



HAMILTON LODGE SCHOOL

Safeguarding and Child Protection Policy

June 2009
To be reviewed: June 2010 (Gov)

POLICY ON SAFEGUARDING AND CHILD PROTECTION

Introduction

“Children have the right to be protected from all forms of violence (physical and mental). They must be kept safe from harm and they must be given proper care by those looking after them.” (United Nations Convention on the Rights of the Child, Article 19)

Hamilton Lodge School acknowledges its responsibility for ensuring the proper care of each pupil. Our policy applies to all staff, governors and volunteers working in the school. Every member of staff has a responsibility to be aware of individual pupils' needs and, should there be a concern, to take appropriate action.

It is our objective to safeguard our pupils' and to promote their welfare. Our aim is for every child, whatever their background or their circumstances, to have the support they need to achieve the Every Child Matters Outcomes to:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

We will achieve this by:

- Providing a safe environment for children and young people to Learn.
- Identifying children and young people who are suffering or likely to suffer significant harm, or where there are child welfare concerns and taking appropriate action to address them aiming to keep the child or young person safe both at home and in school.
- Protecting children and young people from maltreatment.
- Preventing the impairment of children and young people's health or development.
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care.
- Undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.
- Delivering a curriculum that develops children and young people's understanding, awareness and resilience.

The designated person for Child Protection issues is the Head Teacher but in their absence the role will be undertaken by the Head of Care.

The school adheres to the Sussex Child Protection and Safeguarding Procedures and a copy of this is kept by the Head Teacher and the Head of Care. The school also takes account of guidance issued by the Department for Children, Schools and Families 'Safeguarding Children and Safer Recruitment in Education' to:

- ***Ensure we have a designated senior person for child protection who has received appropriate training and support for this role.***
- ***Ensure we have a nominated governor responsible for child protection.***
- ***Ensure every member of staff, volunteer and governor knows the name of the designated person responsible for child protection and their role.***
- ***Ensure all staff and volunteers understand their responsibilities in being alert to the signs of abuse and responsibility for referring any concerns to the designated person responsible for child protection.***
- ***Ensure that parent/carers have an understanding of the responsibility placed on the school for child protection by setting out its obligations in the school prospectus.***
- ***Notify Social Services if there is an unexplained absence of more than two days of a pupil who is on the child protection register.***
- ***Develop effective links with relevant agencies and co-operate as required with their enquiries regarding child protection matters including attendance at case conferences.***
- ***Keep written records of concerns about children, even where there is no need to refer the matter immediately.***
- ***Ensure all records are kept securely; separate from the main pupil file, and in locked locations.***
- ***Develop and then follow procedures where an allegation is made against a member of staff or volunteer.***
- ***Ensure safe recruitment practices are always followed.***
- ***We have regard to the statutory provisions & guidance set out in appendix A.***

Referral to the Social Care team or Child Protection team may be made locally within Brighton and Hove or to the child's home area depending upon the circumstances. Staff also have guidance on the issue of personal contact between themselves and pupils, being alone with pupils and the use of restraint.

Child Protection Procedures

If there is concern about a pupil or a pupil makes a disclosure the following procedures apply:

1. General concern.

If a member of staff has a general concern about a pupil's well being this is logged using the internal note system. The Assistant Head Teacher (Support for Learning) is responsible for monitoring the internal notes received and she will liaise with the Head Teacher/ Head of Care to decide, with appropriate members of staff, the next step. It should be recognised that it may be decided not to refer concerns of a general nature immediately, but to defer action until further concerns arise.

2. Specific concern.

If a member of staff has a specific concern arising out of a pupil's disclosure, physical evidence or written material, this is to be passed immediately to the Head Teacher and copied to the Head of Care.

Please note:

Failure by a member of staff to report actual or reasonably suspected physical, sexual or emotional abuse or neglect of a child is a disciplinary offence.

It is recognised that confidentiality needs to be maintained amongst staff who are aware of the situation and that it is not always possible for the Head Teacher/Head of Care to feed back details of any subsequent investigation.

Staff who have been the recipient of a pupil's disclosure are given the opportunity to talk about their feelings and reactions to a senior member of staff. They may in the first instance talk to their line manager about their feelings in dealing with the disclosure but should not reveal its content.

3. Procedures for managing allegations against staff or volunteers.

- Hamilton Lodge school adheres to the DCSF Guidance outlined in **Chapter 5 of 'Safeguarding Children and Safer Recruitment in Education' and Appendix 5 of 'Working Together to Safeguard Children: A guide to inter-agency working to Safeguard and Promote the Welfare of Children (April 2006)**

If a member of staff has a concern about another member of staff they must report it to their line-manager or, in their absence, a senior manager, immediately.

- If the concern is of a child protection nature the member of staff should report their concerns immediately to the Head Teacher, or Head of Care.
- If a member of staff has a concern about the Head Teacher they must report it to the Chair of Trustees. The contact details for the Chair of Trustees are held in reception.

4. Arrangements for visitors

To ensure the safeguarding of the children and security of the school, any member of staff arranging for a visitor to the School is required to get the agreement of a member of LT at least 24hours prior to the visit.

All visitors should be put in the school diary for all times of the day/evening after agreement by LT. Visitors should report to reception or the residential houses depending on the time of day and sign the relevant visitors' book. Visitors should be supervised by staff at all times and wear a visitors badge.

5. Procedures for dealing with a pupil who Leaves school without permission or who does not return to school as expected.

For those who do not return to school as expected from home:

The named member of administrative staff will contact the child's parents/carer and notify the placing LA. Subsequently where a child's whereabouts appears unknown we will agree with the LA what action will be taken.

If a pupil goes out of school without permission the following procedure should be followed:

During the school day

- Inform the Head Teacher, or Head of Care immediately.
- The Head Teacher or Head of Care will designate a member or members of staff to Leave the premises to accompany or look for the pupil, if appropriate. These members of staff should take a mobile phone with them.
- If the pupil has not returned to school and his or her whereabouts is not known within a maximum of 30 minutes, the Head Teacher, or Head of Care will take a decision whether to notify the police, the pupil's parents/guardians, and the placing LA.
- Any such incident will be recorded. It will be discussed with the pupils' parents/carers and appropriate steps to manage this behaviour taken, on an individual basis.

Outside school hours

- Inform the Senior Care Officer on duty straight away. He or she will decide whether to inform the senior member of staff on call. (Head Teacher/Head of Care)
- The Senior Care Officer will designate a member or members of staff to leave the premises to accompany or look for the pupil, if appropriate. These members of staff should take a mobile phone with them.
- If the pupil has not returned to school and his or her whereabouts is not known within a maximum of 30 minutes, the Head Teacher or Head of Care must be informed and will take a decision to notify the police, the pupil's parents/carers and the placing LA.
- Any such incident will be recorded. It will be discussed with the pupil's parents/carers and appropriate steps to manage this behaviour taken, on an individual basis within the sanctions procedures outlined in the pupil guidelines.

Dealing with disclosure.

(See also 'Guidelines for conduct when alone with a pupil')

If a pupil requests a private conversation, the member of staff is to inform a colleague of where they will be and which pupil they are with. Where possible, ask them to stay nearby. The guidance 'Talking to Children About Abuse' on page 12 is to be followed.

If possible, the member of staff should seek advice from their line manager. They may also need to ask a colleague to be present in order to ensure that they have interpreted the information correctly. The member of staff should tell the child that they will need to inform other persons. They must also keep the child informed of all actions they intend to take and ensure that the child fully understands what is happening.

If a member of staff is concerned about the child's emotional or behavioural state, they should make a note on the white board in the staff room. If the report contains confidential/sexual information, they should not pin a copy to the notice board but pass it to the Head Teacher and copy it to the Head of Care.

If a member of staff receives a disclosure they should fill in an 'Internal Note' and this should be taken straight to the Head Teacher, or in his absence the Head of Care. A copy should be given to the Head of Care. No other copies are to be made or distributed.

GUIDANCE FOR SITUATIONS WHERE A MEMBER OF STAFF IS ALONE WITH A PUPIL

Where possible staff should avoid situations where they are on their own with a child.

However, in a small school where there is some individual tuition and support, there will be occasions when a member of staff may find him or herself alone with a pupil. At such times the member of staff should be fully aware of the need to ensure the protection of both the child and the adult in that particular situation.

Guidelines for conduct when alone with a pupil

- The member of staff should leave the door open unless there is a glass viewing panel built into the door.
- The member of staff should ensure that other members of staff are nearby or, if this is not possible, that they know where the member of staff and the pupil are.
- Members of staff should take every care to avoid any words or actions which could be misinterpreted by the pupil to be an indication of a personal relationship beyond that of the normal professional relationship between a member of staff and a pupil
- If there is any feeling of doubt about the safety of a situation, the member of staff should immediately call another member of staff or move with the child to an area where there are other people. If that feeling of doubt persists or has any substance the member of staff should immediately report the circumstances to a senior member of staff or the Head Teacher.
- Members of staff should not form a one-to-one social relationship with a pupil off site or outside school hours under any circumstances.
- No individual pupil may be entertained in a member of staff's home. Any arrangement to take a group of pupils to a member of staff's home should only be made with the agreement of a senior member of staff or the Head Teacher)
- Where an extension of school activities, such as D of E's Award, fund-raising or other events involves contact outside school hours, the member of staff should ensure that the Head Teacher or Head of Care is kept fully informed of all such arrangements through the appropriate systems and record keeping.
- Any member of staff taking a single pupil in a car to an appointment, should ensure that it is recorded in the school diary and that senior staff are aware.

Confidentiality

The child or member of staff may ask for their disclosure to be kept confidential. The recipient should make it clear that they have a duty to protect them. The only way to do this is to use the child protection procedures of the school. The member of staff should reassure the child that only those who need to know will be given any information.

Data Protection

In accordance with the Data Protection Act 1988 we recognise each pupil's right to privacy. We also recognise the right of the pupil to have access to personal data, on receipt of a written request, and the right to prevent the processing of information which is damaging or distressing to themselves or others. We also recognise that any information processed must be necessary for the legitimate functions of the school. We take note of '**Working Together to Safeguard Children-a guide to inter-agency working to safeguard and promote the welfare of children**'. According to the guidance we have a duty to share information and cooperate with professionals and outside agencies in the best interests of the child.
(See Policy on Privacy and Confidentiality)

Staff Recruitment/Checking Procedures

All members of staff working within the school are subject to careful checking procedures designed to ensure that they are suitable to work with children. The school adheres to the advice and guidance outlined in:

DCSF publication 'Safeguarding Children and Safer Recruitment in Education'

Volunteers/Regular visitors

Hamilton Lodge School requires all volunteers to be subject to the same recruitment procedures and checks as regular staff. Volunteers must not have unsupervised access to pupils unless they have been subject to an Enhanced Criminal Records Bureau check.

Governors

Hamilton Lodge School requires all Governors to be subject to the same recruitment procedures and checks as regular staff. Governors must not have unsupervised access to pupils unless they have been subject to an Enhanced Criminal Records Bureau check.

Admissions

In deciding whether to accept a potential pupil we have the needs of the individual child and the needs of the existing pupils as the most important consideration.

We will ensure that we can meet all the needs of the individual pupil, educationally, socially, emotionally and physically.

In making our decision we will also consider the needs of our existing pupil population to ensure that the admission will not have a negative impact on their education.

Work Experience/College Placements

Hamilton Lodge School follows the guidance in 'Safeguarding Children and Safer Recruitment in Education' Appendix 14. All potential work experience placements will be carefully considered and assessed for potential risk, looking at Health, Safety and Welfare aspects and in line with the guidance from Brighton and Hove Connexions Service.

Bullying

This is deliberate hurtful behaviour, usually repeated over a period of time. Bullying can be physical, verbal or emotional. Although bullying normally involves contemporaries it can also be inflicted by adults. The damage inflicted by bullying can frequently be underestimated. Bullying can cause considerable distress to children, to the extent that it affects their health and development or, at the extreme, causes them significant harm (including self-harm).

Staff must report any suspected incidences of bullying immediately through the 'Internal Note' or 'Incident Report' procedures. It is expected that the vast majority of cases will be dealt with effectively within the school policy.

There may however be circumstances where the matter may need to be referred to children's social care or the police where the bullying involves criminal behaviour or steps taken to combat it have failed. This decision will be taken by the Head Teacher, or in their absence the Head of Care. **(See HLS Bullying Policy & Behaviour Policy)**

Self Harm

Self Harm is something that a person (usually a young person) does to harm themselves in a deliberate and usually hidden way. The most common methods involve repeatedly cutting the skin, but burning, scalding, banging or scratching one's own body, breaking bones, hair pulling and ingesting toxic substances or objects are all done as well.

It is widely accepted that self-harm is a response to profound emotional pain that the young person cannot resolve in another, more functional way.

If a member of staff receives a disclosure of suspected self-harm or has physical evidence which may suggest self-harm they should report it immediately to the Head Teacher or Head of Care according to the School Safeguarding and Child Protection Policy, who will liaise with the School Nurse.

Health and Safety

A safe and healthy environment and safe working practices are an integral part of safeguarding children and young people. Hamilton Lodge School is committed to providing this. All areas of the school are risk assessed. Activities both in and outside school are risk assessed. There are risk assessments for individual pupils as appropriate. There are also risk assessments for the various aspects of day to day living.

(See also HLS's Health and Safety Policy, Health Promotion Policy, Healthy Eating Policy, Physical Activity Policy, Drugs and Alcohol Policy, Medical Policy and Fire Prevention Procedures)

Personal Social Development Curriculum

The school will be working towards having a pastoral system designed to empower the pupils to seek help when they are worried or have concerns about their safety. Issues surrounding Social Awareness, Health Education and Sex Education are taught to all pupils during SPACE lessons, which seek to teach pupils about key risks and how to manage them. There will be a five-year plan **and a policy statement**

detailing what is taught during these lessons. Care staff work closely with the co-ordinators of SPACE to complement work done in the classroom and give pupils the opportunity to discuss issues that are important to them.

Restraint/Physical Contact

Hamilton Lodge School adhere to the advice and guidance given in DCSF circular 10/98 Section 550a of the Education Act 1996

We do not use physical punishment at Hamilton Lodge School. The use of reasonable restraint is justifiable if all other avenues have been tried or considered and only in the following circumstances.

- If a pupil is damaging him/herself, physically abusing another child, member of staff or member of the public.
- If the pupil is putting him/herself in immediate danger through his/her actions or appears likely to do so.

It is not acceptable to use restraint or force purely to make a pupil follow an instruction.

1. Always ask for assistance.
2. Never act out of anger. If you have lost your temper and feel you are losing control of the situation, call another member of staff or (during the school day) if no-one is nearby send for help via the green card system.
3. Whenever possible warn the pupil clearly and firmly that you may have to take physical action if they continue their behaviour (before taking action).
4. The pupil must repeatedly be offered the opportunity of exercising their own self-control.
5. If it becomes necessary to use restraint, this must be the absolute minimum and in accordance with the school's 'Team Teach' training. Staff who have not yet had this training should seek help immediately and should avoid using restraint themselves. Staff should never use sufficient force to cause pain or injury. In every case no more force should be used or time taken than is absolutely necessary to effectively resolve the situation.
6. Any restraint must cease as soon as possible.
7. As soon as the pupil has calmed and situation resolved, the pupil must be given the opportunity to discuss the events and what has led up to this. Staff should also take the opportunity to discuss the incident with their line manager.
8. All incidents where restraint is required must be recorded on an internal note (see section marked 'Incident reports' on p 9.) This is recorded in the bound 'incident book' which is kept by the Head Teacher as required under the National Minimum Standards for Residential Special Schools 2002. This log is monitored by the Trustees and Governors, the Independent Visitor, and is also monitored on OfSTED Inspections.
9. Restraint must only be used as a last resort and must be carried out in accordance with 'Team Teach' training and policy.

Drugs, Alcohol and Smoking

Hamilton Lodge is a non smoking school. Any member of staff who suspects that a pupil is using drugs or alcohol should note their concerns on an internal note and pass it as a child protection concern to the Head Teacher or Head of Care. They will then decide on the next steps. If the matter is referred to the Social Care Team then it will be dealt with according to their procedures.

If a member of staff has a dependence on drugs and alcohol in such a way that it is affecting his/her work every effort will be made to support them. If however help is refused and this issue continues to affect the safeguarding and well being of the pupils the member of staff will be dealt with according to Hamilton Lodge School disciplinary procedures.

Searching a Child's Possessions

On rare occasions it may be necessary to search a child's possessions. Children's belongings are only to be searched where failure to do so might put at risk the welfare of the child or others. The reasons for the search should be explained to the child concerned. Any search must be documented, recording the date, time and reason for the search, if anything was found, who was present (where possible this will include the child)

Such records should be signed by all those present, including, where possible, the child.

Health

Hamilton Lodge School is committed to providing a healthy and safe environment for the whole school community. The School is committed to meeting the Health needs of all the pupils whether physical, medical, emotional, or mental.

The School Nurse is in school every day. She is available to give medical and first aid treatment and advice on health promotion, sexual health, contraception, drugs and alcohol, healthy eating and physical activity to pupils.

The School Nurse is in an excellent position to monitor the Health and welfare of pupils and to offer guidance and advice to parents and staff in liaison with the School GP.

Other Related Policies

Drugs, Alcohol & Smoking Policy

Medical Policy

Health Promotion Policy

SPACE Policy

Healthy Eating Policy

Behaviour Policy

Bullying Policy

Policy in Privacy & Confidentiality

Whistle Blowing Policy

Recruitment Policy

TALKING TO CHILDREN ABOUT ABUSE	
THINGS NOT TO DO OR SAY	THINGS YOU CAN DO OR SAY
Do <i>not</i> shut the door unless there is a glass viewing panel and <i>never</i> lock the door.	Do tell a colleague where you are and who you are with and ask them to stay nearby.
Do not ask questions about the alleged abuse.	Listen carefully.
Do not stop a young person who is freely recalling events.	Always thank the young person for talking to you and assure them that it was right to tell someone about what happened.
Never tell a young person that you can keep the information secret.	Explain what you are going to do with the information.
Do not express your own feelings to the young person who is talking to you.	Make a note of the discussion recording as much information as possible as accurately as possible.
Do not look shocked or disgusted by what the young person tells you, they will think you are disgusted by them.	Try to keep your body language relaxed and your expression encouraging.
Do not immediately suggest that the young person should talk to someone else.	Tell the young person that what happened to them was not their fault.
Do not say that everything will be alright.	Tell them that you believe them.
Do not use language that the young person cannot understand.	Follow the Child Protection Procedures of HLS outlined in the Policy on Child protection.
Do not involve the young person in a succession of interviews.	Give lots of reassurance that you are the right person to speak to.
Do not ask for assurance about what has been said	Pass the information on to the appropriate person as quickly as possible.

WHAT IS CHILD ABUSE?

It is widely agreed that there are 5 categories of abuse. They are listed below with definitions and examples.

Neglect	Physical Abuse
<p>The persistent or severe neglect of a child which results in serious impairment of that child's health or development, including non-organic failure to thrive. (Non-organic failure to thrive may result from neglect but always requires medical diagnosis). Neither personal convictions nor religious beliefs justify withholding medical care for serious conditions.</p>	<p>A physical injury to a child where there is a definite knowledge, or a reasonable suspicion, that the injury was inflicted or knowingly not prevented. Threats of physical harm may constitute abuse.</p>
Exposure to danger	bullying hitting kicking burning
Failure to attend to physical/developmental needs	poisoning scalding punching
Failure to ensure treatment or medical checks	drowning suffocation pulling hair
Failure to ensure access to appropriate aids	Failure , knowingly , to prevent injury
Failure to meet communication needs	'Fictitious Illness Syndrome' (formerly known as Munchausen's Syndrome by Proxy)
Sexual abuse	Emotional Abuse
<p>The involvement of dependent , developmentally immature children and adolescents in sexual activities they do not truly comprehend , to which they are unable to give informed consent , that violate the social taboos of family life or which have been knowingly not prevented by the carer.</p>	<p>The persistent or severe emotional ill-treatment of a child which has a severe adverse effect on the behaviour and emotional development of the child</p>
<p>The issue of intimate care for many children with disabilities is one that needs careful thought and clear, consistent, agreed and known policies and guidelines for practice within establishments where intimate care is necessary. (See <u>Policy on Care and Control of Pupils, 1</u>. Contact in the Normal Situation)</p>	<p>All abuse involves some emotional ill-treatment, so this category is only used where it is the main or sole form of abuse.</p>
Engaging a child in sexual activity	rejection threats cultural abuse
Making a child watch sexual activity	deliberate humiliation blackmailing
Making a child watch pornographic material	bullying religious discrimination
Inappropriate touching of a child	Extreme inconsistency racial abuse
Making suggestive sexual comments to a child	
Domestic Violence	
<p>Domestic abuse occurs when one person in a relationship tries to control the other person. The perpetrator uses fear and intimidation and may threaten or use physical violence. Domestic abuse that includes physical violence is called</p>	

domestic violence.

Victims of domestic abuse /violence may be of either sex. It occurs in traditional heterosexual marriages, as well as in same-sex partnerships. The key elements of domestic abuse are: intimidation, humiliation, and physical injury.

Research indicates that children exposed to domestic violence are at an increased risk of being abused or neglected.

- Hearing/witnessing a violent event.
- Being directly involved as an eyewitness, intervening, or being used as a part of a violent event (e.g., being used as a shield against abusive actions);
- Experiencing the aftermath of a violent event.

WHAT ARE THE SIGNS OF CHILD ABUSE?

THE MEDICAL SIGNS OF ABUSE INCLUDE :

- **Being underweight (without medical cause).**
 - **Developmental delay.**
 - **Delay in speech or communication.**
 - **Frequent tiredness.**
 - **Frequent illness.**
 - **Complaints of stomach pains.**
 - **Unexplained difficulty with walking or sitting.**
 - **Recurrent urinary tract problems, vaginal infections or genital damage.**
- Some of these symptoms may be difficult to distinguish from the symptoms of some disabilities.**

THE EMOTIONAL SIGNS OF ABUSE INCLUDE :

- **Unhappiness or distress for no apparent reason.**
- **A lack of boundaries about physical contact *which makes others feel uncomfortable***
- **Clinging or whining.**
- **An inability to make relationships with other children.**
- **Being unresponsive ('frozen' or watchful).**
- **Persistent bullying or continually being the victim of bullying.**
- **Displaying anxiety about previously normal activities**
such as fear of going to the toilet, of removing clothes, of being medically examined or of parents being contacted
- **Displaying a marked lack of trust in adults.**
- **Overreacting to mistakes.**
- **Developing sudden speech or communication disorders.**

THE BEHAVIOURAL SIGNS OF ABUSE INCLUDE :

- **Significant changes in behaviour.**
- **Changes in behaviour such as withdrawal ,introversion ,rocking, hair-twisting, thumb-sucking ,fear of going home, sudden school problems, lateness, absenteeism and truancy, bullying or being victimised, tantrums, stealing, scavenging, lying, compulsive masturbation, wetting, soiling, eating disorders, sleep disturbances, drug or solvent abuse, suicide attempts and deliberate self-harm may be indicators of abuse.**
- **Sexually precocious behaviour may be a sign of sexual abuse.**

- This includes using explicit vocabulary, sexually explicit drawings or vocabulary (including signs) and abusive or inappropriate behaviour involving other children.
- **‘Allusive’ behaviour may also indicate a cause for concern.**
- The child might, for instance, focus on a special friend, teacher, care officer or learning support assistant to confide in and say things like “I’d like to come and live with you” or “I’d like to be fostered.”
- **Children who thrive markedly when not in their usual place of care may also be victims of abuse.**

NB Although these may be signs or indicators of abuse they should not be looked at in isolation, i.e. the wider context should be taken into account including what we know about the child and their family.

Appendix A Legislation and Guidance

- Section 17 of the Children Act 1989 – puts a duty on local authorities to safeguard and promote the welfare of children within their area who are in need and to provide a range and level of services appropriate to those children’s needs;
- Section 27 of the Children Act 1989 –requires local authorities and other organisations to assist in the exercise of functions, including those under s17;
- Section 47 of the Children Act 1989 –requires local authorities to make child protection enquiries if they have reasonable cause to suspect a child in their area is suffering or is likely to suffer significant harm, and for local authorities and other organisations to assist them with those enquiries if asked to do so;
- Section 175 of the Education Act 2002 –requires local authorities and the governing bodies of maintained schools and FE colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. In addition, those bodies must have regard to any guidance issued by the Secretary of State in considering what arrangements they need to make for the purpose of that section;
- Section 157 of the Education Act 2002 and The Education (Independent Schools Standards) (England) Regulations 2003 – require proprietors of independent schools (including academies and city technology colleges) to have arrangements to safeguard and promote the welfare of children who are pupils at the school;
- The Non-Maintained Special Schools Regulations 1999 – require the governing bodies of non-maintained special schools to make arrangements for safeguarding and promoting the health, safety and welfare of pupils at the school as approved by the Secretary of State;
- Section 10 of the Children Act 2004 places a duty on each local authority to make arrangements with relevant agencies to cooperate to improve the well-being of children;
- Section 11 of the Children Act 2004 places a duty on local authorities to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children;
- Section 13 of the Children Act 2004 places a duty on children’s services authorities to establish Local Safeguarding Children Boards (LSCBs). The guidance contained in *Working Together to Safeguard Children* for LSCBs makes it clear that schools and FE colleges should be involved in the work of the LSCB.

- Safeguarding Children in Education: Dealing With Allegations of Abuse Against Teachers and Other Staff 2005

Other legislation relevant to this guidance is:

- The Rehabilitation of Offenders Act 1974;
- Section 142 of the Education Act 2002;
- Section 15 of the Teaching and Higher Education Act 1998;
- Part V of the Police Act 1997;
- Section 6 of the Protection of Children Act 1999;
- Sections 35 and 36 of the Criminal Justice and Court Services Act 2000;
- Data Protection Act 1998.
- Sexual Offences Act 2003

Other relevant regulations:

- Education (School Teachers Qualifications)(England) Regulations 2003;
- Education (Specified Work and Registration) (England) Regulations 2003;
- The Education (Prohibition from Teaching or Working with Children) Regulations 2003, as amended;
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended;

Working Together to Safeguard Children, published 2006 by The Stationery Office
The School Staffing (England) (Amendment) Regulations 2003 as amended;
The Further Education (Providers of Education) (England) Regulations 2006;

Safeguarding Children and Safer Recruitment in Education DCSF

This document is one of the pieces of guidance issued by the Secretary of State to which local authorities, governing bodies and proprietors must have regard for the purpose of s175 and s157 of the 2002 Act.

Failure to have arrangements in place as required by s175 (or s157 where that applies), or to have regard to this guidance, may be grounds for the Secretary of State to take action against a local authority, Governing Body, or proprietor.

All educational establishments and local authorities are subject to inspection by Ofsted, and/or other relevant inspectorates, and the organisation's performance in regard to their responsibility to safeguard and promote the welfare of children in accordance with the relevant legislation and guidance will form part of the inspectorate's judgement of the organisation or establishment's overall performance. Performance in this area will be judged by not only the existence of procedures but also their effectiveness in terms of safeguarding children from harm.

**Sussex Child Protection and Safeguarding Procedures. Volume 1 and 2
Copies of this document are held by the Head Teacher and Head of Care and are also available on the internet.**