



Ysgol Friars Child Protection Policy

1. Introduction

Ysgol Friars recognizes its statutory obligations with regard to child protection in education. The school and governors aim to ensure the well-being and safety of children and young people within and outside the school and whilst involved in any other educational provision organised by the school. The school is working towards compliance with requirements and principles of:

- Wales Safeguarding Procedures 2019
- Keeping Learners Safe Guidance document 248/2019
- Working Together to Safeguard Children (DfE document 001952018)– in compliance with Children Act 2004
- Gwynedd and Isle of Anglesey Child Protection Board Protocols and Policies.

The Deputy Headteacher (Pupil Support), under the supervision of the Headteacher, has responsibility for ensuring that the school fully fulfils its Child Protection statutory duties.

The role of the schools within the Child Protection system is to ensure a secure environment where children and young people can learn, giving adequate focus to their well-being and safety. All members of staff should consider their roles as regards:

- safeguarding children from harm
- preventing abuse
- promoting well-being in a nurturing environment

The school has a responsibility to co-operate with the Social Services on behalf of children and young people in need or who are vulnerable to risk of abuse through referring concerns, contributing information and assessments of need.

Due attention is given to categories of abuse as highlighted in the 2019 Welsh Safeguarding Guidelines:

- Physical abuse
- Emotional abuse
- Sexual Abuse
- Neglect
- Financial Abuse

All members of staff:

- have a professional and legal responsibility for children and young people's well-being and safety;
- have a responsibility to "*Blow the Whistle*" if they are aware of any case of abuse;
- must be vigilant of symptoms of abuse and respond in compliance with the 2019 Welsh Safeguarding guidelines;
- must be vigilant of signs of bullying;
- must be aware of how to respond when a child divulges information and which appropriate measures to take;
- must be aware of The Wales Safeguarding Guidelines.

In accordance with guidelines, every school is required to identify a designated teacher and governor responsible for Child Protection. At Ysgol Friars our Child Protection / Safeguarding Co-ordinator is the Deputy Headteacher **Martin Williams** (Pupil Support), we also designate a Child Protection / Safeguarding Link Governor **Emily Wood**.

2. Definition of Child Abuse

A child is abused or neglected when somebody inflicts harm, or fails 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 a stranger. A child or young person up to the age of 18 years can suffer abuse or neglect and require protection via an inter-agency child protection plan.

3. **SECTION A – Immediate Action**

Action to be taken by school staff:

- 1) If a member of staff suspects that a child has been abused or is at risk of suffering abuse, they must inform the Designated Safeguarding Person (DSP) / Child Protection Officer or Deputy Child Protection Officer **Clare Houston** immediately once informed of the concern.
- 2) The Designated Safeguarding Person (DSP) or in his/her absence Deputy Child Protection Officer, should inform by telephone, without delay, the Duty Social Worker (Single Point of Access - SPOA), at the local department with responsibility for safeguarding. This should be the opportunity to discuss what action needs to be taken in any individual case and **how to keep the child safe**.

Parental Consent - Obtaining parental consent should be considered before discussing a referral concerning their child with other agencies.

Exceptions to this include:

- Where such action may put the child at increased risk;
 - The possibility of threats or coercion;
 - The loss of important evidence;
 - The child's wishes that the parent/s are not informed, providing the child is competent to take that decision;
 - Safeguarding Team Managers in conjunction with the police will make the decisions whether or not parents should be informed and not the referrer;
 - The reasons for the decision will be fully recorded on the referral form.
- 3) It is important that the referral is made with reference to the "Wales Safeguarding Procedures (2019)".
 - 4) Information should be provided about the child's name, address, date of birth, name and address of those with parental responsibility and reasons for the concern, this should be done in accordance with the relevant ISP (Information Sharing Protocol).
 - 5) If this discussion is confirmed as a referral to social services, it should be confirmed in writing using the 'Safeguarding Common Referral Form' and sent to the department with responsibility for safeguarding within the Local Authority safeguarding team. It should be marked as **CONFIDENTIAL**.
 - 6) If a Social Worker or School Nurse is available, they may be able to assist with any immediate action required but it remains the responsibility of the Designated Safeguarding Person (DSP) or Deputy DSP to ensure that the action outlined above is taken.
 - 7) The LA Department with responsibility for Safeguarding should advise on what action will be initiated and the action the referrer should take regarding communication with parents i.e. at what point parents should be contacted and by whom.
 - 8) A representative from the school and/or local authority will normally be required to attend any resulting Child Protection Initial Case Conference.
 - 9) Whether schools attend or not they will be expected to submit a report and these should be available to the Chair/Safeguarding and Support Child Protection Coordinator 48 hours prior to the meeting, keeping to factual information and not opinion or rumour. It is good practice for the LA to share any reports with the family at least the day before the conference.

The individual employee or professional making the referral may be asked to do some or all of the following tasks, and should be prepared and willing to do them:

- Contribute to a strategy discussion or strategy meeting;
- Assist in the child protection section 47 enquiries;

- Attend the child protection conference;
- Provide a written report for the child protection conference;
- Contribute to the initial and core assessments.

4. SECTION B - WHERE ABUSE BY A MEMBER OF STAFF IS ALLEGED.

In accordance with the provisions of the School Standard and Framework Act 1998, governing bodies are responsible for dealing with staff disciplinary matters in all maintained schools. In accordance with the Education (School Government) (Wales) Regulations 2005, the governing body is also responsible for establishing Staff Disciplinary and Disciplinary Appeals Committees.

Circular **002/2020 ‘Staff Disciplinary Procedures in Schools’** offers guidance in order for governors to establish their own procedures. Such procedures must be formally adopted by the governing body, reviewed in the light of further guidance or regulation and made known to all staff. Such procedures must be separate and distinct from grievance and capability procedures.

Welsh Government guidance circular 009/2014 Safeguarding Children in Education: handling allegations of abuse against teachers and other staff sets out a clear process for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools to follow when dealing with all such allegations. Governing bodies must have regard to this guidance when carrying out their duties relating to the handling of allegations against teachers and other staff.

The guidance above in should be read in conjunction with Joint NEOST/Teacher Union Guidance on Education Staff and Child Protection: Staff Facing an Allegation of Abuse Guidelines on Practice and Procedure (September 2002) which has also been incorporated into Gwynedd’s child protection procedures. If a Headteacher and/or the Chair of Governors receives a child protection allegation, the LA designated Child Protection Officers, should be consulted to decide what action needs to be taken. If the allegation is against the Headteacher, the matter should be referred to the Child Protection Officer and/or the Chair of Governors (contact details via the Clerk to the Governors). The Headteacher, or the Chair of Governors if the allegation is against the Headteacher, is required to make an initial assessment, but not investigate, the nature and circumstances of the allegation.

To contact the Chair of Governors: chairofgovernors@friars.gwynedd.sch.uk

This assessment should simply;-

- establish that an allegation has been made,
- the general nature of the allegation,
- when and where the episode(s) is alleged to have occurred, who was involved and any other persons present.

Therefore, when such allegations are made, there are four possible outcomes of the initial assessment:

(i) Where the pupil has suffered, is suffering, or is likely to suffer significant harm, there should be an immediate referral under Local Authority child protection procedures.

(ii) Where the child has alleged that a criminal offence has been committed, then again this will be referred under LA child protection procedures and the police may carry out a criminal investigation.

(iii) The allegation may represent inappropriate behaviour or poor practice by a member of staff (which does not fall within the above categories) that needs to be considered under local disciplinary procedures.

(iv) That the allegation is apparently without foundation.

If there is any doubt of these matters, then guidance / clarification can be sought from the relevant Local Authority Senior Safeguarding Officer.

5. Instances which do not require referral

There will be instances where allegations made do not require referral under the child protection procedures detailed above. Those instances are as follows:

- a) Where the allegation relates to the use of reasonable force to restrain a pupil, in accordance with s.550A of the Education Act 1996 and Welsh Government Circular 097/2013, it will be appropriate for the Headteacher to deal with the matter at school level. An allegation of assault beyond the use of reasonable force would however need to be dealt with in accordance with the local child protection procedures as detailed above.
- b) Where, following initial consideration, it is absolutely clear to the Headteacher (or where the allegation involved the Headteacher, the chair of governors) and the relevant Local Authority Senior Safeguarding Officer, **Delyth Lloyd Griffiths**, that the allegation is demonstrably false by virtue of the fact that the immediate circumstances of the allegation show that it would not be possible for the allegation to be true, then again the matter can be dealt with at school level.
- c) The allegation may represent inappropriate behaviour or poor practice by a member of staff which needs to be considered under local disciplinary procedures.

6. Referral and procedures

Any action undertaken by the statutory authorities following a referral takes precedence over any governing body staff disciplinary / dismissal committees. However, the governing body is required to implement its staff disciplinary procedures in the event that the member of staff's conduct falls within the description in (iii) above, or where, following consideration of the case by statutory agencies, it is decided that no further action is to be taken by the agencies and the matter is referred back to the school.

Guidance document 002/2020 (Staff Disciplinary Procedures in Schools) section 3.4 states that where the disciplinary and dismissal hearing relates to an allegation that a teacher or member of staff employed under a contract of employment at the school has abused a pupil registered at the school, the staff disciplinary and dismissal committee and appeals committee must include at least two governors and an independent non-governor member with voting rights.

Section 8.26 says that the independent member must not be:

- a governor of the school in question
- a parent/carer of a current or former pupil of the school in question
- a current or former member of staff from the school at which the person subject to the disciplinary hearing is employed
- a member or employee of the local authority that maintains the school
- a trustee of the school
- a member of the appropriate diocesan authority for the school
- the person who appoints the foundation governors to the school governing body

Section 8.27 advises that the independent governor normally takes the place of one of the three governors assigned to sit on the staff disciplinary and dismissal committee and the staff disciplinary and dismissal appeals committee. This maintains an odd number of governors and avoids the need for the chair of the committee to have a second or casting vote. The non-governor member cannot be chair of either committee. A different independent non-governor member is required for each committee.

The Chair of the Governors should not normally sit on either the disciplinary committee or the disciplinary appeals committee in order that he/she is able to advise the Headteacher in cases involving other staff and is able to act in cases involving the Headteacher. The Headteacher cannot be a member of either committee. A link governor on the disciplinary committee should be named in order to monitor the progress of the statutory investigation.

The action undertaken by the statutory authorities following a referral include the need for a strategic meeting to be held between the parties concerned. A decision whether to undertake an official investigation is made at this meeting, the conclusion of which will be either:-

- (i) that the criteria for a 'criminal threshold test' are met and an investigation will be undertaken either as a 'joint' Section 47 venture by both Social Services and the Police or a 'single' investigation by either agency or;
- (ii) that the evidence does not adhere to the aforementioned 'criminal threshold criteria' but that the allegation remains to be considered at school level or;
- (iii) that there is no case to answer.

It must be noted here that it would not be appropriate for the panel of the governing body to conclude that because there is no prosecution or that a prosecution fails following a statutory investigation i.e. (i) and (ii) above, consideration of disciplinary action is unnecessary. Governing bodies need to recognise that:

- A higher standard of proof is required for criminal proceedings than for disciplinary proceedings;
- Disciplinary proceedings may well involve wider issues than those considered by the statutory authorities;
- The general duty of care the governing body has to pupils and others.

If it is decided that staff disciplinary procedures should take place following a child protection allegation, the chair of the governors/disciplinary committee should immediately engage an independent investigator to undertake and complete an investigation prior to the start of the governing body disciplinary hearing.

An independent investigator must be appointed in all cases where allegations involving issues of **child protection** are made against school staff and which may lead to disciplinary proceedings under the 2006 Regulations.

The only exception to this requirement is when the Headteacher/ chair of governors concludes that the allegation is demonstrably false because the circumstances of the allegation show beyond any doubt that it is not possible to be true.

To help governing bodies meet the requirements to appoint an independent investigator as in the Regulations (The Staffing of Maintained schools (Wales) Regulations), the Welsh Government has established a bilingual Independent Investigation Service (I.I.S.) which governing bodies can use free of charge. Alternatively the governing body may appoint their own investigator, the cost of which would fall to be met from the governing body's delegated budget. However, an investigator cannot be a governor, parent, former pupil or member of staff at the school in question or a person employed by the LA that maintains the school.

The police will secure the agreement of witnesses that any evidence obtained for the purposes of prosecution can be used in any consideration of disciplinary action and the investigator will need to review, and as necessary supplement, the evidence from the statutory authorities in the light of the governing body disciplinary requirement.

If the person making the child protection allegation withdraws it for any reason, and at any time in the process, there is no need to appoint an independent investigator. It should be noted here that if it is a pupil who makes an allegation it is the pupil who should withdraw it. The governing body should not accept a withdrawal of an allegation being made by another person i.e. a parent on behalf of the pupil, unless the written or verbal agreement of the child concerned is obtained.

The role of the IIS is, therefore, to:

- Consider all the evidence, including that supplied by the statutory authorities, and explore the facts relating to an allegation. This may mean interviewing witnesses.
- Produce a report with findings and conclusions for the chair of the staff disciplinary/dismissal committee.
- Impartially present the report at the disciplinary hearing and any appeal hearing to enable members to take a collective decision and have regard for and comply with the requirements of GDPR.

Once the independent report has been received the staff disciplinary/ dismissal committee, including the non-governor member, need to consider the findings and decide whether:

- There is evidence to believe that the child protection allegation which is well founded and constitutes gross misconduct which requires a formal staff disciplinary/dismissal hearing;
- The evidence supports a decision that the allegation constitutes lesser misconduct which can be dealt with by the Headteacher; or
- There is no evidence to support the child protection allegation and no further action needs to be taken against a member of staff.

Governing bodies need to bear in mind that having an investigation report does not in itself automatically mean that a disciplinary hearing must be held.

Should the evidence support the fact that the allegation was well founded the chair is required to give the member of staff concerned at least ten days' notice of the intent to hold a disciplinary hearing and expected procedures should be adhered to with regard to timescale, representation and the structure of the meeting to be held.

Allegations without Foundation

Where the allegation is demonstrably false, then the Headteacher (or, where the allegation involves the Headteacher, the chair of governors) should, in consultation with the LA link officer:-

(a) Inform the member of staff orally and in writing of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. The member of staff may be accompanied by a trade union representative or friend;

(b) Consider whether counselling and/or informal professional advice to the member of staff is appropriate and the form either might take;

(c) Inform the parents of the child or children of the allegation and the outcome in writing;

(d) Consider appropriate counselling and support for the child or children who made the allegation(s) and, where appropriate, their parents; in particular, consider what follow up action (including disciplinary action) should be taken in regard to a person or child who has made an allegation that is shown to be false or unfounded, especially if it is shown to have been made maliciously;

(e) Where the allegation has been made by a person other than the alleged child victim themselves, consideration should be given to informing the parents and child of the fact of the unfounded allegation and providing support as necessary.

7. Suspension

Suspension of a member of staff pending disciplinary proceedings should follow accepted procedures and only be considered where:

- It appears to be necessary to exclude the member of staff from the school for the protection of pupils, other staff or property or the orderly conduct of the school; or
- The continued presence at work of the member of staff would be an obstacle to proper investigation of the allegations made against that member of staff; and
- There is no other suitable option available, e.g. restricting the duties of the member of staff.

Suspension should be seen as a neutral act and not as a disciplinary penalty and as such the school should ensure that procedures are enabled to support the individual during this traumatic experience.

Where suspension is being considered, an interview should be arranged. Normally, the interview should be undertaken outside pupil contact time. The Headteacher (or, in cases where the allegation is against the Headteacher, the chair of governors) should consult with and seek advice from the LA link officer.

Where the police are involved in a criminal investigation, any interview arranged, where suspension is considered, should not be conducted without prior consultation with the officer in charge of the case. Where there is no police involvement, an interview should be arranged in accordance with the following procedures:

- When called to an interview where suspension is a possible outcome the member of staff should be advised to seek the advice and assistance of his or her trade union. A person who is not a member of a trade union may be assisted by a work colleague. He/she, where accompanied, should be offered the opportunity of a brief meeting with the representative or colleague before the interview.
- The member of staff should be informed at the outset of the interview that an allegation has been made and that, at the conclusion of the interview, suspension might occur. It should be made clear, however, that the interview is not a formal disciplinary hearing but is for the purpose of raising a serious matter which may lead to suspension and further investigation.
- The member of staff should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation about the allegation. This meeting is not concerned with examination of the evidence but is an opportunity for the member of staff to make representations concerning any possible suspension. The member of staff should be given an opportunity to make such representations after the information has been given and the reasons for any proposed suspension made out. A brief adjournment should be offered to the member of staff prior to response.
- If, as a result of the interview, it is considered by the Headteacher/chair of governors that suspension is necessary along with a full investigation of the allegation, the individual should be advised that he or she is suspended from duty. Written confirmation of the suspension should be dispatched within one working day, giving reasons for the suspension.

8. SECTION C - ACTION TO BE TAKEN BY SCHOOL STAFF WHEN THEY ARE CONCERNED ABOUT SITUATIONS NOT COVERED BY SECTIONS A AND B.

Occasions may arise when staff are concerned that the normal procedures may not apply or be followed. In such situations:

- a) Inform, without delay, the appropriate Chief Officer based at the Local Authority.
- b) Alternatively, request a “confidential” interview with the appropriate Chief Officer, Education Social Work Team Manager or Head of Education Inclusion.

APPENDIX A

ROLE OF THE CHILD PROTECTION CO-ORDINATOR / DESIGNATED TEACHER / DESIGNATED MEMBER OF STAFF

Schools have a valuable role to play in the context of Child Protection, particularly at the recognition and referral stage.

The “All Wales Child Protection Procedures”, make it clear that all schools and colleges should have a designated member of staff responsible for co-ordinating Child Protection issues and in particular liaison with other agencies. This person also has a key role in monitoring the implementation of plans, post Child Protection Registration, in the context of their school or facility.

In order to assist schools and facilities in defining more clearly the responsibilities expected of the designated person the following details have been outlined. The information is not meant to be conclusive and should be considered within the wider context outlined in The All Wales Child Protection Procedures and the Local Safeguarding Boards Local Protocols.

General Consideration

Child Protection is a serious issue, particularly to those who may be victims, potential victims or involved in support. Frequently situations do not appear to be “black or white” and tensions often exist between agencies.

It is essential therefore that the person nominated or appointed should have;

- a. A clear understanding of the importance of Child Protection and the role of the school in this process.
- b. The ability to communicate effectively with other agencies and the ability to appreciate all relevant perspectives.
- c. The ability to relate well to pupils, parents and colleagues in order to gain their confidence.
- d. Sufficient seniority or recognition within the school in order to act on behalf of the organisation and in some instances bring about change if required.
- e. A willingness to develop awareness of Child Protection, particularly through training and obtaining information available in existing and future procedures, circulars and guidance.

Specifically

The role of the co-coordinator/designated person would include:

1. Ensuring that all members of staff are aware of the appropriate Child Protection Procedures and who the designated teacher is. This is particularly important for new staff.
2. Ensuring that the proper procedures are followed.
3. Liaison with other agencies over cases of alleged abuse and the promotion of co-operative working including attendance at Case Conferences.
4. Ensuring that the designated named officer for Child Protection for Schools is aware of any breakdown in communication or problems with the implementation of local procedures.
5. Maintaining appropriate records regarding cases which cause concern and subsequent action taken.
6. Ensuring that ongoing monitoring exists for pupils having been the subject of child abuse concerns and/or, placed on the Child Protection Register and made the subject of a plan involving their school.

APPENDIX B: Types of Abuse:

Physical:

The hitting, slapping, over or misuse of medication, undue restraint, or inappropriate sanctions, shaking, throwing, poisoning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates or induces an illness in a child whom they are looking after.

Emotional:

The persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effect on the child's emotional and behavioural development, threats of harm or abandonment, coercive control, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks, witnessing the abuse of others.

Sexual:

Forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening, including: physical contact, including penetrative or non-penetrative acts; non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways.

Neglect:

The persistent or severe neglect of a child, or the failure to protect a child from exposure to any kind of danger, including cold, starvation or extreme failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development, failure to meet basic physical, emotional or psychological needs which is likely to result in impairment of health or development.

Financial:

Not meeting the needs of a child in terms of the care and support which are provided through direct payments; or complaints that personal property is missing.

Risk from other actual or potential harm to a child or young person may also result from:

Criminal exploitation such as county lines (CCE)

Child sexual exploitation

Radicalisation

Female genital mutilation (FGM)

Modern slavery

APPENDIX C

Disclosure / Allegation of Abuse

Should a young person disclose that s/he has been or is being abused this information must be passed on. If a young person discloses abuse, the staff member should:

| DO | DON'T |
|--|--|
| Listen to the child / young person rather than directly questioning him or her. | Stop a child who is freely recalling significant events. |
| Encourage the child / young person to allow another person to be present. | Show shock or disquiet. |
| Reassure the young person that they are not to blame and are right to tell. | Guarantee confidentiality. |
| Inform the child / young person that you will have to pass information on. | Put words into the child / young person's mouth. |
| Make a written record of the discussion as soon as possible after the child has made the disclosure to you, taking care to record the timing, setting, personnel / other staff as well as what was said. | Be afraid to seek support from yourself from your line manager. However, it is not appropriate because of the high standard of confidentiality that must be maintained in child protection to discuss individual cases with personal friends or acquaintances, who may be able to identify the family concerned. |
| Be clear about your own position, you work for a Department that has a responsibility to protect children and young people. | Interrupt the child / young person. |
| Keep any drawings, paintings etc. that the child / young person may do to show what happened to him or her. | Expose the child / young person to mass examination by staff to verify any injuries. |
| Remain calm and reassuring. | Question the child, remember, this task must be undertaken by specially trained professionals. |

APPENDIX D

Additional information from the new Wales Safeguarding Procedures 2019:

- During the course of an initial assessment, if the Safeguarding team establish that a school age child is not attending school, they should alert the Education/Children's Services Department, and ensure that in the interim, the child is subject to adequate daytime care and supervision arrangements.
- Where a teacher or other member of staff has cause to believe that a child is at risk from, or is the subject of, fabricated or induced illness, the teacher with designated responsibility for child protection should be immediately informed. As with all forms of suspected harm, the Wales Safeguarding Procedures 2019 will apply and the designated teacher will take responsibility for making an appropriate referral to the LA Safeguarding team. All evidence relating to the concern should be kept safely as it may be needed to inform decision making or contribute to any consequent investigation.
- Teachers and other school staff should not carry out their own investigations or discuss the matter with the child's parent/caregiver.

Adopted by Resolution of the Governing Body 14th July, 2014. Revised 5th February, 2018 and 24th June 2020.