

The following document has been produced by Wolverhampton City Council, Education department and is intended to supplement item 702 in the staff handbook: *child protection policy and staff guidelines*.

**WOLVERHAMPTON CITY COUNCIL
CHILDREN'S AND YOUNG PEOPLE'S
SERVICES**

**SAFEGUARDING AND
PROTECTING CHILDREN**

**GUIDANCE FOR SCHOOLS
AND EDUCATION SERVICES**

Electronic Version 2006

WOLVERHAMPTON CITY COUNCIL CHILDREN'S SERVICES

SAFEGUARDING AND PROTECTING CHILDREN: GUIDANCE FOR SCHOOLS AND EDUCATION SERVICES

Electronic Version 2006

This electronic version, available by e-mail from January 2006, updates the revised written guidance distributed to all schools in February 2005.

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SECTION 1

POLICY STATEMENT

NEW 'Wolverhampton City Council, through all its employees and maintained schools, recognises its duty under s.175 Education Act 2002 and the Children Acts 1989 and 2004 to safeguard and promote the welfare of children and young people up to age 18. It reaffirms a commitment to prepare and support its staff so that they are able to work together with all partner agencies responsible for children 'in need' and 'in need of protection'.

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SECTION 2 LEGAL AND PROCEDURAL CONTEXT

The current framework for the provision of services to support children “in need” and to protect them from abuse, has developed through a series of legislative and policy changes over the past half century. The tragic death of Maria Colwell in 1973 prompted the first attempt to set up a multi-agency mechanism for communicating concerns, pooling knowledge and planning strategies to protect children and young persons at risk. However, cases of avoidable child deaths have continued up to the present day, indicating, that communication between agencies dealing with children and their families and the proper understanding of the roles of the different agencies, remains a problem.

The Cleveland enquiry in 1987, chaired by Justice Butler-Sloss, brought into sharp focus the sexual abuse of children and the poor working relationship in some areas between Social Services, the Police and the Health Service. Its recommendations laid the foundations for the 1989 Children Act which remains the legislative basis of current policy and practice.

Guidance set down in '*Working Together to Safeguard Children*' and '*The Framework for the Assessment of Children in Need and their Families*' published by the Department of Health in 1999 and 2000 respectively, updated previous guidance on the basis of research into the implementation of Area Child Protection policies over the previous decade. Together they widened the focus of the agencies which deal with children and their families to ensure that effective measures to safeguard children should not be seen in isolation from a wider range of support and services available to meet the needs of children and their families.

The emphasis lies in the development of comprehensive family support services to address all needs and trying to move away from the dominance of child protection services, which has occurred since the implementation of The Children Act in 1991.

NEW With regard to the specific responsibilities of educational professionals, the 2006 edition of “*Working Together to Safeguard Children*” stated that –

“Schools, (including independent schools and non-maintained special schools) and Further Education (FE) institutions should give effect to their duty to safeguard and promote the welfare of pupils.... by

- Creating and maintaining a safe learning environment for children and young people; and,
- Identifying where there are child welfare concerns and taking action to address them, in partnership with other organisations where appropriate.

Education staff have a crucial role to play in helping to identify welfare concerns, and indicators of possible abuse or neglect at an early stage: referring those concerns to the appropriate organisation, normally social services colleagues, contributing to the assessment of a child’s needs and where appropriate to ongoing action to meet those needs”.

NEW In the light of the death of Lauren Wright in May 2000 and the following formal Inquiry, s.175 Education Act 2002 came into force on 1st June 2004. This requires all educational establishments, governors, FE colleges (and LEAs) to carry out their functions in a way that “safeguards and promotes” the welfare of children. Staff and managers in all schools must “have regard” to the Guidance issued in **DfES Circular 0027/2004** (September 2004) and sent to all Chairs of Governing Bodies: “**Safeguarding Children in Education**”. This replaces the previous **Circular 10/95**. Copies can be downloaded from www.teachernet.gov.uk. Further details of the specific responsibilities of educational professionals are contained below, especially in Chapters 4, 5 and Appendices A, D and F.

NEW Further significant changes to the whole inter-agency child protection and child welfare system are being introduced in response to the death of Victoria Climbié, the subsequent Laming Report, the Green Paper “*Every Child Matters*” and the Children Act 2004. The DfES now carries overall responsibility for all children’s services, including social work, not just education. Reflecting this “joined up” approach, ECM identified five key multi-disciplinary outcomes for children which are now the basis for all public policy, including education, health and family support services:

- Being healthy
- Staying Safe
- Enjoying and Achieving
- Making a Positive Contribution
- Achieving Economic Well-being

NEW These priorities will increasingly be reflected in new working relationships as Wolverhampton City Council develops as a more generic Children's Services Authority, rather than maintaining the previous distinction between education, health and social care professionals. Beyond the current reorganisation of the senior management of education and social care, it is likely that these different Services will still remain distinct rather than be merged structurally, but new ways of co-ordinated service delivery are now emerging and various local pilot projects are anticipated during 2006.

NEW This new framework has already led to the establishment of a Director of Children's Services and a Local Safeguarding Children Board (LSCB) to replace the previous Wolverhampton Area Child Protection Committee (ACPC) which will be fully in place by April 2006. There will also be greater use of a Common Assessment Framework, shared children's data management and agreed thresholds of concern in order to facilitate more effective inter-agency working through new local Multi Agency Support Teams. These other key local developments for supporting children and families should be seen alongside this Guidance once they are in place.

NEW There is also a general trend towards using the word "safeguarding" rather than "protecting". While the two are sometimes used interchangeably, safeguarding is intended to convey a broader concept that includes prevention and addressing issues that put children's welfare at risk beyond the strict definitions of "abuse". In a school context, for example, safeguarding would include measures to combat bullying and to ensure the safety of children on trips and when using the school's facilities outside school hours, even though any more general concerns arising would often not merit a formal child protection investigation by outside agencies.

NEW However it is also extremely important not to lose sight of the needs of individual children for protection from harm when required. As has been reiterated by the Inquiry into a serious case of neglect in Sheffield reported in December 2005, the needs of the child must remain the focus. Since Victoria Climbié, there is a new emphasis

on ensuring that professionals are competent in carrying out their duties and taking the necessary steps to protect children and young people when required. Individuals must take personal responsibility for acting on information that may be known to them alone. Child protection is “everybody’s business” and there must be corporate ownership of the desired outcomes, not a “culture of referral”. This is as true for educational professionals as for anyone else, including both teaching and non-teaching staff and in any setting.

NEW The government booklet “***What to do if You are Worried a Child is being Abused***”, (DoH 2003) provides practical guidance and advice to supplement local procedures. Resources for staff training have also been issued to all designated teachers at briefings organised by the Education lead officer during 2005/2006. This written guidance complements that initial information. **School-based INSET for staff is also available on request.**

SECTION 3 DEFINITIONS

(This Guidance continues to use the phrase “Social Services” as a way of identifying the discrete Service within the overall Children’s Services that deals with child protection investigations and where the social workers are based).

Confidentiality and Information Sharing

It is very important that all those involved in concerns about the care of children should share the same understanding of confidentiality and that children and their families understand this.

NEW Research and experience have shown repeatedly that keeping children safe from harm requires professionals and others to share information. The Children Act 2004 creates a new legal framework within which new shared databases can be developed that can highlight the concerns that may have been expressed by a range of professionals and agencies.

Never make a promise to keep child protection information 'secret',

It is recommended that all education settings have a written statement of confidentiality making clear the duty to share information with other agencies such as Social Services and the Police in certain circumstances and which is published in any information given to students and parents when they first come into contact with the establishment.

NEW In light of the Freedom of Information Act 2000, this statement could be included with the school’s child protection policy, (see model at Appendix A).

In matters concerning child protection, confidentiality means that any conversation or information given will be treated in complete privacy and will not be shared indiscriminately with others. However, in order to protect the best interests of a child or young person, the information may be shared, on a strictly 'need to know' basis, with other professionals to enable action to be taken by others.

NEW Whenever this happens, the action being taken should be explained to parents unless, in the professional's judgment, it may put the child at increased risk of harm to do so. Whether or not the parent is aware of the referral, and if not, why not, will normally be raised as part of the referral process.

Children and families “in need”

Under section 17 of the Children Act 1989, it is the duty of every local authority

- a) to safeguard and promote the welfare of children within their area who are in need, and
- b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.

A child shall be taken to be “in need” if

- a) (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 for him/her of services by a local authority .
- b) his/her health or development is likely to be impaired, or further impaired, without the provision for him/her of such services; or
- c) (s)he is disabled. (5. 17 [10])

Children “in need of Protection”

Section 47 of the Children Act contains the duty that 'where a local authority -

- a) is informed that a child who lives, or is found, in their area

is the subject of an emergency protection order, or is in police protection, or
- b) has reasonable cause to suspect that a child lives, or

is found in their area is suffering, or is likely to suffer, significant harm,

the authority shall make, or cause to be made, such enquires as it considers necessary to enable it to decide whether it should take action to safeguard or promote the child's welfare'.

The Assessment of Children in Need and their Families

Guidance was issued by DoH, DfEE and the Home Office in 2000. It sets down a framework for professionals involved in the assessment of children in need and children in need of protection. All professionals are expected to contribute to the assessment although Social Services is the lead agency for acting on child protection concerns.

The Framework provides the foundation for a systematic assessment of children and families. It embraces three key areas:

- the child's developmental needs,
- parenting capacity and
- wider family and environmental factors.

NEW This three-dimensional process will form the basis of the new **Common Assessment Framework** for use by all professionals, not just social workers, if in a slightly simplified form. It is intended that a clearer threshold will be identified for formal child protection investigations and that agencies will seek to make greater provision themselves for children at lower levels of risk of immediate harm, rather than referring to Social Services. Further local guidance is awaited, (see also Appendix F).

“Significant Harm”

This concept was introduced in the Children Act 1989 as the threshold that justifies compulsory intervention in family life in the best interests of children. There are no absolute criteria on which to rely when judging what constitutes significant harm.

A court may only make a care order or a supervision order in respect of a child if it is satisfied that:

'the child is suffering, or is likely to suffer, significant harm; and that the harm, or likelihood of harm is attributable to lack of adequate parental care or control' (s.31)

'harm' means ill treatment or the impairment of health or development;

'development' means physical, intellectual, emotional, social or behavioural development;

'health' means physical or mental health

'ill treatment' includes sexual abuse and forms of ill treatment which are not physical (531. [9])

Section 31(10) of the Children Act 1989 states:

'Where the question of whether harm suffered by a child is significant turns on the child's health and development, his health or development shall be compared with that which could reasonably be expected of a similar child.'

Categories of abuse: signs and symptoms

Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely by a stranger .

The four categories of abuse are

- **neglect**
- **physical abuse**
- **sexual abuse**
- **emotional abuse**

Neglect

Neglect is the persistent failure to meet a child's basic physical and or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or

treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Possible signs of neglect:

- Constant hunger .
- Poor personal hygiene .
- Constant tiredness .
- Poor state of clothing
- Frequent lateness or non-attendance at school
- Untreated medical problems or unmet special needs
- Low self-esteem
- Neurotic behaviour
- Poor social relationships
- Running away
- Compulsive stealing or scavenging

Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child whom they are looking after. This situation is commonly described using terms such as fictitious illness by proxy (previously Munchausen syndrome by proxy).

Possible signs of physical abuse :

- Unexplained injuries, bites, bruises or burns, particularly if they are recurrent
- Improbable excuses given to explain injuries
- Refusal to discuss the causes of injuries
- Untreated injuries
- Disclosure of punishment which appears excessive
- Withdrawal from physical contact/aggressive behaviour
- Arms and legs kept covered in hot weather (excluding for reasons of cultural dress)
- Fear of returning home
- Fear of medical help
- Self-destructive tendency
- Running away

Sexual Abuse

Sexual abuse involves 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 involve physical contact, including penetrative sex or non-penetrative acts. This may include 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 towards adults or other children.

NEW Issues of “consent” will be relevant with older children but, even with apparent consent, sexual abuse may still have taken place if the consent is not truly informed or is based on coercion or an inequality of age and understanding. In the light of the Soham case and Ian Huntley’s previous history, where young people under 16 are engaging in sexual activity, the possibility that such activity constitutes an abuse should always be considered, not immediately dismissed just because they appear to be a willing participant. If the partner is significantly older, this should be considered a child protection issue in the first instance.

All cases involving alleged sexual activity by a child under the age of 13 or involving the actual or potential abuse of a position of trust, must be identified as child protection concerns in the first instance and referred for further investigation.

Possible signs of sexual abuse:

- Sudden changes in performance or behaviour at school
- Displays of affection in a sexual way which is inappropriate to age
- Alleged promiscuity
- Tendency to cry easily
- Regression to younger behaviour such as thumbsucking, playing with discarded toys, acting like a baby
- Tendency to cling or need reassurance
- Genital itching or pain
- Distrust of familiar adult, or anxiety about being left with a relative, babysitter, lodger, etc.
- Unexplained gifts of money
- Depression and withdrawal
- Apparent secrecy about social activities or the identity of “special friends”
- Wetting or soiling, day and night
- Sleep disturbances or nightmares

- Chronic illness, especially throat infections and sexually transmitted diseases
- Anorexia or bulimia
- Unacknowledged pregnancy
- Fear of undressing, eg. for sport .
- Phobias or panic attacks

Emotional Abuse

Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone.

Possible signs of emotional abuse:

- Physical, mental or emotional/developmental lag
- Domestic violence
- Disclosure of punishment which appears excessive
- Over -reaction to making mistakes or fear of punishment.
- Continual self-deprecation
- Sudden speech disorders
- Fear of new situations
- Inappropriate responses to painful situations
- Neurotic behaviours
- Self-harm
- Fear of parents being contacted .
- Extremes of passivity or aggression .
- Drug or solvent abuse
- Running away
- Compulsive stealing, scavenging

SECTION 4 RESPONSIBILITY OF ALL STAFF EMPLOYED IN EDUCATION

See also DFES Circular 0027/2004 “Safeguarding Children in Education” and Appendix A.

General Considerations

All concerns about the welfare of children and young persons, disclosures of possible abuse and observations of behaviour or injury which cause concern, must be taken seriously and reported within these procedures and those of the Wolverhampton Local Safeguarding Children Board. (See also Appendix A for model policies for both schools and LA education services).

All education staff share the responsibility for ensuring that concerns about children 'in need' and those 'in need of protection' are brought to the attention of the responsible person/agency in order that they may be investigated within the appropriate procedures.

NEW Central education staff who visit different schools and educational settings should acquaint themselves with the school's policy and procedures and the identity of the designated teacher for each establishment. Normally a referral for a child in that school should only be made in consultation with the designated teacher, (unless it is out of hours, an emergency or a school holiday).

Needs and Rights of Children

All staff should be aware of the needs and rights of all children. *'Working Together to Safeguard Children'* (2006) states:

'All children deserve the opportunity to achieve their full potential. They should be enabled to:

- be as physically and mentally healthy as possible
- gain the maximum benefit possible from good quality educational opportunities
- live in a safe environment and be protected from harm
- experience emotional well-being

- feel loved and valued and be supported by a network of reliable and affectionate relationships
- become competent in looking after themselves and coping with everyday life
- have a positive image of themselves and a secure sense of identity, including cultural and racial identity
- develop good inter-personal skills and confidence in social situations

If they are denied the opportunity to achieve their potential in this way, children are at risk not only of an impoverished childhood, but they are more likely to experience disadvantage and social exclusion in adulthood.'

Working in Partnership with Children and Families

'*Working Together to Safeguard Children*' states 'Family members have a unique role to play in the lives of their children, who attach great value to their family relationships. Family members know more about their family than any other professional could possibly know, and well-founded decisions about a child should draw upon this knowledge and understanding. Research endorses the importance of good relationships between professionals and families in helping to bring about the best possible incomes for children'.

NEW Wherever possible, parents should be made aware that a referral is being made about their child. When making a referral to another agency, education staff, having consulted with the designated teacher or discussed matters with their line manager, are generally advised to inform parents of their discussion. This assists the work of those who then have to follow up the referral.

However, in the case of some children who may be at risk of significant harm, informing parents may not be advisable if this could further endanger the safety of the child. Advice should be sought from the social worker or the Police if in doubt. The school's child protection policy should alert parents to the role of staff under local procedures and that action may be taken without their consent in the best interests of the child. This should also help to "depersonalise" any dispute about the action school staff feel is necessary.

Action in advance of a child protection referral

The conduct of 'front line' staff such as those working in education settings can influence the outcome of subsequent court procedures and they must follow strict guidelines concerning the collection of evidence. Anyone hearing a disclosure of abuse must take care not to ask the child leading questions. They should listen carefully and make sure that the child understands that the information may have to be shared with others on a 'need to know' basis.

Records should be kept of all concerns and particularly of occasions when a child discloses incidents, which may be regarded as abuse (see Recording and Monitoring), but requiring the child to make any form of "statement" to school staff should be avoided as should the taking of photographs. Drawings such as outline body maps are acceptable as a record. Date and sign al records when completed.

Any concerns or disclosures must be reported to the Designated Teacher immediately (see Role of the Designated Teacher) whose responsibility it is to decide what action should be taken. The welfare of the child must be the paramount consideration.

If unsure, take advice.

Awareness of Self-Protection

All education staff, teachers, LA officers, classroom assistants, helpers and parents need to be aware of the way in which their actions may be perceived by onlookers and must not act in such a way that they leave themselves, or any child, at risk of allegations of abuse. They should seek advice and information about good practice, particularly in relation to individual work with children and young people and in the delivery of personal care. (See also Appendix D)

SECTION 5

THE ROLE OF THE DESIGNATED TEACHER

See also DFES Circular 0027/2004 “*Safeguarding Children in Education*” and Appendix A.

The designated teacher is responsible for coordinating action where it is suspected that a child is in need, has been harmed, or is at risk of significant harm. To do this, they will need to be familiar with the DfES Circular above, LSCB and LA procedures and ensure that action is taken in accordance with the school’s policy.

It is important that all staff and all visiting professionals know the identity of the designated teacher and the deputising arrangements which apply if the nominated member of staff is absent.

The designated teacher should be available to offer both general training and specific support to staff who have child protection concerns about a child or who receive a disclosure from a child. This will also include assisting them in preparing for attendance at Child Protection Initial and Review Conferences, Core Group Meetings or Court appearances (see relevant sections below).

The designated teacher will co-ordinate support for a pupil about whom a referral has been made and share information on a 'need to know' basis.

It is the responsibility of the designated teacher to maintain child protection records in a secure and confidential system which is separate from the main pupil record and, wherever possible, to ensure that these records follow the child to the designated teacher in any subsequent school. (see Recording and Monitoring). The designated teacher must be aware of the appropriate procedures when a child is removed from the Admission Register in any situation where there may be concerns for their welfare. (see Appendix B).

The designated teacher should facilitate the development of a whole school policy on safeguarding and child protection and encourage the development of aspects of the curriculum which can empower and protect children from harm. The Education lead officer will carry out regular audits of schools, via the designated teacher, to assist practice.

Where the designated teacher is not the headteacher, they must ensure that the headteacher and the governing body are kept informed of developments and to ensure that appropriate policy is in place.

Where there is uncertainty about whether a formal child protection referral should be made, the designated teacher can seek advice and support from the Social Services or the Education lead officer. (see Sections 1 and 8).

NEW Designated teachers must take up opportunities to attend relevant training for themselves and, in partnership with the Education lead officer, facilitate training for colleagues. It is expected in Circular 0027/2004 that designated teachers receive training at least every two years, or on appointment and that all teachers should receive an update at least every three years. Child protection issues should also feature in the induction programme for all new education staff in schools and within the LA.

NEW Work Experience at KS4

Guidance to supplement Circular 0027/2004 has been issued by the DfES to support the brief information in the Circular itself. Work experience raises both general issues of health and safety (safeguarding) and specific issues of child protection. Designated teachers should liaise with their Work Experience Co-ordinator or Administrator to ensure the school's child protection policy is cross-referenced with the work experience arrangements.

NEW Virtual Workspace at KS4 and Internet Security

The Virtual Workspace project contains significant safeguards to ensure the protection of children while on line. This whole area should be a matter of careful planning between the designated teacher and other key staff to ensure that suitable arrangements are in place to ensure children's safety. See DfES website www.parentsonline.gov.uk or www.ngfl.gov.uk.

SECTION 6

MAKING A REFERRAL - GENERAL

Referral

There is currently a single referral procedure for all concerns about children and young people where a social care professional may need to become involved or a concern needs to be shared. It involves a single point of contact known as the Assessment and Child Protection Service (see below) and using one referral form SC1 (see Section 8 and Appendix G). (There may be subsequent changes to this procedure with the introduction of the Common Assessment Framework for inter-agency dialogue about concerns that are not about child protection).

These safeguarding referral procedures apply in all cases of concern about significant harm in relation to those under 18, including pre-birth concerns, children attending day care facilities for pre-school age children and young people attending youth groups or clubs that operate on the premises of educational establishments, as well as those children of compulsory school age and in Further Education colleges.

Because they are in frequent and regular contact with children and young people, staff in educational settings are potentially well placed to identify the signs and symptoms of abuse or to be the recipients of disclosure of abuse. In cases where a formal referral is not made, there may be a need to monitor the child (see Recording and Monitoring). In other instances it may be possible for the child to be assisted as a child 'in need' under other multi-agency procedures.

Educational establishments are expected to provide all students with an environment in which they feel safe and respected. The ethos should be reflected in cross-curricular activities, the management of discipline and the movement of students around the establishment.

In every case where there are concerns about abuse, these must be shared with the designated teacher who has the responsibility to decide whether a referral should be made and to coordinate action (see Section 5: The Role of the Designated Teacher).

A decision on making a referral will often include discussions with several professionals (including, for example, school staff, school

nurse or education welfare officer), as well as a sharing of information. However, the person who has observed or received direct information concerning a child or family should be available to the person making the referral.

NEW Parental consultation

“Children in Need” (s.17) referrals for family support always require evidence of parental consent to the referral. Child protection (s.47) referrals can be discussed with parents, and this is good practice, unless the designated teacher considers this may put the child at increased risk of harm. (See also Section 4).

Racial and cultural considerations

Wolverhampton is a multi-ethnic and multi-faith city. Children and young people come into educational establishments from a wide variety of backgrounds.

Because of racism, the life experiences of many families from minority ethnic groups and the stereotypes applied to them, will have considerable implications for the management of child protection issues. Particular sensitivity and an understanding of cultural values will be needed to help such children and young people who are suspected to be at risk of harm.

Older pupils and students

The DfES recognises that young people may feel unable to speak to anyone in the establishment and may prefer to seek help through a recognised, confidential helpline such as ChildLine or the NSPCC. The provision of a telephone in a quiet area where the student will not be overheard may be helpful. Such helplines will work to assist the caller in seeking appropriate help.

Where young people are old enough to influence the course of an investigation into their alleged abuse, their involvement will be critical. They should not be treated as objects of the concern of professionals but as key players in helping to secure their own protection. However, even if they wish a concern to be kept confidential, if they are at risk of significant harm, the concern must still be shared by agencies in accordance with local procedures.

Disagreement

In cases of difficulty or disagreement about these procedures, contact should be made with the Child Protection Support Service or the Education lead officer. (see also Appendix N)

Procedure

Every case of possible child abuse or risk of “significant harm” must be reported to the designated teacher without delay (matters should never go unreported overnight).

It is the designated teacher's responsibility to decide whether there should be an immediate referral to Social Services or the Police, further discussion with colleagues outside the school or an agreement to monitor the child. (See Section 8 for Contact details)

In rare cases of serious physical injury, it may be necessary to arrange immediate medical treatment for the child. An ambulance should be called and, where necessary, the child will be taken to the Accident and Emergency Department of New Cross Hospital. **The suspicion of abuse must be made known by the person accompanying the child.** (Note: the responsibility for the medical investigation of significant harm lies with the Community Physician [Child Protection]).

Once the decision has been taken to make a referral, the designated teacher or their deputy will contact the Assessment and Child Protection Team, regardless of where the child lives. Alternatively, if a criminal offence may be involved (e.g. assault, sexual abuse or neglect) it is appropriate to contact the relevant Police Child Protection team. (see Section 8)

The Duty Officer will note the referral and confirm with the team manager what action will be taken, within 24 hours.

The designated teacher will need to agree what action should be taken for the immediate support of the child. This should include what time the child or young person will be going home and with whom. It is important that there is a clear understanding about how the parents or carers are to be informed of the referral and by whom. A written note of the agreements reached should be kept by the referrer.

The appropriate member of staff (usually the member of staff originally involved) should continue to support the child in accordance with the plan agreed with the Duty Officer.

The referral form SC1 (see Appendix G) should be completed by the designated teacher or their deputy. If all the information is not immediately available, this should not delay the form being sent. Give as much detail as possible as this will help them to cross-reference the referral with other information held by other agencies and reach a decision about appropriate action. The form may be faxed or posted to the Assessment and Child Protection Team (see Section 8). The educational setting making the referral should keep a copy.

A referral on an SC1 may result in:

- no action
- an assessment under Section 17 for Family Support Services; ('a child in need') with parents' consent
- acceptance of a referral under Section 47 for a Child Protection investigation; ('a child suffering from or at risk of suffering from significant harm').
- further investigation before a decision can be made.

In the first 7 days a Strategy Discussion may be called. It is normally expected that representatives from schools or other educational settings will be involved where they are the referrer. When the referral does not result in a Child Protection Investigation or a Conference after an SC1 has been sent, the referrer should be notified of this decision and the reason for it given. **If you remain concerned for a child's safety when a previous referral has been closed, or if there has been no response, refer the case again or ask to speak to a senior manager.**

When an Initial Conference is called, the designated teacher should be invited. This will often be at short notice and should be held within 15 days of the Strategy Discussion or initial referral. Attendance at Conferences should be regarded as a very high priority.

SECTION 7 MANAGING CONCERNS IN PARTICULAR CIRCUMSTANCES

Children with special needs

The same referral procedure is used but where the child's needs are complex there may be additional considerations in respect of communication and the management of the investigation. School staff may need to be involved, at the request of the investigating agencies, to facilitate interviews where children need specialist assistance in disclosing. Research indicates that children with disabilities are more vulnerable to abuse of all kinds and find it harder to report their experiences. Staff in special needs settings should be especially vigilant for any concerns.

Wherever staff are working with children who have personal care needs, clear guidelines should be produced to maintain a balance between providing care and preventing abuse.

A child allegedly abused while in receipt of a service (professional abuse). See also Appendix D

Where the abuse is alleged to have been perpetrated by a member of staff of the educational establishment, or a volunteer, the threshold for action and the inter-agency procedure to be followed remain the same, unless the headteacher is satisfied that the allegations are trivial and/or demonstrably false, with no apparent harm to the child. The legitimate use of force or restraint under agreed DFES guidelines does not automatically require external investigation. Issues may be resolved through complaints procedures.

NEW However, if the allegation amounts to actual or potential physical or sexual abuse, or if the child has suffered harm, there must be no formal investigation by the headteacher at this stage and no suggestion should be put to children or their parents which might suggest pressure to agree to an inappropriate alternative explanation. School staff should not act in isolation. **Advice must be sought from the Education lead officer, especially before deciding that referral is not required.**

Disclosures may also be made by children in receipt of a service in other environments, eg. residential setting, with a foster carer,

playgroup, nursery or child minder. Such instances will, on referral, be subject to similar investigations.

The referral should be made to the Assessment and Child Protection team and the Education lead officer and the Chair of the Governing Body must be informed immediately. It will be necessary to decide who will notify the parents/carers and when. This should be done as soon as possible. Where the alleged abuser is not the headteacher, the designated teacher will notify the headteacher who will decide who will act and what action will be taken. Where the alleged concern relates to the headteacher, the Education lead officer will consult the Chair of Governors and keep them informed of any further action.

It is imperative that the three strands of such a situation

- the child protection investigation
- the criminal investigation, and
- the disciplinary investigation

are kept separate. The disciplinary procedures must not be allowed to delay the Child Protection referral.

Children who allegedly abuse other children

Where the abuse is alleged to have been perpetrated by another child or young person, the standard referral procedure will apply but both children will be regarded as having Child Protection needs. This can also include what may be termed 'sexually inappropriate behaviour'. They should each be referred to the Assessment and Child Protection Team using form SC1. (see also Appendices C and J)

Children who go missing

In the wake of several high profile cases in the last decade, vigilance is required in notifying and tracking families who leave an area unexpectedly and without giving forward information. School staff must adhere rigidly to Regulations concerning authorised absences and 'off registering' children. (See Appendix B and the "Guidance on School Attendance", issued to all schools in January 2005).

Children living away from home

Where children are living away from home, in some alternative care setting such as with extended family, friends, with foster carers or in a residential setting, the same SC1 procedures will apply. However, if the child already has an allocated social worker, they should be first point of contact for raising the concern.

Children who are exposed to domestic violence

Domestic violence is the misuse of power and control of one person over another in an intimate relationship. It is known to have damaging effects on the health and development of children and young persons in households where it occurs and may be classed as emotional abuse even if the child is not directly injured themselves (see also Appendix I).

Research has established links between domestic violence and child abuse. Where it is suspected that a child may be subject to domestic violence, a referral using SC1 should be made to the Assessment and Child Protection Team.

Children who are exposed to substance misuse

Misuse of substances is often a cause for concern. It is not necessarily a child protection issue, but may indicate a child or family 'in need' of support or a more urgent and specific risk to a child's well-being (e.g. poor parental care of very young children, exposure to needles etc.) When assessing the effects of substance use, the role of alcohol and prescribed medications should not be ignored.

Concerns regarding children and substance use fall into three categories: (see also Appendix K).

- children who are using substances
- children whose parents or carers use substances
- children who are exposed to substance use in their communities

Children involved in sexual exploitation (including prostitution)

Children involved in prostitution and other forms of commercial sexual exploitation should be treated primarily as the victims of abuse and their needs require careful assessment. They may be 'in need' as well as 'in need of protection'. (see Appendix J). The strong links between substance abuse and prostitution should not be overlooked as mutually indicative indicators of risk.

Pregnancy in school age girls

Department of Health/DfES 'Guidance on the Education of School Age Mothers' DfES 0629/2001 s.14.3 states that: 'in the case of a young woman under 16, if a teacher believes there is a child protection issue to be addressed, they should liaise with the school's designated teacher for child protection'. Teachers and other professionals should make clear that they cannot guarantee unconditional confidentiality but that if confidentiality has to be broken on child protection grounds, the pupil will be informed. Pregnancy in school age girls may be an indication of sexual exploitation.

In other circumstances, with the consent of the young person, the Education Welfare Officer for the school should be informed of a pregnancy so that the Teenage Pregnancy Co-ordinator and the Health Authority can be informed and appropriate health and education services provided. A pregnant girl who is refusing to acknowledge the significance of the pregnancy, tell her parents or any other consequent risk to the child, should be regarded as a child protection issue (for both the mother and the unborn child).

Child pornography and the Internet

Where concerns exist about a specific adult, parent, child or young person in relation to their use of, or participation in Internet-based or other electronic material, the situation should be referred using the SC1 procedure. This includes any concerns relating to an adult in a position of trust, even if the alleged involvement does not relate directly to children at the school.

Female genital mutilation (circumcision)

Female circumcision of children is an offence under Prohibition of Female Circumcision Act 1985. Concerns about a child who may have been subject to this practice should be referred under the SC1 procedures.

Children left at school

NEW If young children who are normally collected are left behind at school and no responsible person arrives to collect them, every effort should be made to contact a parent/alternative carer. If these all fail, contact the Assessment and Child Protection team for advice. If parents consistently fail to meet the child, or if a young child is left in the care of another child, attempts should be made to address the issue with them, but if school staff feel the parent has effectively abandoned the child or is failing to ensure their safety after school, this should be seen as a concern. It is not uncommon for children to go home to an empty house for a short period, but any evidence that children have been left for long periods, especially overnight, must be considered a child protection issue.

SECTION 8 REFERRAL CONTACTS

If the child has serious physical injuries or is in immediate medical need, call emergency medical services by telephoning 999. In all cases, the designated teacher or their deputy/LA officer should contact the **Assessment and Child Protection Team**: (Social Services)

Daytime	Telephone	01902 555392
	Fax	01902 555329
Out of hours	Telephone	01902 552999
	Fax	01902 553201

Or the **Child Protection Police**

Bilston Street	Telephone	01902 643419
(Wednesfield	Telephone	01902 649078)

Agree with the duty officer whether this referral will be regarded as a 'child in need' or 'in need of protection' and note this in the establishment's own records. (Other responses may be appropriate if the concern does not meet the threshold for a child protection referral).

In all cases where a child protection referral is agreed, complete SC1 immediately and forward by fax or first class post original to:

Assessment and Child Protection Team
Civic Centre
St. Peter's Square
Wolverhampton
WV10 0HR

Remember to keep a copy for your establishment file. **Copy the SC1 to the EWO**). Further copies of SC1 forms are available from the Child Protection Support Service (telephone 01902 553042) or can be requested electronically as an email template.

Education Lead Officer: Mr B Whitney: Tel: 01902 555250

SECTION 9 RECORDING AND MONITORING

Every educational establishment and Service must make arrangements for secure records to be kept about children for whom there are child protection concerns. Child protection records are exempt from the usual requirements for parental access to files and should only be disclosed to investigative agencies (Social Services and the Police) for the purposes of their investigations, case conferences, core groups, reviews and for court proceedings.

Arrangements for the safe keeping of records should be coordinated and overseen by the designated teacher. Records will be kept:

- When there concerns about the welfare of a child: (worries about health, emotional well-being or educational progress)
- When there is a suspicion of significant harm to a child and a referral is made to Social Services
- When children's names are, or have been, on the Child Protection Register or they have a Child Protection Plan

Recording should be factual, non-emotive and non-judgmental. Remember to:

- Add dates (including the year) and times to all observations or information
- Keep LSCB Conference and Core Group minutes securely
- Clearly distinguish facts from opinions in any report
- Record telephone calls from other agencies and conversations with other professionals
- Ensure that records, wherever possible, are passed on confidentially when the child transfers to another school or LA area. This includes those who have only ever been the subject of concerns and suspicions, as well as those with formal child protection records and minutes of meetings etc.

SECTION 10 INITIAL CHILD PROTECTION CASE CONFERENCES

Why is an Initial Child Protection Case Conference called?

- To pool information about a child and their family
- To assess risk this child and any other child
- To decide whether there are sufficient grounds for drawing up a multi-agency Child Protection Plan (formerly described as placing the child on the Register) .

Who will be expected to attend?

- Either the person who discovered the abuse or raised the concern (i.e. where you are the referrer) and/or the designated teacher acting on the school's behalf if the referral has arisen elsewhere. Other LA education officers may also be invited if they have personal knowledge of the child/family.

What information will be needed from the school's representative?

- Educational progress in comparison with peers .
- General health and emotional well-being
- Ability to relate to peers and staff
- Attendance record .
- Parental/ carer information (e.g. contact with school)
- Any injuries seen or information given by child which has caused concerns
- Child's view of themselves and their family

It is best practice to prepare a concise report of the relevant issues which can be shared with the conference and on which the person attending will be able to answer questions.

What action will be required after the Case Conference?

The designated teacher will need to take responsibility for the following (see also Section 5):

- Ensure that key school staff understand the Child Protection Plan or other recommendations
- Ensure that Minutes are securely stored and available for future reference
- Offer on-going support to colleagues and the pupil
- Share information on a need-to-know basis
- Attend further Reviews and meetings

What should you do if you are unhappy with the Child Protection Conference process?

- Where there are complaints or representations about the Child Protection Conference process, the procedure outlined in Appendix N should be followed.

SECTION 11

CHILD PROTECTION CORE GROUPS AND REVIEWS

What is a Child Protection Core Group?

- A small group of members of the Initial Conference who will devise the Child Protection Plan, monitor the day-to-day progress of the case and carry out a more thorough assessment of the child's needs and any on-going risks to their safety and welfare.
- Meetings are likely to take place quite frequently, particularly in the beginning stages of the Plan, maybe fortnightly or monthly.
- The group is a sub-committee of the Case Conference and all decisions must be ratified by the Conference or subsequent Reviews.

Who will be expected to be a member?

- The person who attended the Initial Conference.
- The members may include a non-abusing parent and the child (where the child is of an age to understand). It will also include those agencies who have direct involvement in the Child Protection Plan. This will invariably involve a representative of the school even if they were not previously involved in the investigation.

What information will be needed from the school representative?

- Educational progress in comparison with peers.
- General health and emotional well-being
- Ability to relate to peers and staff.
- Attendance record
- Parental/ carer contact with school
- Any injuries seen or information given by child which has caused concerns
- Child's view of themselves and their family

- Progress in achieving the aims of the Plan

The First Review Child Protection Conference will be held within 3 months of the Initial Conference. Further reviews will be held within 6 months and for as long as the child's name remains on the Child Protection Register.

What action will be required after the Core Group Meetings and Reviews?

The designated teacher will take responsibility for the following:

- Ensure that key school staff understand the Child Protection Plan or other recommendations
- Ensure that Minutes are securely stored
- Offer on-going support to colleagues and the pupil
- Share Information on a need-to-know basis.

Importance of attending

The importance of attending reviews and core groups involving children known to your establishment/school/Service cannot be over-emphasised, in order to

- inform the planning process in keeping the child safe,
- share information known to the educational professional concerned, and
- ensure that the school remains fully informed of the current circumstances of the child.

SECTION 12

CHILD PROTECTION COURT PROCEDURES

Most child protection cases do not come before the Courts, but at the outset it is never possible to know what the eventual outcome may be. It may become necessary for the referrer to give evidence at a much later date so careful notes must be kept at the time.

The Proceedings

These will be either Civil Court (care) proceedings in the Family Proceedings (Magistrates) or County Court under the Children Act 1989, or Criminal Court proceedings against the alleged perpetrator of an offence. The legislation used will depend upon the nature of the incident and the child's family circumstances.

Evidence

For both purposes, it is important to ensure that careful records are kept on children on whom there are child protection concerns (see Section 9) and that evidence is not contaminated by the investigation being undertaken by anyone other than the Police and Social Services.

Evidence can be what you saw, heard, said or was said to you. In general, say as little and ask as few questions as possible when responding to your concerns. It is the child's story that matters, not yours. Keep any questions "open" and do not put ideas into the child's mind about what must have happened. Their evidence will be primarily collected through medical examinations and the video interview, not based on any conversation with you, but if there is discrepancy in any detail, this may affect the proceedings.

You are not "gathering evidence" as a teacher/educational professional, only gathering enough information on which to make an informed decision about whether referral is required. This is a crucial distinction.

Support and Advice

The designated teacher will support any member of staff who

finds themselves in this situation. Seek advice at the time. Do not wait till later. Further advice is also available from the Education lead officer. Any individual called as a witness in court proceedings will receive support through the Witness Care Scheme and Legal Services.

Agencies who may be involved

- The Police will take a written statement if they believe you have evidence in relation to a criminal investigation.
- The Legal Department of the local authority will assist in the preparation of any statement, based on your original notes.
- The Children and Family Court Advisory and Support Service (CAFCASS) Officer, who is appointed by the Court in civil proceedings under the Children Act, may contact you in the course of their enquiries. They are entitled to access relevant documents held by the Local Authority or school.

SECTION 13 GLOSSARY

Care Order

An order made by the Court under Section 31 (10)(a) of the Children Act 1989, placing the child in the care of a designated local authority and giving the applicant Parental Responsibility.

CAFCASS

The Children and Family Court Advisory and Support Service, whose officers are appointed by the Court to protect the child's interests in a range of Family Proceedings.

Child Protection Unit (Police)

A group of specially trained police officers who deal only with Child Protection investigations. They currently take the lead in interviewing children on video and are skilled in meeting the requirements of evidence-gathering. This service is located at Bilston Street Police Station (see Section 8).

Child Protection Conference

A formal meeting attended by representatives from all the agencies concerned with the child's welfare, including, where appropriate, the child's family, in order to gather and evaluate information. The conference will decide whether a child requires an interagency Plan of action to protect them. The meeting will be chaired by an Independent Chair or Principal Officer.

Child Protection Plan

The on-going plan, which is drawn up by the appointed Core Group, on behalf of the Child Protection Conference if required.

NEW Children and Young People's Strategic Partnership

The co-ordinating body for children's services in a local authority, including representatives from health and related agencies

Children 'looked after' (LAC)

Children or young persons who are accommodated or otherwise maintained by the local authority, either by agreement with their carers or themselves (where appropriate) or by order of a Court. They may be placed in a residential setting, a foster family or in certain cases elsewhere. (Each school should have a nominated member of staff for any such children).

NEW Common Assessment Framework

See Framework for the Assessment of Children in Need below.

(Custodian of the Child Protection Register)

In Wolverhampton, the details of those children with a Child Protection Plan are held by Performance and Quality on behalf of the Local Safeguarding Children Board

NEW Designated Teacher (Person)

A senior teacher with knowledge and skills in recognising and acting upon child protection concerns must be appointed in all schools and colleges under the requirements of '*Working Together to Safeguard Children*' and DfES Circular 0027/2004.

NEW Education Lead Officer for Child Protection

A senior officer appointed in every local authority under the requirements of '*Working Together to Safeguard Children*' and DfES Circular 0027/2004 to support schools and other education services. In Wolverhampton this is the Team Leader (Pupil Attendance and Child Welfare) at the Jennie Lee Centre: Mr B. Whitney 01902 555250.

Emergency Protection Order

A short term order under Section 44 of the Children Act 1989 which the Court can make if it is satisfied that the child is likely to suffer significant harm or where investigation made in respect to a child is being frustrated by the unreasonable refusal of access to the child. This order gives the applicant Parental Responsibility.

NEW “Every Child Matters” and “ECM: Next Steps”

Key government documents arising from the Laming Report into the death of Victoria Climbié that set out their vision for children's services for the foreseeable future.

NEW Framework for the Assessment of Children in Need and their Families (Common Assessment Framework)

Guidance originally issued by DoH, DfEE and the Home Office in 2000. It sets down a procedure for professionals involved in the assessment of children in need and children in need of protection. All professionals are expected to contribute to the assessment although Social Services is the lead agency. The Framework provides the foundation for a systematic assessment of children and families. It embraces three key areas: the child's developmental needs, parental capacity and wider family and environmental factors. (see Appendix F). It is expected that it will

be replaced by a Common Assessment Framework, based upon it, in the near future.

Interim Care Order

An order made by the Court placing the child in the care of a designated local authority (initially for 8 weeks).

Key Worker

The social worker allocated specific responsibility for a child within the child protection Plan. They have responsibility for completing the core assessment of the child and family and securing contributions from core group members and others as necessary. (See Child Protection Core Groups and Reviews, Section 11)

NEW Lead Professional

An officer from any agency that works with children who co-ordinates the work of other local agencies and professionals and maintains a joint focus on the needs of the child. This could be from any of the partner agencies, including a school/LA.

NEW Local Safeguarding Children Board (LSCB)

The inter-agency body which has taken over from the Area Child Protection Committee (ACPC) from April 2006.

NEW Multi-Agency Public Protection Arrangements (MAPPA)

Inter-agency arrangements for monitoring sex and other violent offenders. Where these are young people under 19, education is routinely represented in monitoring any continuing risk that they pose and planning for their needs.

Out of Hours Service

This team operates to deal with emergencies when Children's Services offices are closed (see Section 8).

Parental Responsibility

Defined under Section 3(1) of the Children Act 1989 as 'all the rights, duties, powers, responsibilities and authority which, by law, a parent has in relation to the child and his/her property'. (see Appendix E for details of who holds it).

Protection of Children Act 1989

Implemented in 2000, this requires child care organisations (within the meaning of the Act) to refer the names of individuals considered unsuitable to work with children, to a list held by Department for Education and Skills.

Strategy Discussion/Meeting

This may be a meeting or, in urgent cases, a telephone consultation which takes place between the initial referral and the investigative interview whenever there is reasonable cause to suspect that a child is suffering or is likely to suffer significant harm. It will involve the referrer, the Police and Children's Services and representatives of any other agencies who are thought to be appropriate. (This will include a person's employer if the concern relates to a person in a position of trust.) It should be held within seven working days of the time when the referral is received, or 2 days for a professional allegation.

Schedule 1 Offenders (a term now being phased out but may be referred to historically) – now Adults Presenting a Risk to Children

People who have been convicted or formally cautioned for an offence against a child as defined in Schedule 1 Children & Young Persons Act 1933. The offence may involve physical harm, sexual abuse or neglect. It would be normal practice for an investigation and assessment to be undertaken when Children's Services become aware that a child is having contact with a known offender or other risky adult. If information is received concerning an allegation of a child having contact with or living with a known Schedule 1 offender, a telephone call should be made to the Assessment and Child Protection Team and an SC1 form completed.

Serious Case Review

This is a review undertaken by the LSCB following the death or serious injury of a child when abuse is suspected. A report is prepared which identifies any lessons which agencies can learn from the case, which can be put into practice in the future.

Appendix A(1)

MODEL CHILD PROTECTION POLICIES

ACCESS AND INCLUSION CHILD PROTECTION POLICY

1. Introduction

All Access and Inclusion staff recognise their individual legal duty under the Children Act 1989 and s.175 Education Act 2002 to work with other agencies in order to safeguard and protect children from “significant harm” to their health and development. All staff employed by the Access and Inclusion Directorate, and any volunteers working under their supervision, are covered by this policy, which may be supplemented by more detailed procedures within individual Services.

Further details are in the Wolverhampton LSCB procedures, copies of which can be downloaded from www.wolverhampton.gov.uk (under revision 2006)

2. “Children in Need”

Children’s worries and fears about their general welfare will be taken seriously as part of the staff’s general pastoral responsibilities. Where referral to another agency for assessment and/or services may be appropriate in order to promote children’s general welfare under “Children in Need” procedures, this must first be discussed with parents and their consent obtained. Their agreement should be indicated on the standard referral form to Children’s Services (SC1) or in any referral letter to any other agency outside education. Any such referral is voluntary and should not be made without the parent’s permission. Parents are entitled to see any written information held about them that does not relate to child protection issues.

3. “Children in Need of Protection”

Referrals under LSCB procedures may be made without parental consent, only where there is sufficient concern to suggest that the child may be suffering, or is at risk from “significant harm” as a result of:

- physical abuse
- emotional abuse
- neglect, or
- sexual abuse

and where prior consultation with the parent may put the child at increased risk. Staff should be alert to any situation in which risk may be identified including children's family lives; their use of the Internet and any evidence of sexually exploitative relationships.

If a member of staff is concerned that a child may be suffering or is at risk of "significant harm" under one or more of the above categories, they must discuss their concerns immediately with their Service line manager. Advice may be sought from the Education lead officer for child protection: Mr B Whitney (Team Leader, Pupil Attendance and Child Welfare 01902 555250). Advice may also be sought from the duty officer in Social Services. All conversations and decisions should be recorded in writing and kept permanently by the relevant line manager.

4. Making Referrals

Unless referral is needed in an emergency, or it is a school holiday, where children are registered pupils at a school, consultation should also take place with the school's designated teacher for child protection, who will often also be the most appropriate person to initiate any referral, based on information provided in writing by a member of Access and Inclusion staff. Where children are not registered pupils, this responsibility to act in lieu of the designated teacher should be taken by the appropriate line manager.

If referral by an Access and Inclusion officer is considered appropriate, telephone referrals should be confirmed immediately in writing on the agreed form (currently SC1) and a copy kept by the relevant line manager. Further information may be added as required. Staff need to be aware that education is not an investigation agency and that detailed enquiries should not be undertaken with the child or family beyond gathering sufficient information to inform the referral.

Officers will give every co-operation to the agreed LSCB inter-agency process including the provision of information about the child and family members, attendance at meetings and child protection conferences, membership of core groups and effective monitoring of children as required.

5. Training

All Access and Inclusion staff will undertake the necessary training to enable them to carry out their appropriate child protection responsibilities under LSCB procedures.

6. Professional and Complex Abuse

All Access and Inclusion staff will be subject to the appropriate checks on their personal character and conviction history, including an enhanced CRB check. Where no formal police clearance is carried out (e.g. for volunteers), line managers must ensure that appropriate supervisory and accountability procedures are in place. All staff recognise that they are prohibited by law from administering any form of corporal punishment to a child. This includes any form of hitting, slapping, shaking or other degrading treatment. If it is necessary to use physical restraint to protect a child from harming themselves or others, including self-protection, this must be the minimum necessary in the situation. All such incidents must be reported immediately to the relevant line manager and a written record kept. Parents must be immediately informed of any incident by the line manager, in writing.

Staff must wear or carry appropriate identification at all times while on duty, especially when visiting children's homes. All individuals must keep their personal contact with children under constant review and seek to minimise the risk of any situation arising in which misunderstandings may occur. This applies to all settings including visiting pupils at home, (when the presence of a parent is advised if possible); one-to-one work in schools, group work and residential trips. If an officer has to be alone with a child or where children have a known history of disruption, challenging behaviour or violence, officers should undertake a "risk assessment" about both their own and the child's safety when required and discuss with their line manager any issues that may need to be addressed. All Access and Inclusion staff should be vigilant about both their own and their colleagues' conduct and report any concerns about inappropriate behaviour to their line manager.

In the event of any allegation of possible "significant harm" arising with respect to any member of Access and Inclusion staff, immediate consultation must take place with the Lead Officer as above, if possible before discussing the concerns with the member of staff involved. Consideration will be given to initiating a strategy meeting under Wolverhampton LSCB procedures, to which the

appropriate line manager will be invited and at which decisions will be made on an inter-agency basis regarding the conduct of any further investigation. Any complaints to the police or social services that are made about any member of Access and Inclusion staff and which raise child protection concerns, will be dealt with under these same procedures.

Appendix A (2)

MODEL CHILD PROTECTION POLICES

MODEL SCHOOL CHILD PROTECTION POLICY

(Name of School)

The existence of this policy should be made known to all parents (and pupils) as appropriate. It is best practice if there is opportunity for Consultation prior to implementation. This should include discussion with parent and pupil representatives.

Introduction

This school recognises its legal duty under s.175 Education Act 2002 to safeguard and protect children from “significant harm”, in partnership with other agencies (Children Act 2004). These duties are defined by the relevant Circular from the Department for Education and Skills (DfES 0027/2004) and the inter-agency procedures of the City of Wolverhampton Local Safeguarding Children’s Board (from 2006). These duties relate to all children and young people under the age of 18.

The staff seek to adopt an open and accepting attitude towards children and young people as part of their general responsibility for pastoral care. Staff hope that parents and children will feel free to talk about any concerns or worries which may affect educational progress and that they will see the school as a safe place if there are any difficulties at home. Children will be taken seriously if they seek help from a member of staff.

“Children in Need” and “Children in Need of Protection”

Parents will normally be consulted and their consent obtained before any referral is made to an agency outside the school under local “children in need” procedures. Many family problems can be handled in this way. However, staff cannot guarantee to consult parents first, or to keep children’s concerns confidential, if referral must be made to the appropriate agencies in order to safeguard the child's welfare.

If school staff have significant concerns about any child which **may** indicate

- physical abuse,
- emotional abuse,
- sexual abuse or
- neglect,

they are **required** to discuss them with the outside agencies responsible for investigation and child protection.

Staff who observe injuries which appear to be non-accidental, or who are told anything significant by a child, **must** report their concerns to the designated teacher. School staff do not, however, carry out investigations, nor decide whether children have been abused. That is a matter for the specialist agencies.

Contact numbers:

Assessment and Child Protection Service (Social Services)
01902 555392 or 552999 out of hours

Child Protection Unit (Police)
01902 643419 or 649078

Procedures

All staff will be familiar with the school's internal procedures for keeping a confidential written record of any incidents and with the inter-agency recording requirements of the LSCB. Further information is available on request to the headteacher. Advice may be sought from the Local Authority or the Police if staff are unsure how to proceed.

The policy needs to be supplemented here by the school's own internal procedures, including relevant documentation

Resources

Child protection is important. The Governors will endeavour to ensure that sufficient resources are made available to enable the necessary tasks to be carried out properly under inter-agency procedures, including attending meetings, staff training etc..

Curriculum

Child protection and wider child safety issues will be addressed through the curriculum as appropriate, especially in Personal, Social and Health Education and sex education.

You could insert here reference to the school's policy on bullying, the supervision of children on trips away from the school premises, the use of images of pupils on any website and in local media, computer screening policy, policy on the use of the school by outside groups, safeguards for work experience placements and any other related child safety issues.

Staff issues

Parents can feel confident that careful procedures are in place to ensure that all staff appointed are suitable to work with children. More informal procedures are also applied to voluntary helpers, non-teaching staff etc.

Details of CRB checks or other arrangements could be included here.

Any use of physical force or restraint against pupils will be carried out and documented in accordance with the relevant guidance and policy. If it is necessary to use physical action to protect a child from injury, to prevent a child from harming others, or if any child is injured accidentally, parents will be informed immediately. Children will not be punished within the school by any form of hitting, slapping, shaking or other degrading treatment.

Any complaints about staff behaviour may be made to the headteacher, or to the Chairperson of the school's Governors. All those involved will be entitled to a fair hearing, both children and staff. Complaints that raise child protection issues will be reported under local inter-agency procedures for investigation outside the school.

The designated person for all child protection matters in the school is:

(The link Governor is)

The lead officer for child protection in schools within Children's Services is :

Mr B. Whitney: Team Leader (Pupil Attendance and Child Welfare),
Access and Inclusion, Jennie Lee Centre. Tel: 01902 55250

ADOPTED BY THE GOVERNORS ON: (date)

REVIEW (date)

Appendix B

CHILDREN AND FAMILIES WHO GO MISSING

NEW The issues which emerged as a result of the Fred and Rosemary West case, where many young people had disappeared without trace, and the case of Victoria Climbié who was never registered at a school when she arrived in the UK, have required local authorities to develop protocols to promote greater awareness of the importance of diligently following up what happens to children who fail to attend school without authorisation. This is particularly important where child protection concerns have already been identified.

Authorised absences, Off-Register Checklist and Off-Register Requests

All children and families who go missing without explanation or authorisation must be traced if at all possible. Successive enquiries into child deaths have highlighted the vulnerability of children who are 'lost' to formal organisational systems such as schools, nurseries, health and social services departments. Any problems should be reported to the Education Welfare Officer who can advise.

The checklist below details the procedures, which must be followed in all cases. (See also the Attendance Guidance published in January 2005). The Regulations are statutory requirements

The Education Act 1996 states:

'The proprietor of a school shall cause to be kept, in accordance with Regulations, a register containing the prescribed particulars in respect of all persons who are pupils at the school'. s. 434 (1)

'The Regulation shall prescribe the grounds on which names are to be deleted from a register kept under this section; and the name of a person entered in such a register as a pupil at a school -

a) shall, when any of the prescribed grounds is applicable, be deleted from the register on that ground, and

b) shall not be deleted from the register otherwise than on any such ground' s. 434 (3)

'A person who contravenes or fails to comply with any requirement imposed on him by Regulations under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scales. 434 (6)

Off-register and absence checklist

Transfers within the City

The accepting school must telephone the previous school to confirm admission and only then can the pupil be off-registered. This is most important so that we do not lose track of the child. If you encounter problems, contact your Education Welfare Officer. Information about the child should be transferred to the new school immediately, including any child protection information.

Your EWO can authorise an off-registration by signing a form, for the following reasons only: [1995/1997 Pupil Registration Regulations (Statutory Instruments)]

- Nursery withdrawals
- Child “has been admitted” to another school/unit (not just waiting for place or applying)
- Over compulsory school age (last Friday in June in Y11)
- Child has gone to live in an area covered by another Authority, or is now living at an address from which he/she could not reasonably continue to attend and is no longer attending
- Medically unfit (very seriously ill and unlikely to return to school) with written confirmation signed by a Consultant
- Deceased
- Admitted to a Young Offender Institution (and not expected back within a short period, e.g. 4-6 weeks). Short periods can be marked as “approved educational activity” as the young person will be receiving daily education
- Educated at Home (when the parent has withdrawn the child is writing and is being monitored by the LA Education at Home Co-ordinator)
- Transfer to an Independent School
- Permanently excluded pupils (at the end of the process).

Travellers should not be off-registered from their 'base' school (unless they permanently move to another area), unless this has been agreed with parents and the EWO. Statemented pupils should not be removed from the Admission Register without consultation with the SEN team.

The form needs to be completed in detail and authorised by your EWO before deleting the name from your register. The school is responsible for updating SIMS/EMS with the new arrangements. The form should be retained in school as a record of the off-registration and a copy handed to the school's EWO for centralised monitoring of pupils

If a child has been located living elsewhere outside the City and the respective LA has been notified, please arrange with your EWO to authorise an off-register. They will then liaise with the new LA to ensure the child is followed up.

NEW If you do not know where a child has gone and you are removing them from your Admission Register, arrangements should be made to enter the child's details onto the Lost Pupils Database at the DfES. Contact the Pupil Database Team at Pendeford for advice. If there are any concerns about the welfare or safety of the child, contact the Assessment and Child Protection team for advice.

Children who are absent

Where a child has a period of unauthorised absence, it is important that the school and the LA make reasonable enquiries. Where such enquiries have not been productive in locating the child, contact should be made with other agencies such as the Social Services or Housing Departments to locate the family. If during this period you are finding it difficult to locate the child, and have any grounds for being concerned about their safety, you must contact the police, providing the parents' names, previous address and dates of birth if possible. WPC Abigail Shayler, Bilston Street Police Station and PC Andy Hayburn, Wednesfield Police Station will check databases to try and locate the family. Telephone 01902 649020.

NEW Where children go on extended leave with their parents during term time, the headteacher is allowed to authorise additional leave of absence, after which the pupil's absence is unauthorised if they do not return, at least in the short-term. The child should not be removed from the Admisssion Register until a further two weeks

have passed and there is no news of their return. It is good practice that all parents are aware of the limits on extended leave during term time and that such absence can harm the child's education and in certain circumstances may jeopardise their place at the school. Whether such absence should lead to a deletion from the Admission Register will be dependent on further enquiries and the individual circumstances of the case.

Children and young people will normally be retained on a school register where they attend a PRU or other alternative provision, except where they are permanently excluded or where the Admissions Panel has agreed sole registration, eg. newly-arrived in Wolverhampton or exceptional arrangements for Y11 pupils not entered for any GCSEs. Children should not normally be removed from the school register if they have a place at FE College, Midpoint, Re-Entry or any other education off-site facility. The "home" school should continue to maintain a daily record of the child's attendance or absence in consultation with the actual provider.

Out of City enquiries

If it has been ascertained that a family has moved to live in another LA, the school's EWO should make a request to the other LA confirming the child's new school and address. There can be delays in receiving this type of information. If reasonable enquiries have been made by the school and EWO to discover the child's whereabouts without success, the school can request an off-register after 4 weeks absence.

NEW Missing Pupils

The LA's lead officer for monitoring children missing from education is the Team Leader (Pupil Attendance and Child Welfare) at the Jennie Lee Centre.

Appendix C

ABUSE BY CHILDREN AND YOUNG PEOPLE

Such children and young people, as well as their “victims” are likely to be children “in need” and some will, in addition, be suffering from, or at risk of “significant harm” and be in need of protection.

What to do:

- Where there is concern that abuse by a child or young person may have been committed against another child or young person, both children should be referred under normal child protection procedures (see Making a Referral).
- It is most important that education establishments do not attempt to investigate such matters themselves as this may cause further abuse of the victim and prevent possible criminal investigation. Where a child or young person is suspected of inappropriate sexual behaviour towards someone of a similar age, children should still be referred under the Child Protection Procedure. The Social Services Department and Police will take into account the question of the child's age and understanding.

Why refer the alleged perpetrator?

- Both children will be regarded as having child protection needs; for protection and in the hope of diverting the alleged perpetrator from re-offending. Child Protection Conferences which deal with alleged perpetrators will involve representatives of the Youth Offending Team and the alleged perpetrator’s school where this is appropriate to the age of the young person concerned.

NEW Multi-Agency Public Protection Arrangements (MAPPA)

- Multi-agency arrangements exist for the monitoring of sexual and violent offenders. Where these offenders are 18 or under, the LA is routinely involved in planning for their protection and rehabilitation as well as the protection of their “victim” and the wider public. A child can be admitted to the Sex Offender register from the age of 10 if he/she admits or

is convicted of specified offences. These registrations are not generally a matter of public knowledge for fear of “vigilantism” or offenders going missing which then makes their monitoring much more difficult.

If the MAPPA Panel takes the view that a school should be informed of a pupil’s conviction and registration, this information will come from the Police directly. Headteachers must not make their own decisions to inform staff, parents or pupils in isolation from these procedures.

NEW Exclusions

- Where the offence also involves the headteacher’s jurisdiction under disciplinary procedures (e.g. a sexual or violent assault on another pupil or adult on school premises or during a school event, trip etc), advice should be sought about how exclusion procedures may have to be fitted in with any criminal procedure being considered by the Police. It would not normally be expected that the pupil would continue attending the school in the meantime but arrangements must be made by the school for continuing their education pending further enquiries.

Appendix D

PROTECTION OF CHILDREN FROM ABUSE WITHIN THE EDUCATION SERVICE

NEW See DFES Circular 2044/2005 “Safeguarding Children in Education: Dealing with Allegations of Abuse Against Teachers and Other Staff” November 2005

NEW All LAs and educational establishments must have procedures for dealing with allegations against staff (and volunteers who work with children) that aim to strike a balance between the need to protect children from abuse and the need to protect staff and volunteers from false or unfounded allegations. Guidance about procedures aimed at achieving that balance has been drawn up and issued by the National Employers’ Organisation for School Teachers (NEOST) and the 6 teacher unions. It can be found at : www.teachernet.gov.uk/childprotection/guidance.

Where an allegation is made that a child may have been abused by a member of staff employed within the Education Service, or by a volunteer, the following points must be noted.

- Ensure that the child or young person is referred under the appropriate Child Protection procedure (see Making a Referral - Special Circumstances and the Protocol below).
- There must be no formal investigation by the school in advance of the strategy meeting and no suggestions should be put to children concerning alternative explanations
- It is imperative that the three strands of such a situation (the Child Protection investigation, the criminal investigation and the disciplinary investigation) must be kept separate. The disciplinary procedures must not be allowed to delay the Child Protection referral.

In addition, guidance from the DfES (0278/2002) '*Preventing Unsuitable People from Working with Children and Young Persons in the Education Service*' details the following points:

- The pre-appointment checks that should be made on teachers, other workers and volunteers who will have contact with children

- The role of the Criminal Records Bureau and guidance on obtaining criminal records checking
- The requirement to report individuals to the Secretary of State on grounds of misconduct

NEW In the light of the Soham case and the subsequent Richard Inquiry, it is expected that there will shortly be new procedures about the recruitment of staff, interviews and the checking of references etc. As greater levels of responsibility pass to governing bodies for managing these issues, it is essential that any new guidance is followed. The school's child protection policy should refer directly to these arrangements and to the procedure to be followed in the event of any allegation against a member of staff/volunteer.

NEW Wolverhampton LA Allegations Protocol

This protocol takes account of DfES Guidance, advice from the DfES Investigation and Referral Support Co-ordinators and the Wolverhampton LSCB Inter-Agency Procedures.

This protocol relates to;

- situations in which education professionals are the first point of complaint about a child protection concern and
- allegations of actual or potential "significant harm" involving educational settings, as a result of physical abuse, emotional abuse, sexual abuse or neglect.

Allegations may arise in a number of other ways, primarily by complaints from children and parents to the Police or social services as well as via senior LA officers or headteachers. While it is hoped that dialogue will take place to ensure a co-ordinated response, other agencies may have their own "thresholds" for initiating inter-agency procedures as they consider appropriate.

Educational professionals do not have an investigation role in child protection, but may be expected to gather appropriate information and to "make enquiries" to enable informed decisions to be made. It is important to be aware of this distinction at all times.

Where such issues are brought to the attention of a headteacher or other senior education manager, immediate consultation should take place with the lead LA officer for

child protection in Education: (Team Leader for Pupil Attendance and Child Welfare at the Jennie Lee Centre 01902 555250). Ideally, this consultation should take place before the member of staff concerned is informed of the allegation. In potential disciplinary situations, advice should also be sought from Education Personnel or the relevant Advisor.

A joint decision will be made as to whether the allegation is:

- apparently without substance or “demonstrably false” and requiring no further action; (this must be clear and unambiguous, e.g. the member of staff was not at work that day; no incident took place etc.)
- a different interpretation by the parent or child of an incident which the headteacher or manager considers to be the appropriate use of force or restraint in accordance with school policy, national and LA guidance and which requires no further action unless the parent proceeds with a complaint to the Police
- suitable for the headteacher/manager to deal with themselves as a management/disciplinary issue and which does not raise child protection issues
- requiring immediate referral under inter-agency child protection procedures, or
- whether further information is required to make an informed decision. Further advice may be sought from the Police or social services as required and a strategy for further consultation will be arranged.

If there is agreement that the matter appears to be without apparent foundation in fact, or the incident was in accordance with the school’s appropriate pastoral and physical intervention policy and procedures, the headteacher/manager will make a formal written reply to the parent/complainant, indicating that no further action will be taken. If the matter appears to require only a disciplinary process, the parent will be invited to use the school’s complaints procedure.

While there can be no definitive criteria, these are the sort of factors which would normally require an immediate inter-agency referral under child protection procedures:

- Allegations of sexual abuse or inappropriate sexual behaviour towards children
- Allegations which appear to amount to a potential assault or similar criminal offence, whether or not the child is injured
- Extreme or repeated examples of behaviour which could amount to emotional abuse such as humiliating and degrading treatment, bullying etc.
- Information which suggests that an individual in an educational or other setting involving children may be a threat to their safety, (e.g. a claim that someone in a position of trust is a sex offender or is using child pornography or third party information about an alleged risk which requires Police investigation).

Referrals should be made to either:

- The Assessment and Child Protection Team at Social Care and Health (01902 555392 or 01902 552999 outside normal hours),
- or
- The Police Child Protection Unit, (Wednesfield 01902 649078 or Bilston St. 01902 643419)

Details should also be passed to the lead LA Officer marked “Confidential”.

In these child protection situations, headteachers/ managers should undertake the minimum necessary enquiries in order to establish any relevant information, not seek to establish the full truth or otherwise of the complaint. (e.g. “what was the nature of the incident?; who was involved?; was the child injured?; were there any witnesses? etc.) not “what actually happened?” in detail. Formal interviews and the taking of written “statements” should be avoided. However, headteachers and managers may wish to establish a view on the alleged incident which will help to inform the subsequent strategy discussion.

Where the criteria for a child protection investigation are met, or where referrals are initiated via another agency, a Strategy Meeting will normally be convened by the relevant senior manager in Social Services, usually within 48 hours. The relevant headteacher/ manager and the lead officer for Education will be routinely invited. Advice should be sought if required by the headteacher/ manager

about whether or not the member of staff should be informed of this meeting beforehand. (This often relates to the potential seriousness of the allegation and may be determined by the Police.)

Following the investigation strategy agreed at the Strategy Meeting, the headteacher/manager will take any necessary action under LA disciplinary procedures, if required, including the consideration of any need for suspension. (Alternatives will usually be considered if at all possible). This will include the arrangements which have been agreed for informing the member of staff concerned of the allegation, including in the event of no further action. Advice may be sought from the Police or social services as required, but this action is the responsibility of the LA/ headteacher/ manager.

A reconvened Strategy Meeting will be requested in the event of any charges being brought against the individual concerned.

All cases that reach a Strategy Meeting are documented by the lead officer and anonymous information on data and outcomes is reported to the DfES as required.

NEW The DfES has recently issued new guidance which is being formulated into a new local protocol, with the emphasis on consistency across Services and timetabled decision-making to ensure appropriate outcomes.

Appendix E LEGISLATION

The Children Act 1989

The main legislation concerning children in England and Wales has been consolidated into the Children Act 1989. This was implemented in October 1991. The Act makes the welfare of the child the paramount consideration. It covers both “private” law (arrangements following divorce etc.) and “public” law (care proceedings, child protection etc).

Public Law

Local authorities have a duty to provide services for 'children in need' and their families, without undue intrusion into their lives. Delay in providing services and in court proceedings should be avoided. Services must be provided in partnership with children, parents, anyone with parental responsibility (see below) and any other agency.

In providing services, the local authority must have regard for the race, religion, language and any needs which may arise from any disability or impairment from which they may suffer.

Private Law and “Parental Responsibility”

NEW The Act defines who has “parental responsibility” for a child. This essentially means those people who are legally responsible for him or her, (bearing in mind that not all children are born to two married parents or live with their actual parents). This information will be crucial in knowing who to involve as of right in discussions and decisions about the child and whose involvement may be dependent on the consent of others.

- Married parents (if ever married and the actual biological parents) both have parental responsibility until the child is 18. It is not lost on divorce, only on adoption. An “absent” divorced or separated parent with p.r. therefore still has the same legal rights as the parent with care, unless their involvement is restricted by court order.
- Unmarried parents: only the mother has p.r. automatically. A father may have acquired it by agreement or court order.

For children born after 1st December 2003 only, the father will have p.r. if named on the birth certificate. For children born before that date, being named on the birth certificate does not carry p.r. for the father, unless it has also been granted by a court or an formal s.4 Agreement between the parents is in force.

- Other people (step parents etc.) do not have p.r. unless they have acquired it by court order (usually a s.8 residence order or s.31 care order). The involvement of a parent with a child if they do not have p.r. will normally require the consent of a person who does have it. People with p.r. can be involved as of right and have an equal power to make decisions about the child.

Various orders are available under Section 8 of the Act to regulate private relationships within families and in separation and divorce. These orders are: Contact Orders, Residence Orders, Prohibited Steps Orders, Specific Issue Orders.

Children in Need

Under Section 17 of the Act, local authorities have a duty to promote the welfare of children in need by the provision of services.

Care Order Section 31 and 33

Local authorities may apply to the court to make a Court Order if it is satisfied that the child is suffering or is likely to suffer significant harm due either to the child not receiving the care which it would be reasonable to expect a parent to give him or her or, the child being beyond parental control. Such an Order gives the local authority parental responsibility along with the mother and any other person who has parental responsibility (eg. a divorced father).

Interim Orders may be made for short periods of up to 8 weeks for an initial order or 4 weeks for subsequent orders to allow assessment to take place. A full Care Order lasts until the child is 18 years, unless revoked.

Supervision Order Section 31 and 35

Local authorities may also apply to the court to place the child under a supervision order to the local authority or probation

authority. They will supervise, assist and befriend. The grounds for making a supervision order are the same as for a care order. The initial order is for twelve months but may be extended on application, giving a total period of up to 3 years. Persons with parental responsibility must co-operate with the supervisor.

Education Supervision Orders Section 36

On application by education officers of the LA supported by the Social Services, a court may make an order which will require the supervisor to advise, assist and befriend the child in order to secure their proper education, (currently rarely used in Wolverhampton).

Child Protection Section 47

The local authority has a duty to investigate where there is reasonable cause to believe that a child is suffering or is likely to suffer “significant harm”(see Definitions in Section 3). Agencies have a duty under s.47 to assist, (see also Education Act 2002 below).

Emergency Protection Order Section 44

A short term order can be made if the court is satisfied that there is reasonable cause to believe that a child is likely to suffer significant harm unless removed to accommodation provided by the local authority or does not remain in a current location or where an investigation is being frustrated by an unreasonable refusal of access. (Lasts for 8 days initially).

In similar circumstances to those where a court may make an Emergency Protection Order, the police may decide to take a child into their own protection. The police do not need to go before the court and do not acquire parental responsibility. It is only ever used in very short term and emergency situations, (eg. children left alone in the night. Power of Police Protection (Section 46)

Protection of Children Act 1999

This legislation requires child care organisations (within the meaning of the Act, including schools and LAs) to refer the names of individuals considered unsuitable to work with children, to a list

(now held by the Department for Education and Skills. It requires child care organisations not to offer work to any person so listed for any posts involving regular contact with children in a child care capacity. Rights of appeal exist for all persons whose names are referred to the list.

NEW Education Act 2002 s.175

Came into force on 1st June 2004 and requires LAs, FE colleges and school governing bodies (of all kinds) to carry out their functions with a view to safeguarding and promoting the welfare of children. These bodies are required to have regard to the published Guidance in carrying out this duty: '*Safeguarding Children in Education*', DfES Circular 0027/2004 issued in September 2004.

NEW Children Act 2004

Not to be confused with the Children Act 1989 which is still in force, this Act provides the developing framework for all the new Service structures in response to "*Every Child Matters*", including Local Safeguarding Children Boards to replace ACPCs, the Children's Commissioner, the Director of Children's Services at local authority level, procedures for information-sharing between agencies and a new common assessment process (see Section 2 and Appendix F).

Appendix F FRAMEWORK FOR THE ASSESSMENT OF CHILDREN IN NEED AND THEIR FAMILIES

This guidance was originally issued in 2000 by the Department of Health, the then Department for Education and Employment and the Home Office under the Local Government Act 1970. As such it does not have the full force of statute but it should be complied with, except in exceptional local circumstances.

Principles underpinning the Assessment Framework

- That there will be one point of contact for all referrals to the Social Services Department or local authority.
- That assessments will:
 - be child-centred;
 - be rooted in child development;
 - be ecological in their approach (the whole child);
 - ensure equality of opportunity;
 - involve working with children and families;
 - build on strengths as well as identify difficulties;
 - be inter-agency in their approach to assessment and the provision of services;
 - be a continuing process, not a single event;
 - be carried out in parallel with other agencies who are providing services;
 - be grounded in evidence-based knowledge.

Assessments are conducted under three defined dimensions:

- The child's developmental needs
- Parenting capacity
- Family and Environmental Factors

Timescales for Assessments

Within 24 hours of receipt of referral, a decision will be made by the relevant Team Manager about what response is required:

- no action
- to gather more information (an initial assessment)

Within a maximum of 7 working days following receipt of the referral an Initial Assessment will be carried out. This may include interviews with the child and the family and any other agencies.

If required, within a maximum of 35 working days following receipt of a referral, a Core Assessment will be completed.

Referral criteria

Education personnel may identify children and families who are 'in need' and with their consent they may be referred to Social Care and Health under this Framework. Issues which may be involved may include: young carers, family breakdown, physical health needs, mental health needs, disability, young people who become parents, behavioural difficulties, learning difficulties, non-attendance, homelessness etc. This is not an exhaustive list.

NEW The priority given to such a referral will not be as high as that for a child in need of protection under the four categories of abuse. There has been continued concern that this means that such referrals often receive little or no attention due to scarcity of resources and more urgent work for social workers to do. This can also lead to agencies making inappropriate referrals (i.e. referrers describing a situation as “child protection” that ought to be seen as “children in need”).

Common Assessment Framework

NEW The issue of clarity of thresholds has been a matter for continued concern nationally and locally in Wolverhampton. Linked to the provisions of the Children Act 2004, a new Common Assessment Framework has now been issued. This process, once implemented, will place the responsibility for making the initial assessment, using the general principles of the Assessment Framework, onto the referrer and those agencies already working with the child/family. Only if this assessment indicates that the child is in need of protection would Social Services necessarily take over the lead role. The “lead professional” may more appropriately come from another agency, including a school. It will be for all agencies, using common tools, to work together in supporting “children in need”. This process will require considerable training for school and other LA education staff who are recognised to be lead players in this new process.

Appendix G

List of forms

NEW Schools and other education services need to have:

- A Child Protection Incident Report Form for logging concerns. This should be completed by the relevant staff member and retained by the designated person/teacher and accessible should further concerns be raised in the future. These are for each school to devise as appropriate to their circumstances but should contain all the necessary information to enable a decision to be made about the next step that may be required and to record the initial “evidence”.
- Forms for transferring child protection information about a child to a subsequent school or other provider. Where possible, this should be passed directly to the next designated teacher to ensure confidentiality.
- Access to the common inter-agency referral form SC1 when referral is required. (via the Education lead officer by e-mail or in paper form held at the school)
- A “model” report for staff to use when attending a Conference
- New forms associated with the Common Assessment Framework and the thresholds for referral (once available)

The LA lead officer for education will provide a format for the school to report regularly on child protection policy and procedures, training, change of designated teacher etc. This will increasingly be collected via the Wolverhampton Grid for Learning or electronically via e-mail.

Appendix H

Children subject to forced marriage

NEW This area of concern must be carefully distinguished from children who are subject to “arranged marriage” which is NOT, in itself, a child protection issue. Arranged marriage only proceeds with the consent of all parties. “Forced” marriage involves coercion of the young person and an abuse of their rights as an individual and is not acceptable in any cultural tradition.

Joint guidance from the Home Office and Foreign Office, and sent to secondary schools in February 2005, sets out the possible warning signs that staff may need to be aware of. These are similar to many of the signs of a young person with relationship difficulties such as self-harming, anxiety, depression or other problem behaviours. Teachers are advised to look out for any family history such as a sibling who left education early or went missing. (See Appendix B for procedures to be followed by schools when children go missing.)

This specific area of concern will be a very rare occurrence in any school, but a young person who feels under threat of forced marriage is being exposed to emotional abuse and there is clearly also potential for both physical and sexual abuse. Any such concern should be reported under child protection procedures.

Appendix I

CHILDREN WHO ARE EXPOSED TO DOMESTIC VIOLENCE

Domestic violence is the misuse of power and control of one person over another (usually, but not always, a man over a woman) in an intimate relationship. The abuse may be physical, emotional, financial, sexual or a combination of these. It has profound consequences in the lives of individuals, families and communities.

Domestic violence is distributed across the whole of the population and tends to be under-reported, especially in families not already known to agencies. It is characterised by high levels of repeat incidents.

Links between domestic violence and child abuse

- Research into situations of domestic violence has shown that children may be injured or abused deliberately; (physical abuse); injured or abused accidentally (neglect) or may suffer indirectly as result of witnessing violence on a regular basis (emotional abuse)
- There is evidence of raised incidence of child sexual abuse in a household where a women is being abused
- The abuser may threaten or hurt any children in order to coerce the abused partner
- The abused partner may punish any children of the family more harshly than normal
- Children with disabilities seem to face increased risks
- Inappropriate action may be taken by the abused partner in order to try to offer protection to any children, eg. locking them in a room
- Children may try to protect the abused partner and be injured themselves in the process
- Indirect suffering caused by living in a violent household can result in behavioural and psychological problems and may

affect health and development and a child's ability to reach their academic potential or to enjoy the social aspects of school life

What to do:

A member of staff may suspect that a child or young person is living in a situation where there is domestic violence, either because they have observed changes in behaviour or development, or because information has been disclosed to them. They should report their concerns to the designated Teacher

The designated teacher will follow the school's Safeguarding and Protecting Children Policy and Procedures for reporting concerns about children in need of protection to Health and Social Care (Social Services).

The designated teacher should offer advice to the concerned staff member as to the best way to support the child or young person concerned. Not all such concerns will merit immediate referral but they should be closely monitored as indicating an increased risk of harm.

Appendix J

CHILDREN WHO ARE SEXUALLY EXPLOITED OR AT RISK OF SEXUAL EXPLOITATION

NEW Young people who become involved in prostitution do not usually do so through choice but because they have been manipulated into it by adults who recognise their vulnerability and target them in a deliberate and systematic way. Society tends to respond differently to children who are perceived to be selling sex, than it does to children who are sexually abused in other circumstances, but they are often the same children. There is also now a link to the Internet in many cases and examples of children being “groomed” prior to any sexual activity.

Key Points:

- The adults who control and coerce children and young people and those who buy them, should be seen for what they are - abusing adults and child sex offenders
- Adults who abuse and exploit children should be prosecuted in a way which reflects the seriousness of their crimes
- There is no such thing as a young prostitute or rent boy. Instead there is a child who is being abused
- Children who are abused through prostitution come from many backgrounds, but the common factors are vulnerability and low self-esteem, which may be the result of many factors including difficult or abusive childhood experiences
- Young people who are abused through prostitution should be treated as children at risk of “significant harm”
- The triggering of the local child protection procedures will ensure the child's welfare and enable the police to become involved to gather evidence about the potential abusers
- Pregnancy in school age girls (explained or unacknowledged) may be an indication of exploitation

What to do:

A member of staff who may suspect that a child or young person is involved in, or is at risk of being exploited by means of prostitution or other forms of sexual exploitation, should report their concerns in the usual way to the designated teacher

Such children and young people are children in need and may also be children who are in need of protection and the designated teacher should refer them to Social Services using the Safeguarding and Protecting Children Procedures.

NEW The consent, involvement and commitment of the young person will be critical to the eventual response that is appropriate, but their hostility in these kinds of circumstances should not be assumed. It will be necessary to discuss their needs with a social worker under the school's child protection policy, even if the young person does not wish you to do so. There may be wider risks to other young people to be considered and the apparent consent may actually be based on coercion or threat. Advice should be sought at an early stage about whether the young person's parents should be informed of the concern and whose responsibility this is.

Appendix K

CHILDREN AFFECTED BY SUBSTANCE USE

Current research suggests that by the age of 16, 50% of children will have tried an illegal drug. For the majority of these children, this experimentation will be a passing phase. Tobacco and alcohol are the cause of more health and social problems than illegal drugs, and it is important to bear in mind that alcohol is often a factor in domestic violence.

In thinking about the substances which may affect children's lives, therefore, it is necessary to include alcohol, tobacco, prescribed and illegal drugs, through it is often the presence of illegal drugs in children's lives which cause the most concern to those entrusted with their welfare in education settings.

Substance abuse can affect children in three ways

Children who are using substances themselves

- Substance use may impinge on a child or young person in a negative way, eg. having difficulty in concentrating. The child or young person may be experiencing difficulties in many aspects of their lives, substance use being one of many problems.

Children whose parents are using substances

- Children may or may not be aware of their parent's use. Substance use may affect the ability of the parent or carer to look after the child. Children may be placed at direct risk by parental use, eg. drug using equipment may be left in places where they can get easy access, and this may include drugs or alcohol. The parent or carer may be using in the child's presence. Other drug users or drinkers may use the house, thus exposing children to many visitors and increasing the dangers they may be exposed to

Children who are exposed to substance use in their community

- The child may play in areas where there is discarded drug-taking equipment
- Parents, neighbours and visitors may be using in front of children and young people
- Substances of all kinds may be more freely available.

What to do:

Where a member of staff has concerns about substance use in relation to a particular child, they should discuss the matter with the designated teacher. The designated teacher will need to consider referral to the Assessment and Child Protection Team as a child in need or as a child in need of protection.

The designated teacher also has access to the school Drug Policy and information. It is essential not to immediately see the child as “deviant” even if they may be engaging in behaviour that is potentially criminal. Any use of the school’s discipline and exclusion policy may need to take account of the wider context in which the child may be the victim of abuse by an adult or older young person.

Appendix L

INVESTIGATION AND REFERRAL SUPPORT CO-ORDINATORS

Background

NEW The DfES set up a network of Co-ordinator posts in England in 2001, with each of the 26 posts covering a cluster of LAs. The West Midlands grouping comprises Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton. Each cluster has a lead LA which is responsible for the administrative and support arrangements for the named officer and in the case of the West Midlands, this is Sandwell and the officer is Mr Mike Davies.

The main focus of the regional network was originally to help LAs address concerns about allegations of child abuse against teachers and education staff, but it has now broadened, in the light of Circular 0027/2004 to include wider issues relating to child protection in schools as well.

The following are the key aims :

- To ensure that allegations against staff are dealt with fairly and quickly and that where staff are suspended, this is for the minimum period necessary
- To support LAs and schools in identifying children at risk, ensuring where necessary appropriate intervention by Social Services and police
- To improve the support and guidance available to all headteachers, governors and LAs.

Key Tasks

In respect of allegations being made against teachers and other staff, it will be the responsibility of the Co-ordinator to establish working relationships at a senior level with Social Services, the police and the LSCB. It will be the function of the Co-ordinator to negotiate with appropriate agencies and LA officers to ensure that relevant protocols for handling allegations are in place and to liaise over the progress and investigations and suspensions, to ensure that cases are resolved quickly and that teachers and other staff are not suspended for longer than is necessary.

It will also be a function of the Co-ordinator post that guidance and support is provided to LA lead officers and, where requested, headteachers and governors, where an allegation is made and where disciplinary investigation or hearing is required. The DfES has been seeking to agree model protocols or principles on which these could be based. (see Appendix D)

The Co-ordinator is also be charged with helping the LA lead officer for education in promoting the awareness of child protection issues in schools and to ensure LSCB procedures are operational in all schools. The Co-ordinator will help to ensure that there is effective liaison with Social Services and the police and that schools and the LA contribute, as appropriate, to any intervention and support for the child.

NEW The immediate priority for these posts was to review systems of dealing with allegations and, where appropriate, negotiate revised procedures, based on examples of good practice, that will significantly reduce the time taken to deal with the cases. Each LA is required to provide anonymous data to the Co-ordinator on an annual basis, collected on a standard form provided by the DfES. There is currently a review of these procedures under way.

Appendix M EMPLOYMENT OF CHILDREN

The Service in Wolverhampton

The Director of Children's and Young People's Services has a statutory duty to regulate, supervise and enforce legislation with respect to all aspects of the employment of children of school age within the City. A child "assisting in any trade or occupation carried on for profit or gain" is deemed to be employed even if he/she receives no payment.

It is important that any child who undertakes any employment does so strictly in accordance with the law. The employment of children in Wolverhampton is strictly monitored at all times in order to safeguard their welfare and protect them from exploitation. The responsible officer is Jan Hickman at the Jennie Lee Centre (01902 555233).

Who can be employed?

No child under the age of 13 shall be employed

A child having attained the age of 13 up until ceasing to be of compulsory school age may be employed providing such employment is within the law and that such employment will not be prejudicial to the health and well-being of the child or cause the child's education to suffer .

A child is a person of compulsory school age. The law does not end as soon as the child is 16 but applies until the last Friday in June in the school year in which he/she attains the age of 16. The law applies to all work done for a commercial business, including the parents own business.

Prohibited Employment

No child is permitted to be employed in any of the following occupations :

- In any factory or other industrial undertaking
- In betting shops or amusement arcades
- As an assistant or attendant in any commercial kitchen, fried fish shop, or any establishment of a similar kind

- On licensed premises, in clubs or public houses (except serving food in a restaurant area);
- In the handling of petrol or dangerous substances
- In any theatre, cinema, bingo hall or disco (except as a licensed performer);
- Door-to-door selling, canvassing, street trading or cash Collection;
- In the selling of raffle tickets unless over 16
- In the delivery of milk

Permitted Hours of Employment

These are also tightly defined and cannot be varied. No child may work before 7am or after 7pm on ANY day (including school holidays).

On school days a child may work a maximum of 2 HOURS; either 2 hours after school (before 7pm) or one hour before school (after 7am) and one hour after school (before 7pm).

On Saturdays and school holidays children aged 13 -14 can work up to 5 hours a day (maximum 25 hours per week); Children aged 15 -16 can work up to 8 hours a day (maximum 35 hours per week) (No more than 4 hours without a break). A child who works the whole year must have a two week consecutive break at either Easter or in the summer)

A child may be employed for no more than 12 hours (including the weekend) in any week in which he/she is required to attend school.

On Sundays a child may only work a maximum of 2 HOURS between 7am and 7pm.

Notes for Employers

A person wishing to employ a child in their business shall notify the Education Service in whose area the employment is to take place within 7 days of the commencement of the employment to obtain an employment license or permit. They are required to complete a form indicating medical clearance in respect of the child and provide written consent from the child's parent. Employing any child without this license is an offence.

The employer has a duty to provide adequate rest breaks and is responsible for the supervision, health, safety and general well-being of the child at all times. No child shall be employed in any work likely to cause injury, lifting for instance. Where necessary, the employer must provide the child with any protective clothing that may be required.

Under Health and Safety legislation, the employer is required to have undertaken a risk assessment in respect of all children employed and is responsible for ensuring the child's safety and well-being at all times when the child is being employed. Employers allowing children using cycles for newspaper delivery should ensure that at all times the cycle is safely maintained and lights are fitted and in working order during the hours of darkness. This is the employer's responsibility, not the child's or their parent's. It is also advised that insurance cover is available in the event of a cycle being stolen.

Notes for parents

Parents should be sure that if their child is employed, such employment is strictly within the law. Sadly there is always risk of a child suffering injury arising from part time work. Whilst most employers are reputable employers who carry insurance cover, there is always the possibility of a child suffering injury in circumstances where the employment is outside of the law which causes great difficulty in so far as compensation is concerned. Parents wishing to ensure their child is correctly registered for employment and working within the law should contact the Education Service and should ensure a license has been obtained for their child. Any money paid to a child is not governed by law and is a matter between the employer, the child and his / her parents.

General Information

The Local Authority seeks to monitor and supervise children in employment, but from time to time it is found that children are working illegally without the knowledge of the Authority. This can be a matter for legal proceedings against the employer. This is the reason why employers, parents and children should ensure the various legislation regarding child labour is strictly adhered to.

Appendix N

COMPLAINTS PROCEDURE

NEW If a professional feels that his/her concerns about a child have not been taken seriously, if new concerns come to light or it is felt that a referral has not been responded to within an appropriate timescale, the individual should raise their concern with the relevant Team Manager or other senior officer within the agency concerned. It is essential that all professionals take personal responsibility for following through the concerns they have raised. (This was a key issue in the case of Lauren Wright). It is possible, if other resolution cannot be achieved, for a senior member of any agency, (including a headteacher), to request a Child Protection Conference if they consider a child to be at continuing imminent risk of harm. This request should be complied with.

Representations or complaints about the functioning of Child Protection Conferences should be passed to the Complaints Officer in Social Care and Health on the appropriate form. If the matter cannot be resolved through an informal process the Complaints Officer will establish an inter-agency panel with senior members from three of the LSCB member agencies.