



**HARVINGTON PREP SCHOOL**  
**(including the EYFS)**

**CHILD PROTECTION POLICY**

**Rationale:** All staff are responsible for ensuring that ‘Every Child Matters’ (DCFS 2006) so that our children:

- Are healthy;
- Stay safe;
- Enjoy and achieve;
- Achieve economic well-being;
- Make a positive contribution.

All aspects of children’s safety are considered:

- Safety from injury and accident; self-harming;
- Safety from society , the neighbourhood and community– ‘toxic childhood’ – depression;
- Safety at home – abuse and neglect;
- Safety at school – from staff and children; bullying including cyber bullying;

Children are taught how to ‘stay safe’ and what to do if they are worried or concerned through CPSHE lessons and the pastoral care system.

Everyone in the school (including volunteers) must be appropriately trained and implement the school’s Child Protection Policy and procedures.

This policy is in accordance with Ealing’s Local Safeguarding Children Board and is available to parents on request. Any weaknesses or deficiencies in this policy must be remedied without delay.

**Aims and Objectives**

**We aim to ensure that all our children are safe and protected by:**

- having a policy and procedures in accordance with locally agreed inter-agency procedures and make them available to parents (on the school website) and by sending a copy on request.

- operating safe recruitment procedures such as CRB checks and compliance with Independent School Standards Regulations
- having arrangements to deal with allegations of abuse against members of staff/volunteers/head;
- naming one or more 'designated persons' with 'status and authority' to take responsibility for child protection matters;
- we undertake training (updated every two years) in child protection and inter-agency working for the designated person(s);
- we undertake training in child protection (updated every three years) for the head and all staff (last training for all staff Sept 2010)
- we ensure that temporary and voluntary staff who work with children are to be made aware of the child protection policy & its arrangements;
- by ensuring any deficiencies or weaknesses in child protection arrangements are remedied without delay;
- we ensure that the governing body undertakes an annual review of the school's child protection policies and procedures and of the efficiency with which the related duties have been discharged.

IN ADDITION:

- having a Child Protection Officer (CPO) and at least one other named person who is able to act as the CPO if the CPO is off site; having a governor who is the designated Child Protection governor
- having an up-to-date child protection policy and procedures in place (details to be included on the school website); and sent to parents upon request
- ensuring all personnel receive appropriate training so that they are able to implement this child protection policy and procedures; ensuring that they have read and signed a declaration that they have read and understood the policy and its procedures on appointment
- liaising with Ealing Local Safeguarding Children Board and other agencies with regard to child protection policy and procedures;
- following staff appointment and record keeping procedures including confirmation of identity and qualifications by examination of original documentation.
- ensuring that the school meets the requirements for List 99 and Criminal Records Bureau (CRB) checks and keep a list confirming that staff (including supply staff) are appropriately checked.

**When deciding whether to make a referral**, following an allegation or suspicion of abuse, the head and designated child protection officer **should not make their own decision over what appear to be borderline cases**, but rather the doubts and concerns should be discussed with the local authority designated officer (LADO). This may be done tentatively and without giving names in the first instance. What appears trivial at first can later be revealed to be much more serious, and an allegation of child abuse or neglect may lead to a criminal investigation. Thus the school **will not do anything that may jeopardise a police investigation**, such as asking a child leading questions **or attempting to investigate the allegations of abuse**.

Allegations against staff, volunteers or the designated person with responsibility for safeguarding should be reported to the head. It is also advised that the designated person should be contacted (unless he or she is the object of the allegation), since the designated person will have received higher level safeguarding training. If the head is absent, the allegation should 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 should be informed from the outset.

The school will report to the Independent Safeguarding Authority (ISA), within one month of leaving the school any person (whether employed, contracted, a volunteer or student) whose services are no longer used

because he or she is considered unsuitable to work with children; the Independent Safeguarding Authority (ISA) commenced operation on 20 January 2009 and its address for referrals is PO Box 181, Darlington DL1 9FA (tel 0300 123 1111).

## **Responsibilities**

Anna Evans is the Child Protection Officer (CPO) for Harvington School and the EYFS.

Jane Wallace will act as the CPO if Anna Evans is off site.

There is a designated governor to oversee Child Protection issues and to report annually on school policies and procedures and on the efficiency with which related duties have been discharged.

The CPO is responsible for ensuring that the school's 'Child Protection and Welfare' policy is updated and implemented; that all staff are appropriately trained; records are maintained and stored in a locked cabinet in the Headmistress' Office.

Staff having any concerns regarding Child Protection issues against the headmistress should approach the chairman of Governors.

## **Training**

All staff including volunteers and part-time staff are familiarised with the Child Protection Policy during their induction. The CPO is required to attend training every 2 years including inter-agency working and other employees, and volunteers receive training every 3 years. This policy is annually reviewed by the Headmistress and the efficiency with which the related duties have been discharged checked.

## **Staff Recruitment**

Adverts for job vacancies, job profiles and person specifications must contain reference to child protection and the need to provide original documents for identity and qualifications. The selection procedure includes investigation into any gaps or unexplained aspects e.g. career changes, frequent moves, re-location from abroad. References must be taken up as part of the selection process and checked for accuracy. A medical fitness form and a check on staff from abroad must be completed.

All employees and regular contractors/work people such as peripatetic staff, volunteers who help in school, club organisers and cleaners are required to complete a Disclosure Application form, which is then processed by the Safeguarding Authority (ISA). The enhanced CRB check includes checking List 99 (a database held by the DCSF detailing names of teachers who are banned from working with children in an educational setting). The qualifications and CRB disclosure of supply staff and those running on-site and off site activities must also be checked.

It is not necessary to check visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time, or secondary children undertaking voluntary work or work experience in other schools. **However, such visitors must be accompanied by a member of staff at all times.**

Staff recruited from overseas are required to have an enhanced CRB check and, where necessary, an overseas check (refer to CRB website).

The Headmistress is responsible for ensuring that an up-to-date central record in accordance with 4C of the Independent School Standard Regulations is kept confirming that staff have appropriate CRB and other checks.

## **Procedures for Communicating with or Caring for Children**

### *Meetings with Children*

The purpose of the meeting should be made clear to the child and any staff directly involved with the child. Another member of staff should be present or nearby.

**If a member of staff is with a child on his or her own, use a room with visual access or keep the door open.**

Meetings with children away from the school premises are not permitted.

### *Caring for Children*

Employees administering first aid should wherever possible ensure that other children or adults are present.

Employees helping children with toileting should inform another member of staff and where possible ensure that another adult is in the vicinity.

### *Written Communications with Children and Photographs*

Electronic communication and feedback with regard to the child's work and progress should be professional and supportive indicating in what way children may improve the quality of their work.

Employees are not permitted to write inappropriate personal notes, emails or letters to children.

Parental permission is required to take photographs of children. Photographs must be used for school professional use only. Permission must be granted by the Headmistress for use of school photographs for course work.

### *Relationships with Children*

Employees are required to have a professional relationship with children: seeking to be friendly and caring but not 'over familiar'.

Employees are not permitted to have personal relationships with children and must seek the advice of the headmistress if a child appears to want to develop an inappropriate relationship.

## **Child Disclosures**

**It is important that when a child gives information that the adult:**

- Does not promise confidentiality;
- Listens to the child without directly questioning him or her;
- Does not stop a child freely recalling significant events;
- Does not ask the child to repeat a disclosure to another adult;
- Makes a note of the discussion, recording time, setting and persons present as well as what is said;
- Completes a Child Protection Form (Annex 3) and refer to the school's designated member of staff.

If there are ANY concerns about a child, the matter should be discussed with the CPO. If the CPO is not available then the matter should be immediately referred to the designated CPO .

A Child Protection form (Annex 3) must be completed immediately. The original must be securely filed in Headmistress's confidential files as this may be used later by the police as evidence.

Unless there are concerns that speaking to the parents may place a child in danger the CPO should see the parent(s) regarding any concerns e.g. a comment made by a child, an unusual mark or bruise.

A Consultation form (Annex 4) should be completed for the child's record file and a central copy kept. A professional judgement is made as to whether the explanation is satisfactory. This decision involves discussion with the Headmistress.

If there are any doubts or concerns the referral procedures are followed.

### **Referral to ISA**

The Headmistress must report to the Independent Safeguarding Authority any person (contracted, volunteer, student) whose services are no longer used because s/he is considered unsuitable to work with children. This includes dismissal; non-renewal of fixed-term contract; refusing to use supply staff from an agency; termination of a student placement; no longer using volunteers; resignation; voluntary withdrawal. (Children's Safeguarding Operations Unit, Department for Children, Schools and Families, Mowden Hall, Standrop Road, Darlington, DL3 9BC). The report requires individual's full name; date of birth; last known address; National Insurance number; full details of the allegation including dates; action taken as an employer; copies of any letters sent; whether police or social services involved. Failure to report constitutes an offence and may result in the school's registration being withdrawn.

### **Referral to Social Services**

If there are concerns with regard to a child's safety or well-being the CPO is responsible for completing a referral form (Annex 5) and telephoning Ealing Social Services:

**Tracey Low- 020 8825 9779**

A Common Assessment Form (Annex 5) is completed if advised.

The telephone referral must be confirmed in writing within 24 hours.

### **Procedure for Dealing with Abuse by One or More Children Against Another**

Details must be recorded using the form in Annex 3.

The Headmistress will consider the immediate safety of all children concerned and the seriousness and circumstances of the allegation: e.g. the age of the children concerned - is the alleged perpetrator of the age of criminal responsibility? (10 years).

In general concerns will be discussed with the family unless such discussion may place the child at increased risk of significant harm. Advice is sought from social services and a referral made if necessary.

**Tracey Low- 020 8825 9779**

It may be necessary to exclude the children concerned (without prejudice) when:

- A serious allegation has been made against a child by another child or member of staff which is the subject of a police investigation which may result in criminal proceedings being brought;
- The child's continued presence in the school may have an adverse effect on the complainant and other potential witnesses, and on the promotion of good order and discipline at the school generally.

**Process for recording that a child is subject to a 'Child Protection Plan' replacing the LA register from April 2008)**

Terminology no longer refers to registration but to 'a child who is subject to a Child Protection Plan'. Referral is to Social Services and the responsibility of the police. There will continue to be a centralised record of children who are subject to a Child Protection Plan and a centralised enquiry system on the child protection status of children. A case conference may still be convened to decide whether the child(ren) concerned should have a Child Protection Plan detailing action to be taken by particular services. All participating agencies will be expected to provide a written report. Instead of de-registration a Child Protection Plan will be 'discontinued'

If a child moves school information with regard to child protection is transferred to the child's new school and the designated member of staff informed.

**Allegations Against Staff including the Headmistress and Volunteers**

There has been widespread concern that in some instances there may be malicious accusations brought against employees by children and/or their parents. Where an accusation is made a Child Protection form (Annex 3) is completed and the designated governor is immediately informed.

The governor must be informed of the allegation on the same day and is responsible for conducting an investigation. The police and social services may be called in, depending upon the nature and severity of the alleged offence. The employee concerned may be suspended whilst an investigation is conducted but this is not an automatic procedure. Circumstances in which suspension properly occurs include:

- where a child(s) is at risk; the person has behaved in such a way that indicates that s/he is unsuitable to work with children.
- where the allegations are so serious that dismissal for gross misconduct is possible;
- where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Where suspension is being considered, an interview is arranged. The employee or volunteer is advised to seek the advice or assistance of his or her professional organisation or of a friend.

The employee or volunteer is 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 that the interview is not a formal disciplinary hearing but is for the purpose of putting forward a serious matter which may lead to suspension and further investigation.

The employee or volunteer should be given as much information as possible including reasons for any proposed suspension, as is consistent with not interfering with an investigation. The employee or volunteer is given an opportunity to make representations concerning the suspension. A brief adjournment should be offered to the employee or volunteer prior to the response.

If, as a result of the interview it is considered that suspension is necessary along with a full investigation of the allegation, the employee or volunteer should be advised that s/he is suspended from duty. Written confirmation of the suspension must be given within one working day, giving reasons for the suspension.

Unless there is an objection by the child protection agent concerned the child, parents and member of staff must be informed of the likely course of action.

### **Physical Contact with Children**

Staff should not touch children particularly when reprimanding them. However, there may be occasions when a distressed child needs comfort and reassurance, which may include comforting such as a caring parent would give. Employees should use their discretion in such cases to ensure that, what is, and what is seen to be by others, is normal and natural and does not become unnecessary, unjustified contact, particularly with the same child over a period of time.

The law forbids a teacher to use any degree of physical contact that is deliberately intended to punish a child, or which is primarily intended to cause pain or injury or humiliation.

### **Reasonable Force and Physical Restraint**

Where necessary reasonable force can be used to control or restrain children. The following are examples of where reasonable force and physical restraint may be used:

- child attacks on staff or another child;
- children engaged in deliberate damage or vandalism;
- child running down a corridor or stairway in a way likely to cause injury;
- child absconds from class or tries to run away from school;
- child behaves in a way that seriously disrupts the lesson.

Before intervening physically a member of staff, wherever practicable, should tell the child to stop and what will happen if he or she does not. Physical intervention may involve:

- physically interposing between children;
- blocking a child's path;
- holding;
- pushing;
- pulling;
- leading a child by the hand or arm;
- shepherding a child away by placing a hand in the centre of the back.

Staff should not:

- hold a child around the neck, by the collar or in any way that might restrict the child's ability to breathe;
- slap, punch, or kick a child;
- twist or force limbs against a joint;
- trip up a child;
- hold or pull a child by the hair or ear;
- hold a child face down on the ground;
- hold a child in a way that might be considered indecent.

Do not give the impression that you have lost your temper or are acting out of anger or frustration or to punish the child. The degree of force must be in proportion to the circumstances of the incident and the seriousness of the behaviour. Any force should be the minimum needed to achieve the desired result.

The member of staff should try and get help from another member(s) of staff and continue to try and communicate with the child throughout the incident making clear that physical contact or restraint will stop as soon as it ceases to be necessary.

Sometimes it may be dangerous to try and restrain a child. In this instance remove other children, send for help and try and make the area as safe as possible continuing to try to communicate with the child.

Any instances where reasonable force or physical restraint has been used must be reported to , and a form completed (Annex 4). A copy of the completed form is kept in the central file and in the children' record. Parents are immediately informed and a meeting arranged to address the issues

### **Transfer to Another School of Confidential Information**

Relevant records should be personally passed to the new school or recorded delivery with a telephone conversation with the Headmistress concerned. Social Services in the previous and new location must be informed in writing of the new address and school if the child is on the child protection register.

### **Missing Children**

It is important that immediate action is taken if a child is found to be missing. A senior member of staff must be informed and if the child is not found after the buildings and grounds have been searched the parents must be informed and the police called.

*Revised January 2010*

### **Annex 1: Definitions of Abuse**

#### **Significant Harm**

The Children Act 1989 defines significant harm as:

*“Ill treatment or the impairment of health or development.”*

Development means physical, intellectual, emotional, social or behavioural. Health means physical or mental and ill treatment includes sexual abuse and forms of ill treatment that are not physical.

#### *Children in Need*

A child is defined in need if:

“S/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a local authority.....

His/her health or development is likely to be significantly impaired, or further impaired, without the provision of services.....

*S/he is disabled.”*

### ***Neglect***

The persistent failure to meet a child’s basic physical and/or psychological needs.

### ***Physical Abuse***

Hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child.

### ***Fabricated/Feigned Illness***

Feigning symptoms or deliberately causing ill health to a child.

### ***Sexual Abuse***

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. The activities may include physical contact, penetrative and non-penetrative acts. They include non-contact activities e.g. looking at pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate way.

### ***Emotional Abuse***

Persistent emotional ill-treatment e.g. conveying to the child that they are worthless, unloved, inadequate, imposing age or developmentally inappropriate expectations, causing feelings of fright or danger.

### ***Female Genital Mutilation***

The Prohibition of Female Circumcision Act 1985 makes female genital mutilation an offence except on physical and mental health grounds. Any instances of female circumcision/genital mutilation are regarded as physical abuse and a referral must be made to Social Services.

## **Annex 2: Recognising Abuse**

**It is not always obvious that a child is being abused. Frequently it is the culmination of information that is important. Always share any concerns with the Headmistress. The signs and types of behaviour listed below are not in themselves evidence of abuse, but may suggest abuse, particularly if a child exhibits several of them, or if a pattern emerges of when or how the child exhibits such signs or behaviour. Disabled children may be less likely to disclose abuse if they have communication difficulties and/or are isolated.**

- Repeated minor physical injuries e.g. bruising, cuts.
- Physical injuries e.g. broken bones, bruising particularly above the knees, two black eyes, cigarette burns to the body, belt marks, burn or scald marks.
- Children who are dirty, smelly, poorly clothes or who appear underfed.
- Children who have lingering illnesses which are not attended to.
- Deterioration in school work or significant changes in behaviour.

- Aggressive behaviour, severe tantrums.
- An air of “detachment”.
- Overly compliant, “watchful attitude”.
- Sexually explicit behaviour, e.g., playing games and showing awareness which is inappropriate for the child’s age.
- The child is reluctant to go home or is kept away from school by a parent for no apparent reason.
- Does not join in school social activities, has few school friends.
- “Tummy pains “, “headaches” etc for no apparent reason.
- Eating problems, including over-eating, not eating.
- Disturbed Sleep, nightmares, bedwetting.
- Running away from home.
- Self-inflicted wounds.
- Reverting to younger behaviour, depression, withdrawal
- Relationships between the child and adults which are secretive and exclude others.

**Annex 3: Child Protection Form Original Notes**

<b>Name of child:</b>	<b>Person reporting to CPO:</b> .....
<b>Address:</b> ..... ..... .....	<b>Informed Headmistress on:</b>  <b>Date:</b> ..... <b>Time:</b> .....
<b>Parent/Carers Name:</b> .....	
<b>Siblings:</b>	

<b>Reason for concern:</b>	<b>Other relevant information:</b>
<b>Action:</b>	

**Annex 4: Consultation Form**

<b>Date:</b>	
<b>Name of Child:</b>	
<b>Class:</b>	

<b>Present at Meeting:</b>
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<b>Reason for Meeting:</b>
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<b>Action:</b>
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<b>Date of Next Meeting if Required:</b>	
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Signature.....(Parent)

Signature.....(School)

**Annex 5: Referral to Social Services**

<b>Child's Name:</b>	
<b>Date of Birth:</b>	
<b>Gender</b>	
<b>Ethnic Origin/First Language:</b>	
<b>Telephone:</b>	
<b>Address:</b>	
<b>Mother's/Guardian's Name:</b>	
<b>Father's/Guardian's Name</b>	
<b>Sibling name(s) / DOB:</b>	
<b>Special Needs:</b>	
<b>Date of Referral to Social Services:</b>	
<b>Person making the referral:</b>	

<b>Duty Officer:</b>	
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<b>Reasons for the Referral:</b>

<b>Action/Advice from the Duty Officer:</b>

**Annex 6: Reporting The Use Of Physical Restraint/Reasonable Force Form**

<b>Name of child:</b>	
<b>Year group:</b>	
<b>Name(s) of staff directly involved:</b>	
<b>Witnesses:</b>	
<b>Date of incident:</b>	
<b>Place of incident:</b>	

<b>Details of the incident, restraint used, child's response, outcome:</b>
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<b>Follow up action to include meeting with parents:</b>

## **Annex 7: Teachers' Duty of Care**

### **1. A Teacher's Duty of Care to Children**

Teachers are required to do all that is reasonable to protect the health, safety and welfare of children. Their legal responsibilities derive from three sources and this section considers each of the three:

- (i) the common law duty of care;
- (ii) the statutory duty of care; and
- (iii) the duty arising from the contract of employment.

#### **(i) *The Common Law Duty of Care***

Teachers have a duty of care to children which derives from the 'common law', which is the body of law derived from court decisions made over the years, as opposed to law which has been determined by Parliament and set down in statute.

Traditionally, the term 'in loco parentis' was used to describe the duty of care that a teacher has towards a child, to the effect that a teacher has a duty to take the same reasonable care of the child that a parent would

take in those circumstances. 'In loco parentis' originally embodied the nineteenth century common law principle that a teacher's authority was delegated by a parent so far as it was necessary for the welfare of the child. A court held, in 1893, that "the schoolmaster is bound to take such care of his children as a careful father would".

The case law was brought more up-to-date in the 1950s and 1960s. In 1955, it was held that "a balance must be struck between the meticulous supervision of children and every moment of the day and the desirable object of encouraging sturdy independence as they grow up".

Teachers' professionalism was recognised by the courts in 1962, where the 'standard of care' expected of a teacher was held to be that of a person exhibiting the responsible mental qualities of a prudent parent in the circumstances of school, rather than home life. The standard of care expected of teachers is that of a reasonable person in the circumstances of class teacher. It has been recognised that a teacher's duty of care to individual children is influenced by, for example, the subject or activity being taught, the age of the children, the available resources and the size of the class.

Further, it is clear from the case law that the standard of care expected is the ordinary skills of a competent professional, the skill and care of a reasonable teacher.

There is a proviso that if it can be shown that the professional acted in accordance with the views of a reputable body of opinion within their profession, the duty of care will have been discharged even though others may disagree with them.

A breach of the duty of care by a teacher could amount to negligence.

The teacher's employer could be liable for the payment in damages in compensation to a child who is injured as a result of negligence.

Whether or not a teacher is found negligent in the event of an accident will be influenced by whether or not whatever occurs might have been reasonably foreseen. If a teacher takes all reasonable steps to ensure children's safety, there is most unlikely to be negligence in the event of an unforeseen accident.

Negligence could also arise if there is a serious failure to prevent harm to a child arising from, for example, child bullying. If negligence arises in these circumstances it is more likely to be a collective failing, however, than the responsibility of one individual.

The same principles apply whatever the circumstances. A teacher's duty of care will depend upon what is reasonable and what can be expected of a competent professional acting within the constraints of the circumstances.

As long as teachers apply their professional judgement, training and experience too a situation in a reasonable manner, seeking to promote the best interests of the children in their care, their obligations will have been met.

### **(ii) Statutory Duty of Care**

Teachers are also responsible under the Children Act which places duties upon those who care for children.

The Children Act 1989 s.3(5) defines the duty of care to the effect that a person with care of a child may do "all that is reasonable" under the circumstances for the purposes of safeguarding or promoting the welfare of the child.

The Children Act represented a change to a more child-focused approach to the law with the needs of the child being paramount, rather than the old idea that a child was the property of its parent and parental authority was delegated to teachers during the school day.

A teacher should take into account the ascertainable needs and wishes of a child, considered in the light of the child's age and understanding, and any risk of harm, when particular issues of safeguarding or promoting the welfare of a child arise.

**(iii) Contractual Duty**

The duty of care also arises from the contract of employment.

The contractual duties of teachers are expressly defined in the annually updated School Teachers' Pay and Conditions Document which takes effect, by statutory order, as contract terms for all teachers employed in maintained schools. Relevant provisions from the list of contractual duties are:

- carrying out the professional duties of a schoolteacher as circumstances may require under the reasonable direction of the Headmistress of that school;
- promoting the general progress and well-being of individual children and of any class or group of children assigned to the teacher
- maintaining good order and discipline among the children and safeguarding their health and safety, both when they are authorised to be on the school premises and when they are engaged in authorised school activities elsewhere; and
- attending assemblies, registering the attendance of children and supervising children, whether these duties are to be performed before, during or after school sessions.

The Headmistress is required by the provisions of the Pay and Conditions Document to carry out his or her professional duties in accordance with provisions of education legislation; education orders and regulations; articles of government of the school; any trust deed applicable; any scheme of local management of schools approved or imposed by the Secretary of State under their delegated powers; any rules, regulations or policies laid down by his or her employers and the terms of his or her appointment. Subject to these, the Headmistress is responsible for the internal organisation, management and control of the school.

## **2. The Duty of Care and Out-of-School Activities**

Understanding the duty of care can be particularly significant when a teacher is engaged in leading or assisting with activities off the school site, such as educational visits, school outings or field trips.

The legal liability of an individual teacher or Headmistress for an injury which is sustained by a child on a school journey or excursion depends on whether or not the injury to the child is a direct result of some negligence or failure to fulfil the duty or care on the part of their teacher or Headmistress. There is no legal liability for any injury sustained by children unless there is proven negligence.

The standard of care required of a teacher is that which, from an objective point of view, can reasonably be expected from teachers generally applying skill and awareness of children's problems, needs and susceptibilities. The law expects that a teacher will do that which a parent with care and concern for the safety and welfare of his or her own child would do, bearing in mind that being responsible for up to twenty children is very different from looking after a family. The legal duty of care expected of an individual teacher is that which a caring teaching profession would expect of itself.

This means, in practice, that a teacher must ensure supervision of the children throughout the journey or visit according to professional standards and common sense. Reasonable steps must be taken to avoid exposing children to dangers which are foreseeable and beyond those with which the particular children can

reasonably be expected to cope. This does not imply constant 24-hour direct supervision. The need for direct supervision has to be judged by reference to the risks involved in the activity being undertaken. The possibility that there may be challenging behaviour has to be taken into account, together with the risk the children may encounter if they disobey instructions but, equally, children must be given latitude consistent with their ages and levels of personal responsibility.

Teachers have the responsibility for children in their care but qualified instructors giving guidance to children will be responsible for their relevant area of expertise. If teachers are concerned, however, about the ability of any of their children to undertake any particular activity safely, children should, if necessary, be withdrawn from the activity.

Teachers should not be prepared to participate in a journey or visit which they believe is not being adequately prepared and organised.

Where the journey is one organised within the school, responsibility for ensuring that proper preparation has been made and that proper supervisions will be provided is ultimately that of the Headmistress. Heads should prohibit journeys and visits of this kind if they are not satisfied with the arrangements made.

Satisfying the duty of care absolves from legal liability. Sometimes accidents occur as a result of the fault of someone with or organising or supervising responsibility for the journey. Some accidents are pure accidents, not reasonably foreseen and not the result of anyone's negligence. Liability goes with fault. In the case of a pure accident, no-one bears liability. No-fault insurance covers this eventuality.

Employers have 'vicarious liability' for the negligence of their employees at work. This means broadly that the employer takes responsibility if employees do not fulfil their safety obligations at work properly. Where a legal claim is made following an accident and there is a suggestion of negligence on the part of the teacher, the claim will most likely be made against the local authority as the teacher's employers or the governing body in the case of voluntary aided, foundation schools, former sixth form colleges or independent schools, if the teacher was at the time working in the course of his or her employment.

The Department for Children, Schools and Families has issued a guidance document 'Health and Safety of Children on Educational Visits'. The document is designed to work alongside LEA guidance and to offer national guidance where guidance from elsewhere is unavailable, incomplete or not up-to-date. Any teacher organising or accompanying a visit should do so in accordance with school and/or local education authority guidance on out-of-school visits and in accordance with the guidance issued by the DCSF.

The DCFS document gives advice on staffing ratios. These should not be exceeded and, in addition, may need to be reduced where the nature of the groups or the nature of the activity require this, for example, where the group includes children with special educational needs.

It is strongly advisable, however, that a minimum of two teachers be present on visits, regardless of the number of adult supervisors present, in order to ensure that one teacher is able to remain in charge of the group where another is required to deal with emergency situations.

## **Annex 8: Work Related Experience**

**Rationale:** This policy sets out Harvington School's commitment to safeguarding children when they are engaged in work related experience (WRE).

### **Actions**

No work experience placement (of any duration) should proceed unless written parental permission has been given and proper consideration of Child Protection matters has been made. The teacher responsible for WRE must:

- establish the suitability of employers by conducting a risk assessment which includes Health & Safety and risks of a child protection nature e.g. the child will be working alone with the employer; journeys in a vehicle alone with the employer;
- ensure employer liability insurance is current (copy to be retained by school);
- ensure a job description is in place and the communication of any risk;
- ensure the child has been prepared sufficiently to avoid potential situations where they may be vulnerable; be able to respond appropriately should they have concerns or if an incident occurs; know who to contact in the workplace and at school;
- ensure children complete a daily WRE log.

A Criminal Record Bureau check may be necessary for whoever is responsible for the children supervision when:

- a placement lasts more than fifteen days as a block placement;
- a placement lasts for more than fifteen days over fifteen weeks as an extended placement;
- there is substantial individual isolated supervision;
- the child is judged to be vulnerable (aged from birth to 6 years; physically disabled; mentally disabled; provocative; powerless; defenceless; suffering from an acute illness)

### **Alleged Incident Procedures**

1. Immediately after an incident has been alleged a log of all telephone calls and actions is to be kept. The designated governor, , to be immediately informed.
2. The student must be withdrawn from the placement, by the school, as soon as is safe.
3. The placement should be suspended from placements until such time as the source of the incident (both personnel and systemic) has been removed and a re-visit by a competent assessor has been undertaken.
4. Any relevant advice/information from Social Services or the Police would inform the reassessment of the placement.
5. Internal systems and procedures would be reviewed.

### ***Confidentiality***

Schools need to consider carefully the situation where relevant information is not disclosed to the placement provider due to the requirements of the Data Protection Act 1998.

### **Employers Agreement (Child Protection)**

Employers are required by law to protect children from harm and that any employees are required, under the Criminal Justice and Court Services Act, to declare if they are disqualified from working with children.

As part of accepting a child for work experience you agree to the following:

- all children and young people, regardless of age, disability, gender, racial or ethnic origin, religious belief and sexual identity have a right to be treated with care, respect and dignity and be protected from harm.
- the welfare of the child or young person is the paramount consideration; risk assessments are carried out for all activities; the workplace is secure, safe and productive; a current employer liability insurance is in place;
- recognition that those working for the organisation will be perceived by children and young people as trusted representatives;

