow the whistle' (see whistle blowing policy) where there are concerns about colleagues or volunteers in respect of their behaviour with children.

Recognise the possibility of child on child abuse.

Early Years staff work closely with parents, ensuring that any nannies/ grandparents who collect pupils from school are known to key staff.

Understand the potential for grooming through the internet and gaming.

Tracking arrangements for school attendance and for children who are missing education.

Follow advice from the Safeguarding Team.

Follow the code of conduct and professional standard expected as laid down in the staff handbook and updated annually. This document includes detail of disciplinary procedures should safeguarding not reach the high standards expected of Fosse Bank staff.

Know where to find required contact details of the Safeguarding Team (this policy).

All staff have a wallet sized card with Do's and Don'ts for immediate information.

All EYFS staff have a termly Supervisory Meeting with The Head specifically to discuss any concerns about the adults with whom they work including disqualification by association.

Governors receive annual training from the DSL.

Action to be taken, usually, by the Designated Safeguarding Lead (Head) 01732834212

headteacher@fossebankschool.co.uk, or in their absence: Deputy Safeguarding Lead, Mrs Shiralee Baumhauer.

01732834212 s.baumhauer@fossebankschool.co.uk Deputy Safeguarding Lead Ms Nikki Cosby. (EYFS and Play scheme in particular)

- Advice and guidance from local children's services where any promotion of welfare or child protection issues are identified - suggest named contacts and addresses are included in the policy (Legal framework Sections 17 and 47 Children Act 1989)
- Advice from the LADO where concerns about staff conduct or behaviour is identified (KCSIE 2016)
- Report to police where it is felt a criminal act may have been committed. (KCSIE 2016)
- The school must follow the advice given by Children's services, LADO and/or Police. Such advice is clearly recorded.
- The staff handbook (Code of Conduct) clearly highlights staff responsibilities and details of disciplinary action which would be taken if staff do not behave in a way that is compliant with this policy.

Principles of effective arrangements to promote pupil welfare and to safeguarding

- Listening to what children have to say and giving space for them to do this safely.
- Indicating that no child under the age of 16 years can give informed consent to sexual activity. It is important to operate within the LSCB guidance with regard to the handling of such situations involving children under the age of 16 years.
- Recording actual comments or concerns raised without putting words in the child's mouth.



- Recognising that the child will choose who they want to speak to - it could be any member of staff or volunteer and not necessarily the designated person.
- Not keeping secrets and not giving any promises that information will not be passed on to others, who may need to take action as a result.
- Engaging with parents openly where there are concerns about welfare at home but not avoiding talking to children's services if such concerns are regarded as being significant (the health and welfare of children is being avoidably prevented or neglected or the child is being ill-treated).
- Taking advice from external agencies as to the next steps and sources of help and following that advice.
- Cooperating fully with external agencies to ensure the welfare of children is being promoted and children are being suitably protected from harm.
- Recognising that significant harm can be '**actual**' (that is happening now - bruises, injuries, neglect for example) or could be '**likely**' (in the sense that unless action is taken now the child may be exposed to significant risk of harm in the future).
- Operating in the context of information sharing protocols and confidentiality agreements.
- Refer to the management of child on child abuse issues.
- Operating in the context of information sharing protocols and confidentiality agreements.
- Refer to the management of child on child abuse issues.
- Being alert to the risks of inappropriate internet activity
- Paying special attention to the needs of any child who is at the school who is also looked after by the local authority
- Paying special attention to the vulnerabilities of children with special educational needs or who have a disability.

PRECISE STEPS TO BE TAKEN FOLLOWING ANY FORM OF DISCLOSURE:

Concerns about child welfare or safety

- Report to the DSL or deputy DSL
- The DSL will contact Children's Services and the Police (where it is felt a crime has been committed).

Concerns about staff/volunteer conduct towards children

- Reporting to DSL/Head
- Where concerns relate to the DSL/Head, the Chair of Governors should be contacted 07770988477, mark.waddington@live.co.uk, not the deputy DSL
- The Head or Chair of governors will contact the LADO and/or Police (where it is felt a crime has been committed)
- Identify that actions will be in accordance with LSCB (KENT) policy and procedures

Reference to the Child Care Act 2006 and the requirement to report issues of association which may affect the welfare of children. The policy must include the process/arrangements for such reporting and any steps to seek dispensation (to be fully recorded).

**Disqualification by association**

All Fosse Bank staff who work with Early Years, including Breakfast and Phoenix Club are checked for Disqualification by Association and this is recorded in the Single Central Register.

Staff covered

Staff are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. This includes:

- Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8.

SAFER RECRUITMENT (See Safer Recruiting Policy)

Fosse Bank School is committed to being a Safe Organisation. Safe recruitment processes are followed and all staff recruited to the School will be subject to appropriate identity, qualification and health checks. References will be verified and Disqualification and Barring Service checks (DBS) undertaken.

Requirements set out in KCSIE (2016) for pre-appointment checks on all staff, contractors and volunteers are followed. Disqualification by Association forms are completed by all staff. No member of staff or volunteer with access to children will be allowed to commence work without a barred list check – either as part of the enhanced DBS or as a separate check in the event that the DBS has been delayed (subject to a risk assessment). Prohibition from teaching (including instructors, coaches and peripatetic staff) and Prohibition from Leadership checks are also undertaken in respect of senior leaders and governors appointed since September 2015.

The Head and Deputy Head undertake regular Safer Recruitment training.

This School will only use employment agencies who can demonstrate that they positively vet their supply staff and will report the misconduct of temporary or agency staff to the agency concerned and to the LEA. The school will keep a record of confirmation from contractors that they have satisfactorily completed all relevant checks.

VOLUNTEERS

Any parent or other person/organisation engaged by the School to work in a voluntary capacity with pupils will be subjected to all reasonable vetting procedures and DBS Checks. Members of the school community will be asked to declare if they know of any reason why a Voluntary position working with children would not be suitable for a volunteer. Volunteers will work under the direct supervision of an established staff member and will be subject to the same code of conduct as paid employees of the School. Volunteers will at no time be given responsibility for the personal care of pupils. Voluntary sector groups that operate within this School, provide off-site services for our pupils or use School facilities will be expected to adhere to this policy or operate a policy which is compliant with the procedures adopted by the Kent Safeguarding Children Board.

STAFF CODE OF CONDUCT (see separate policy in full)

All staff (paid and voluntary) are expected to adhere to a Code of Conduct in respect of their contact with pupils and their families. Children will be treated with respect and dignity and no punishment, detention, restraint, sanctions or



rewards are acceptable that fall outside the sentiment of the School's Attendance and Behaviour Policy. Whilst it would be unrealistic and undesirable to preclude all physical contact between adults and children, staff are expected to exercise caution and avoid placing themselves in a position where their actions might be open to criticism or misinterpretation. Where incidents occur which might otherwise be misconstrued, or in the exceptional circumstances where it becomes necessary to physically restrain a pupil for their own protection or others' safety, this will be appropriately recorded and reported to the Head teacher and parents. Staff do not use mobile phones in sight of pupils and adhere to the IAPS advice on photographing children. Appendix 7

Except in cases of emergency, First Aid will only be administered by qualified First Aiders of which there are currently about fifteen in school. If it is necessary for the child to remove clothing for First Aid treatment, there will, wherever practicable, be another adult present. If a child needs help with toileting, washing after soiling themselves, another adult or the child's parent must be present. (see Intimate Care Policy)

All first aid treatment and non-routine changing or personal care is recorded and shared with parents/carers at the earliest opportunity.

Children requiring regular medication or therapies for long-term medical conditions will be made the subject of a Medical Plan that has been agreed with the parents and qualified health advisers.

For their own safety and protection, staff must exercise caution in situations where they are alone with pupils. The door to the room in which the 1:1 coaching, counselling, tutoring or meeting is taking place should be left open and/or any glass panelling left clear to view. Where this is not practicable because of the need for confidentiality, another member of staff will be asked to maintain a presence nearby and a record is kept of the circumstances of the meeting.

School staff must also be alert to the possible risks that might arise from social contact with pupils outside of the School. Home visits to pupils should only take place with the knowledge and approval of the Head Teacher. Visits/telephone calls by pupils to the homes of staff members should only occur in exceptional circumstances and with the prior knowledge and approval of the Head Teacher. Any unplanned contact of this nature or suspected infatuations or "crushes" will be reported to the Head Teacher. Staff will not disclose their personal telephone numbers and email addresses to pupils or parents.

Staff are advised and trained to ensure that their behaviour and actions do not place pupils or themselves at risk of harm or of allegations of harm to a pupil (for example, in one-to-one tuition, sports coaching, conveying a pupil by car, engaging in inappropriate electronic communication with a pupil).

CONTRACTORS

Building contractors who are engaged by or on behalf of the school to undertake works on site will be made aware of this policy and the reasons for this. Long-term contractors who work regularly in the school during term time will be asked to provide their consent for DBS checks to be undertaken. These checks will be undertaken when individual risk assessments by the Leadership Team deem this to be appropriate. During major works, when large numbers of workers and sub-contractors may be on site during term time, Health and Safety risk assessments will include the potential for contractors or their employees to have direct access to pupils in non-teaching sessions. All long term contractors and sub-contractors will be requested to read a copy of the school's code of conduct for staff. Short-term contractors are supervised by the Site Manager.

Individuals and organisations that are contracted by the School to work with, or provide services to, pupils will be expected to adhere to this policy and their compliance will be monitored.

COMPLAINTS/ALLEGATIONS MADE AGAINST STAFF (see also the [Complaints Policy](#), regarding School and EYFS with timelines.)

Fosse Bank School takes seriously all complaints made against members of staff. Procedures are in place for pupils, parents and staff to share any concern that they may have about the actions of any member of staff or volunteer. If an allegation is made against a member of staff, volunteer or the designated person with responsibility for safeguarding it must be reported to the Head. If the Head is absent, the allegation must be passed to the chair of governors. If the allegation concerns the Head, the person receiving the allegation should immediately inform the chair of governors without notifying the Head first. In case of serious harm, the police must be informed from the outset. An immediate consultation is also required with the LADO. The procedure then followed by the reporting member of staff is drawn Safeguarding Policy



from the Fosse Bank Allegations Against Staff. If the allegation concerns alleged minor physical mishandling or verbal abuse, the head will make a decision as to whether the matter can be dealt with under the School's Complaints Procedure.

Criteria for consideration by the Head are:

- The allegation is one of actual bodily harm – i.e. an injury has necessitated first aid or medical treatment.
- There is reason to suspect parental instigation or collusion.
- The allegation has been reported to the Police or Children's Services by the parent.
- The child is Looked After in Public Care.
- The child is the subject of a Child Protection Plan.
- The child has a disability or Statement of Special Educational Needs.
- The member of staff concerned has been subject to previous complaints.
- The allegation is one of sexual exploitation or child missing education.

In any cases of doubt, advice will be sought from Children's Services and/or the LADO. This process will agree upon the appropriate course of action and the time-scale for investigations. The Head Teacher may also discuss with the Chair of Governors, and external agencies, as above. Parents should also be advised of their independent right to make a formal complaint to the Police. Temporary and visiting staff will be subject to the same procedures.

If the complaint concerns alleged abuse by the Head Teacher, this must be brought to the attention of the Chair of Governors and the LADO. Any complaint concerning alleged abuse by the designated person whether it is the Head Teacher or another member of staff will be reported by the chair of governors to the LADO.

The Chair of Governors is: Mr Mark Waddington mark.waddington@live.co.uk 07770 988 477

Staff who are formally disciplined for the mistreatment of pupils (or who resign before disciplinary action can be completed), will be notified to the Independent Safeguarding Authority. Staff who are dismissed (or would have been dismissed had they not resigned) for "unacceptable professional conduct" "conduct that may bring the profession into disrepute" or a "conviction, at any time, for a relevant offence" will be referred to the DBS and to the NCTL where the dismissal does not reach the threshold of the DBS referral.

RECORDS

If a particular concern is identified, observations are recorded in a confidential 'Child Protection' referral form and given to the DSL who will maintain records and keep them secure.. The teacher may seek information from the child with tact and sympathy and will be clear that confidentiality cannot be promised to a pupil giving evidence. No leading questions should be used and schools are not empowered to formally investigate concerns as this is the statutory duty of Children's Services and/or the police. If the teacher prefers he/she may ask the DSL (Head) to speak with the child. If the child confides in a teacher it is important that the teacher assures the child that only those who need to know will be told. It is then their responsibility to share the information with the Designated Person. The Designated Person may then seek confidential, anonymous advice from children's services and/or the LADO before proceeding to the referral stage which includes contact with a welfare agency within 24 hours of a disclosure or suspicion of abuse. If appropriate, the Designated Person may express their concerns to the child's parents and involve them at this point

Referrals to Children's services

The Designated Person will gather information but will not investigate. They will contract relevant agencies as listed above for advice and guidance which will be followed.

If the Head is not certain whether to make a referral, immediate advice will be sought by the local Designated Person and a 'consultation' requested whereby the child can remain anonymous.

The outcome will depend upon the individual case but it is in the power of children's services to offer a range of help and support or to trigger a formal investigation under section 47 Children Act 1989.



Every attempt will be made to offer support for the child whilst at school and it is hoped that the school will provide an environment within which he/she can relax and spend the school day in complete confidence and safety.

If a pupil is withdrawn from the School having not reached the normal date of transfer; due to a family move or any other reason, the School will notify the County Council (LEA Tracking Officer) and the School to which they are being admitted and to ensure that their educational records are sent without delay to that School. If the parent/carer fails to provide this information, an urgent referral will be made to the LEA Tracking Officer in order that they might make further enquiries. Child Protection records will be sent to receiving schools separately and under a confidential cover.

School Security

No internal doors to classrooms will be locked whilst pupils are present in these areas.

Entry to School premises will be controlled by doors that are secured physically or by constant staff supervision. Authorised visitors to the School will be logged into and out of the premises and will be asked to wear their identity badges or be issued with School visitor badges. Unidentified visitors will be challenged by staff or reported to the Head Teacher or School office.

The presence of intruders and suspicious strangers seen loitering near the School or approaching pupils will be reported to the Police.

Parents, carers or relatives may only take still or video photographic images of pupils in school or on school organised activities with the prior consent of the school and then only in designated areas. If parents do not wish their children to be photographed or filmed and express this view in writing, their rights will be respected. Please see the school policy for the use of electronic equipment including phones and cameras.

CURRICULUM

Fosse Bank School acknowledges the important role that the curriculum can play in promoting pupil welfare and in the prevention of abuse and in the preparation of our pupils for the responsibilities of adult life and citizenship. It is expected that all curriculum co-ordinators will consider the opportunities that exist in their area of responsibility for addressing the 'Every Child Matters' outcomes framework and promoting welfare as defined by Part 8 of the Independent Schools Standards Regulations 2014. As appropriate, the curriculum will be used to build resilience, help pupils to keep safe and to know how to ask for help if their safety is threatened. As part of developing a healthy, safer lifestyle, pupils will be taught, for example;

- to recognise and manage risks in different situations and then decide how to behave responsibly;
- to judge what kinds of physical contact are acceptable and unacceptable;
- to recognise when pressure from others (including people they know) threatens their personal safety and well-being; including knowing when and where to get help;
- to use assertiveness techniques to resist unhelpful pressure.
- emotional strategies to cope with problems

All computer equipment and Internet access within the School are subject to appropriate "parental controls" and Internet safety rules.

The School promotes "Healthy School" through the curriculum with the aim of;

- Developing a school ethos and environment which encourages a healthy lifestyle for pupils;
- Using the full capacity and flexibility of the curriculum to help pupils to achieve healthy lifestyles;
- Ensuring that food and drink available across the school day reinforces the healthy lifestyle message;
- Providing high quality physical education and sport to promote physical activity;
- Promoting an understanding of the full range of issues and behaviours which impact upon a lifelong health and wellbeing.



COMPLAINTS & MONITORING

All complaints arising from the operation of this policy will be considered under the School's complaints procedure.

The Governing Body of the School will consider welfare and safeguarding issues and their implications for this policy on an annual basis. For this item, the Head Teacher will report upon levels of child protection referrals made by the School during the past year, any patterns or trends of harm which have been seen in the school or raised within the local community.

The Governor responsible for Safeguarding is Mrs Carol Ransome. 07742546200

- DSL job description and accountabilities and coverage of role during term times and during holidays and out of hours.
-
- Staff training including DSL, Deputy DSL(s) and Head.
- Steps being taken to 'listen' to pupils - how can they make their views known?
- Any referrals to children's services (anonymised) in respect of the promotion of welfare and any themes emerging for future action.
- Any referrals to the LADO in respect of staff/volunteers and actions taken.
- Any specific themes or issues emerging in the school such as FGM, 'e-safety, radicalisation. Include steps taken as the result.
- Arrangements for supervising and checking temporary staff and volunteers
- How children are being taught about safeguarding 'as part of providing a broad and balanced curriculum'
- If there are looked after children in the school how their individual needs are being assessed and the effectiveness of joint working with the relevant placing authority.



Appendix 1

Female Genital Mutilation (FGM): professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a girl being at risk of FGM, or already having suffered FGM. There is a range of potential indicators that a child or young person may be at risk of FGM, which individually may not indicate risk but if there are two or more indicators present this could signal a risk to the child or young person. Victims of FGM are likely to come from a community that is known to practise FGM. Professionals should note that girls at risk of FGM may not yet be aware of the practice or that it may be conducted on them, so sensitivity should always be shown when approaching the subject. Warning signs that FGM may be about to take place, or may have already taken place, can be found in the Multi-Agency Practice Guidelines. Staff activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with police and children's social care.

Child Sexual Exploitation

(CSE) involves exploitative situations, contexts and relationships where young people receive something, for example, food, accommodation, drugs, alcohol, gifts, money or in some cases simply affection, as a result of engaging in sexual activities. Sexual exploitation can take many forms ranging from the seemingly 'consensual' relationship where sex is exchanged for affection or gifts, to serious organised crime by gangs and groups. What marks out exploitation is an imbalance of power in the relationship. The perpetrator always holds some kind of power over the victim which increases as the exploitative relationship develops. Sexual exploitation involves varying degrees of coercion. As with any kind of exploitation of children the school will operate the procedures set down by national and local Safeguarding agencies.

Domestic Violence

If a pupil discloses that they have witnessed domestic violence or it is suspected that they may be living in a household which is affected by family violence, this will be referred to the designated person as a safeguarding issue. The School acknowledges the additional needs for support and protection of children who are vulnerable by virtue of disability, homelessness, refugee/asylum seeker status, the effects of substance abuse within the family, those who are young carers, mid-year admissions and pupils who are excluded from school.

Prevent

Section 26 of the Counter Terrorism & Security Act 2015 places a duty on certain organisations, including schools and Early Years Settings, to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as The Prevent Duty. 'Channel' forms a key part of the wider Prevent strategy. The process is a multi-agency approach to identify and provide support to individuals who are at risk of being drawn into terrorism. A multi-agency 'Channel Panel' will decide appropriate action to safeguard the individual.

Specified authorities make sure that staff have training that gives them the knowledge and confidence to identify children at risk of being drawn into terrorism, and to challenge extremist ideas which can be used to legitimise terrorism and are shared by terrorist groups. They should know where and how to refer children and young people for further help. Prevent awareness training will be a key part of this.

Specified authorities will be expected to ensure children are safe from terrorist and extremist material when accessing the internet in school, including by establishing appropriate levels of filtering.

Monitoring and enforcement. The Independent Schools Inspectorate inspects Fosse Bank. When assessing the effectiveness of schools, inspectors already have regard to the school's approach to keeping pupils safe from the dangers of radicalisation and extremism, and what is done when it is suspected that pupils are vulnerable to these. Early education funding regulations in England have been amended to ensure that providers who fail to promote the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs do not receive funding from local authorities for the free early years entitlement.



VULNERABLE PUPILS

Particular vigilance will be exercised in respect of pupils who are the subjects of Child Protection Plans and any incidents or concerns involving these children will be reported immediately to the allocated Social Worker or the Access and Assessment Team. If a pupil is thought to be at immediate risk because of parental violence, intoxication, substance misuse, mental illness or threats to remove the child during the School day, for example, urgent Police intervention will be requested. See SEN/D policy.

Where a child sustains a physical injury or is distressed as a result of reported chastisement, or alleges that they have been chastised by the use of an implement or substance, this will immediately be reported for investigation.

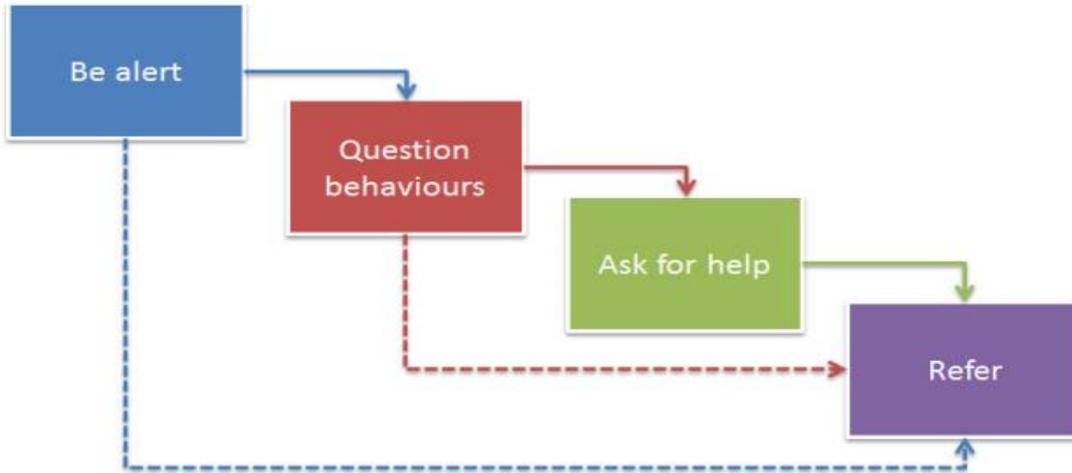
Fosse Bank recognises the need to be alert to the risks posed by strangers or others (including the parents or carers of other pupils) who may wish to harm children in School or pupils travelling to and from School and will take all reasonable steps to lessen such risks.

We acknowledge that children who are affected by abuse or neglect may demonstrate their needs and distress through their words, actions, behaviour, demeanour, school work or other children. The School has a strong commitment to an anti-bullying policy and will consider all coercive acts and inappropriate child on child behaviour and sexual activity within a Safeguarding context.



Appendix 2

- ‘What to do if you are worried about a child being abused’ (DfE 2015) identifies that there are four key steps for professionals to follow to help identify and respond appropriately to possible abuse and/or neglect.



Note that ANYONE can make a referral



APPENDIX 3 - WHAT TO DO IF YOU ARE WORRIED A CHILD IS BEING ABUSED OR NEGLECTED

Note that ANYONE can make a referral

Member of staff has concerns about a child's welfare (including children in need and children at risk)

- Be alert to signs of abuse and question unusual behaviours

Where a young person discloses abuse or neglect

- Listen; take their allegation seriously; reassure that you will take action to keep them safe.
- Inform them what you are going to do next.
- Do not promise confidentiality
- Do not question further or approach/inform the alleged abuser

Discuss concerns with Donna Fearn (Designated Safeguarding lead)

The **Safeguarding Lead** will consider further actions required, including consultation with Surrey Kent Children's Services (KSCS), immediately (number below) **or the Police if a crime has been committed, immediately**. Concerns and discussion, decisions and reasons for decision should be recorded in writing by agency /organisation. In **exceptional** circumstances or in the absence of a safeguarding lead the individual may contact Children's Services directly.

Still have concerns: refer to SCS

No longer has safeguarding concerns

Surrey Kent Children's Service (SCS) during office hours, Monday – Friday 0300 123 1630. If the child is at immediate risk dial 999: and ask for Police assistance

Out of hours Contact Emergency Duty Team on 01483 517 898

Additional / unmet needs

KentSurrey Children's Service

1. Acknowledge receipt of referral
2. Decide on next course of action (within one working day)
3. Feedback decision to referrer e.g.:
 - Further Assessment including
 - Child protection enquiries/Strategy Discussion
 - No further action required for Children's Services **and Early Help assessment recommended**
 - Referred to other agency for service provision

Consult with family and relevant agencies and undertake a Common Assessment (Early Help CAF) and Team around the Child meetings.



APPENDIX 4 - ALLEGATIONS AGAINST ADULTS/SCHOOL STAFF/VOLUNTEERS

Risk of Harm to Students

If you become aware that a member of staff/volunteer may have:
Behaved in a way that has harmed a child, or may have harmed a child;

Report immediately to DSL

Any concern or allegation against the Head of School will be reported to the Chair of Governors
The Head of School must:



Report the allegation within one working day to the Local Authority Designated Officer (LADO) team:

- The LADO team: add contact information



The LADO will:

1. Consider the relevant facts and concerns regarding the adult and child or children, including any previous history
2. Decide on next course of action - usually straight away, sometimes after further consultation with other multi-agency parties such as the Police and HR.



If the allegation threshold is NOT met, the LA Designated Officer will agree with you an appropriate response (E.g. for the agency to undertake further enquiries or undertake an internal investigation)



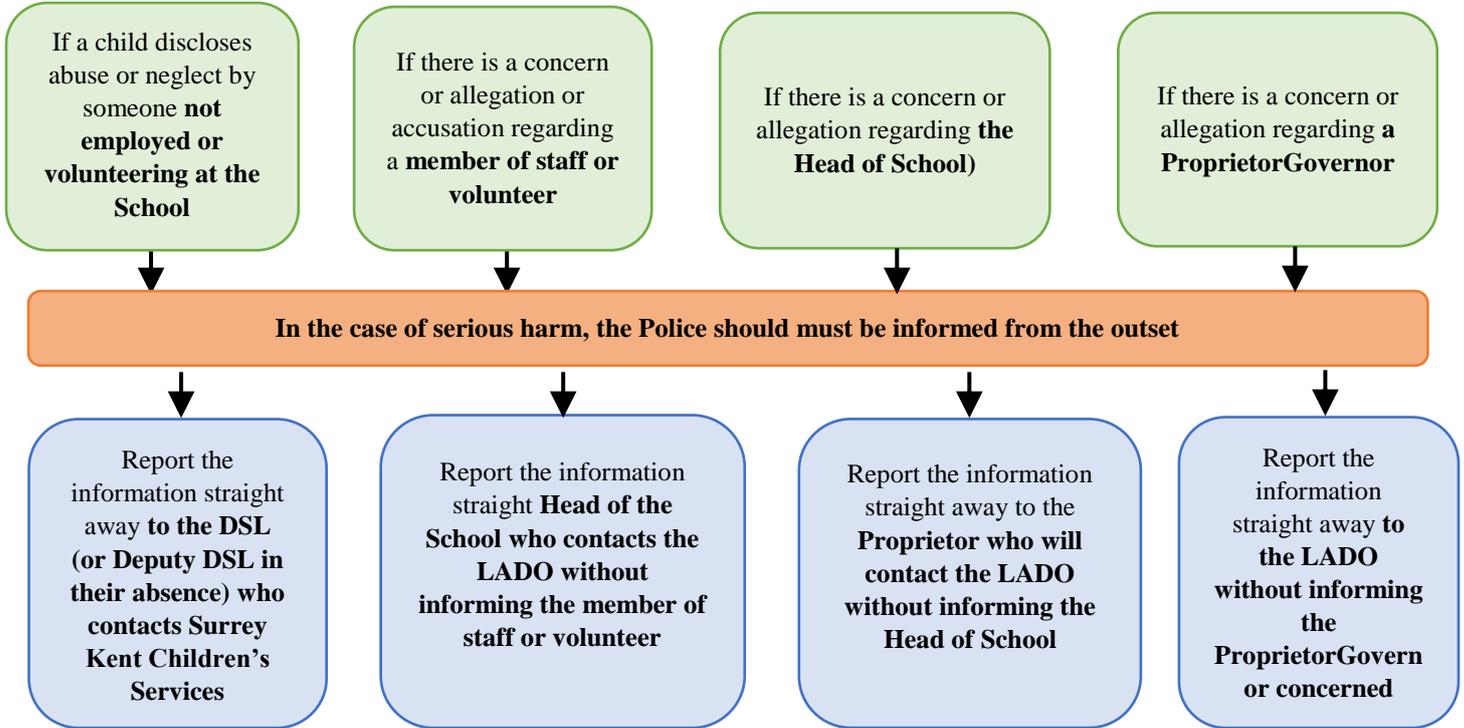
If the allegation threshold is met a strategy meeting will normally be held either by phone or in person. Normally a senior manager / safeguarding lead, the LA Designated Officer, HR, Police and social care are invited to attend. Relevant information is shared, risks to children are considered and appropriate action agreed –e.g. child protection and other enquiries, disciplinary measures or criminal proceedings. A record of the meeting will be made, and regular reviews will take place until a conclusion is reached.

Keeping Children Safe in Education (DfE: September 2016) makes it clear that anybody can make a direct referral to Children’s Services including the LADO and other external agencies.



APPENDIX 5- SAFEGUARDING CONCERNS OR ALLEGATION OF ABUSE ON A CHILD

The following safeguarding procedures apply where you become aware a member of staff/volunteer has, or a child discloses to you that an adult has behaved in a way that has, 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 may pose a risk of harm to a child.





Appendix 5

The role of the LADO (Local Authority Designated Officer)

The role of the LADO is set out in *Working Together to Safeguard Children (2015)* and is governed by the Authorities duties under section 11 of the Children Act 2004 and SSCB Inter-Agency Policy and Procedures. This guidance outlines procedures for managing allegations against people who work with children who are paid, unpaid, volunteers, casual, agency or anyone self employed.

The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children 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; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

There may be up to three strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- consideration by an employer of disciplinary action in respect of the individual.

The LADO is responsible for:

- Providing advice, information and guidance to employers and voluntary organisations around allegations and concerns regarding paid and unpaid workers.
- Managing and overseeing individual cases from all partner agencies.
- Ensuring the child's voice is heard and that they are safeguarded.
- Ensuring there is a consistent, fair and thorough process for all adults working with children and young people against whom an allegation is made.
- Monitoring the progress of cases to ensure they are dealt with as quickly as possible.
- Recommending a referral and chairing the strategy meeting in cases where the allegation requires investigation by police and/or social care.

The LADO is involved from the initial phase of the allegation through to the conclusion of the case. The LADO is available to discuss any concerns and to assist the school in deciding whether there is a need to make a referral and/or take any immediate management action to protect a child.



Appendix 6

Allegations of Abuse – A guide

What is an allegation?

Where it is alleged that a teacher or member of staff (including a volunteer) in a school 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
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

Distinct from a ‘complaint’ and therefore dealt with under different procedures.

Whom does Proprietor/Head Teacher need to tell?

- The Chairman of Governors
- The schools insurers
- Local Authority Designated Officer LADO
- Police
- Senior member of leadership team (Designated Person)

Role of Head Teacher

HT should ensure that:

- Policies and procedures are fully implemented and followed by all staff
- Resources and time allocated for Designated Person and staff to discharge their Child Protection responsibilities
- All staff & volunteers able to raise concerns about poor or unsafe practice in regard to children. Such concerns are addressed in accordance with whistle blowing policies
- S/he liaises with LADO/partner agencies re allegation of abuse against staff and volunteers.
- Suspension is “a neutral act” and should be considered to prevent further abuse and/or interfering with evidence
- Teachers accused of offences are now by law entitled to confidentiality and thus the school must not name them or confirm the name to press/parents/staff.

Taking formal disciplinary action

- The schools proceedings must not compromise the police/LADO actions therefore the school must get their permission through the LADO to carry out their investigation/disciplinary hearing
- Raise and deal with issues promptly
- Act consistently
- Carry out any necessary investigations
- Inform employee of the basis of the problem
- Give employee an opportunity to state their case
- Allow employee to be accompanied at any formal meeting
- Allow employee to appeal.



Holding a disciplinary meeting

- Set the date, time and venue
 - No unreasonable delay
 - Allow employee reasonable time to prepare their case and arrange a companion
 - Private venue
- Tell employee about right to be accompanied
- Give employee sufficient information about alleged misconduct/poor performance
- Give employee copies of written evidence in advance
- Conduct of the meeting:
 - Introductions
 - Purpose – to consider whether disciplinary action should be taken
 - Explain the order of proceedings
- Order of proceedings:
 - State nature of complaint and outline evidence
 - Employee to question witnesses
 - Employee puts his case and answers allegations
 - Employee calls witnesses
 - Employer sums up
 - Employee has last word
 - Adjourn before decision taken.

Don't forget that if applicable the results must be passed to the DBS for consideration to place on the barred list and the Charity Commission should be informed (if the school is a charity) by making a serious incident report.

Common procedural failings

- Employer's own procedure not followed
- Failure to give warnings when shortcomings first emerge
- Failure to give employee sufficient information prior to hearing
- Decisions taken or influenced by persons other than those who have considered what the employee has to say
- Decisions taken on basis of previous warnings
- Appeal – the school must ensure that people who may have to hear an appeal are not compromised by the disciplinary process.

Types of Dismissal

By employer:

- With notice
- Without notice but with pay in lieu
- Summary dismissal for gross misconduct
- Effect of “resign or be sacked”

By employee:

- Resignation

Withdrawal of notice not possible unilaterally but “heat of moment” notice may be withdrawn.



The reason for the dismissal

Employer must:

- Establish principal reason for dismissal
- Show it falls within potentially “fair” reasons

Potentially fair reasons:

- Incapacity or lack of qualifications
- Conduct
- Redundancy
- Contravention of a statutory duty or restriction
- Some other substantial reason
- Retirement (following statutory retirement procedure).

Automatically unfair reasons include:

- Pregnancy or a reason associated with taking maternity leave or recent childbirth
- Union membership or participation in union activities
- Assertion of statutory rights
- Health and safety reason
- Whistle-blowing
- Unlawful discrimination – sex, race, disability, religious belief, sexual orientation and age.

Reasonableness

- Employer must act reasonably in treating the reason as sufficient reason for dismissal – size and resources are relevant
- Criminal proceedings can only reach a guilty verdict when it is “beyond reasonable doubt”
Disciplinary proceedings can be decided on “balance of probability”
- Employment Act 2008 in force 6 April 2009 repeals the statutory dismissal and disciplinary procedures
- Employers and employees need to have regard to the new ACAS Code of Practice on discipline and grievance (see www.acas.org.uk/dgcode2009)
- Effect an unreasonable failure to follow Code:
 - Not automatically unfair dismissal
 - May lead to an increase/decrease in award by no more than 25%.



Appendix 7

At Fosse Bank we adhere to the IAPS Guidance:

Taking photos in schools

Tapestry is used in EYFS with the express permission of the pupils' parents. Fosse Bank is particularly sensitive to the use of cameras in Early Years.

Parents are asked on entry to the school and annually thereafter, if they give permission for photographs to be taken and used on different media as part of GDPR. Only if these permissions are given can images and information about children at our school be used, not only to allow parents an insight into the school life of their children, but for marketing purposes. These can include the school website, the local newspaper, local broadcasters and other relevant external media.

The points that follow constitute guidance on the practice of taking photos in the school environment and their use.

1. Parental consent must be given from both parents, particularly in the case of separated parents, This is consistent with other consents such as those required for, for example: school trips or vaccinations.
2. Any devices such as camera phones, digital cameras or camcorders that are used to take photos are either the property of the school, or should be registered with the school, for safeguarding and inspection purposes.
3. The school has clear rules for staff. Staff should be advised that they must only take photographs of children on school equipment and that the images must be stored centrally and in accordance with school policy. Images must not be stored on the devices as far as possible.
4. It is advisable not to take photos of children in their swimwear or other states of undress.
5. Should children ever have mobiles in school, a strict policy preventing children from taking photos of staff without their consent would be put in place.
6. Do not state children's names alongside their photographs unless express parental permission has been given. Even where permission has been given, it is best practice to only do so where it would be inappropriate not to (for example, where a child in a photo has won an accolade or award and it would be pointless to display the photo if the details were not stated with it, or for local press releases where the newspaper in question requires a full caption).
7. Guidance issued from the Information Commissioner's office makes it clear that, under the Data Protection Act, schools can put pictures of individual pupils on school websites (with consent). The Data Protection Act requires that schools take appropriate measures to keep data secure and prevent the unlawful processing of personal data but this is not the same as guaranteeing 100% security.
8. Take reasonable steps to protect the abuse of photos as far as possible, which may include only using group shots on public facing parts of the website and regularly reviewing and updating photos.

Please see the [Data Protection Policy](#) for further details.