

# Herne Bay High School's Safeguarding Staff Policy

Policy reviewed by	C. Harris	Date of last review	July 2021	Date of next review	July 2022	Date of last ratification by Governors	Sept 2021
<b>Purpose of policy</b>							
All staff and volunteers in school have the right to work in a safe environment and understand what rights, limitations and expectations they have placed on them.							

## 1. Introduction

Staff work within a legal framework that gives both rights to and places duties on those who work within education. This policy aims to clarify the legal framework in which teachers operate and HBHS's expectations of its staff.

## 2. Teachers' Standards

The Teachers' Standards have applied to teachers since September 2012.

The Teachers' Standards define the minimum level of practice expected of trainees and teachers from the point of being awarded QTS. In accordance with these standards, teachers are required to maintain up-to-date knowledge and understanding of and to act within the statutory frameworks which set out their professional duties and responsibilities.

The Teachers' Standards are used to assess all trainees working towards QTS, and all those completing their statutory induction period. They are also used to assess the performance of all teachers with QTS who are subject to The Education (School Teachers' Appraisal) (England) Regulations 2012, and may additionally be used to assess the performance of teachers who are subject to these regulations and who hold qualified teacher learning and skills (QTLS) status. These standards replaced the standards for qualified teacher status (QTS) and the core professional standards, published by the former Training and Development Agency for Schools (TDA); and the General Teaching Council for England's Code of Conduct and Practice for Registered Teachers.

Since 1 April 2012, teachers with qualified teacher learning and skills (QTLS) status have been able to teach in schools as fully qualified teachers. Headteachers have the freedom to decide the standards against which they assess the performance of QTLS holders. Before, or as soon as practicable after the start of each appraisal period, QTLS teachers (like other teachers) must be informed of the standards against which their performance in that appraisal period will be assessed.

- Teachers within HBHS with QTLS will be assessed against The Teachers' Standards (2012)

In order to meet the standards, a trainee or teacher will need to demonstrate that their practice is consistent with the definition set out in the Preamble section of the Teachers' Standards document, and that they have met the standards in both Part One and Part Two of the document. See the link [Teachers' standards: overview \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

As teachers' careers progress, they will be expected to extend the depth and breadth of knowledge, skill and understanding that they demonstrate in meeting the standards, as is judged to be appropriate to the role they are fulfilling and the context in which they are working.

## 3. Teachers' Duty of Care to Pupils

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

- the common law duty of care – this is law developed through decisions of the Court rather than that which has been determined by Parliament and set down in statute.
- the statutory duty of care; and
- the duty arising from the contract of employment.

### **3a. The Common Law Duty of Care**

The current standard of care expected of a teacher is that of a reasonable person in the circumstances of a class teacher. It has been recognised that a teacher's duty of care to individual pupils is influenced by, for example, the subject or activity being taught, the age of the children, the available resources and the size of the class. If it can be shown that a professional acted in accordance with the views of a reputable body of opinion within their profession, the duty of care will have been satisfied, even though others may disagree.

A breach of the duty of care by a teacher could amount to common law negligence. Whether teachers are found negligent in the event of accidents will be influenced by whether the incident that occurred could reasonably have been foreseen. If a teacher has taken all reasonable steps to ensure the safety of their pupils, it is unlikely that the teacher will be held to be negligent in the event of an unforeseen accident.

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

Provided teachers apply their professional judgement, training and experience to situations in a reasonable manner and seek to promote the best interests of the pupils in their care, their obligations will have been met.

### **3b. The Statutory Duty of Care**

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

The Children Act 1989 Section 3 (5) defines the duty of care to the effect that a person with care of a child may do what is reasonable in all the circumstances for the purpose of safeguarding or promoting the welfare of the child. When issues arise concerning safeguarding or promoting the welfare of children, teachers should take into account the ascertainable needs and wishes of the children as individuals, considered in the light of their ages, understanding and any risk of harm.

### **3c. Teachers' Duty of Care and Out-of-School Activities**

The legal liability of an individual teacher or head teacher for an injury which is sustained by a pupil on a school journey or excursion depends on whether the injury to the pupil is a direct result of some negligence or breach of the duty of care on the part of their teacher or head teacher. There is no legal liability for any injury sustained by pupils unless there is proven negligence.

The standard of care required of teachers is that which, from an objective point of view, can reasonably be expected from teachers generally applying skill and awareness of children's problems, needs and susceptibilities. The law expects that a teacher will do that which a parent with care and concern for the safety and welfare of his or her own child would do, bearing in mind that being responsible for up to twenty pupils is very different from looking after a family. The legal duty of care expected of an individual teacher is that which a caring teaching profession would expect of itself. In practice, this means that teachers must provide supervision of the pupils throughout school journeys or visits according to professional standards and common sense. Reasonable steps must be taken to avoid exposing pupils to dangers which are foreseeable and beyond those with which the particular pupils can reasonably be expected to cope.

If teachers are concerned about the ability of any of their pupils to undertake any particular activity safely, those pupils should, if necessary, be withdrawn from the activity.

Teachers should not participate in journeys or visits which they believe are not being adequately prepared and organised. Any concerns should be raised with the head teacher.

Where journeys are organised within schools, responsibility for establishing that proper preparation has been made and that proper supervision will be provided is ultimately with the head teacher. The Principal will prohibit journeys and visits if they are not satisfied with the arrangements made.

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

#### **4. Responding to concerns of a child protection nature related to a child (for a full exploration of this concept please refer to HBHS's Safeguarding, Child Protection Policy):**

Concerns for a child or young person may come to the attention of staff in a variety of ways for example through observation of behaviour or injuries or disclosure.

Any member of staff who has a concern for a child or young person however insignificant this might appear to be should discuss this with the DSL as soon as is practically possible.

More serious concerns must be reported **immediately** to ensure that any intervention necessary to protect the child is accessed as early as possible.

Staff can play a vital role in helping children in need or at risk by effective monitoring and record keeping. As such any incident or behavioural change in a child or young person that gives cause for concern should be recorded using the online CPOMS system or by using the Safeguarding Incident/Concern form.

It is important that records are factual and reflect the words used by the child or young person. Opinion should not be given unless there is some form of evidence base which can also be quoted. Records must be signed and dated with timings if appropriate. It is important to remember that any issues are confidential and staff should know only on a 'need to know' basis.

#### **5. Child protection concerns involving members of staff (for a full exploration of this concept please refer to HBHS's Safeguarding, Child Protection Policy)**

If staff members have concerns about another staff member then this should be referred to the principal (not the DSL). Where there are concerns about the Principal this should be referred to the Chair of Governors. Furthermore, if the matter pertains to the Principal staff have the option (in addition to contacting the Chair of Governors) to make the Local Area Designated Officer aware (03000 410888).

Further information regarding the statutory guidance on how employers should deal with allegations of abuse against teachers and other staff can be access from the DfE or via the Principal.

All staff need to be aware that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk. When in doubt – consult.

#### **6. Health and Safety at Work**

The main responsibility under the Health and Safety at Work Act (HSWA) 1974 rests with employers, who have to take reasonable care for the health and safety of their employees and others on their premises. Employers are required to organise, control, monitor and review how health and safety measures are managed. They must assess risks, record their assessments of risks and inform employees of safety procedures.

The duty on employers includes taking reasonable care for both the physical and mental health of their employees. This means that employers should assess the risks to teachers of excessive workload, pupil behaviour and the conduct of other staff.

All employees have a duty under the Health and Safety at Work Act (HSWA) 1974 to take reasonable care for the health and safety of themselves and others who may be affected by their acts or omissions at work. Thus, teachers have a duty to take reasonable care of both their own and their pupils' health and safety at school (Section 7 of the HSWA). Teachers should comply with any guidance on health and safety issues and make sure they are familiar with any such guidance (Section 7). They should act with reasonable care at all times and apply good sense to everything they do, including not taking any unnecessary risk or doing anything that is potentially dangerous. It is unlawful (Section 8 of the HSWA) to interfere with, or misuse, either intentionally or recklessly, anything which has been provided for the purposes of health and safety. Examples of this include propping open fire doors and blocking fire exits.

All employees, including teachers, have a duty to report any hazards and potentially dangerous incidents at work and teachers.

It can be important, for example, to report what might seem to be minor matters requiring cleaning up or minor repair (this should be reported to the main office or a member of the premise team or any appropriate member of staff). Seemingly minor matters can cause serious accidents, for example, wet patches or rubbish on the floor could cause slips, trips or falls.

## **7. Physical Contact with Pupils**

In July 2013 the DfE issued revised non-statutory guidance to all schools: 'Use of reasonable force – Advice for head teachers, staff and governing bodies.'

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

The advice states that it is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary eg. when a pupil is being congratulated or praised; to demonstrate how to use a musical instrument; to demonstrate exercises or techniques during PE lessons or sports coaching; to give first aid.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent or compromising. Furthermore, staff should consider what may be deemed 'proper and necessary' prior to touching pupil, and thus be judicious in their physical contact with pupils.

## **8. Power to use reasonable force**

Members of staff have the power to use reasonable force as set out in Section 93 of the Education and Inspections Act 2006 - the degree of force used should be in proportion to the circumstances and the seriousness of the behaviour or consequences it is intended to prevent. The level and duration of the force used should be the minimum necessary to achieve the desired result, such as to restore safety.

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder. The following information is contained within the DfE document: 'Use of reasonable force – Advice for head teachers, staff and governing bodies.' DfE, July 2013:

In a school, force is used for two main purposes – to control pupils or to restrain them.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

- To remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- To prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- To prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- To restrain a pupil at risk of harming themselves through physical outbursts.
- Schools cannot use force as a punishment – it is always unlawful to use force as a punishment.

The statutory provisions can apply when a teacher or other authorised person is:

- on the premises of the school (or academy); or
- elsewhere at a time when, as a member of school staff (or academy staff), s/he has lawful control or charge of the pupil concerned, for example, on an out-of-school activity.

It is not possible to describe definitively when it is reasonable to use force and how much may be used, beyond stating that this will depend on the circumstances of the case. Relevant considerations as to whether it might be reasonable to use force and the degree of force to be used could include, for example, the age and strength of the child. In some circumstances it will, of course, be inadvisable for a teacher to intervene without help, such as where a number of pupils are involved; where the pupil is older and physically mature; and where the teacher might be at risk of injury.

It is relevant that failure to respond in circumstances which merit it may be deemed as serious as overreacting. In many circumstances, it is not a safer option for a teacher to do nothing or to take very limited action, when to take action could restore safety. This action may involve swiftly alerting a third party. So far as a teacher's duty of care is concerned, an omission can be significant if there is a subsequent claim for negligence. This will depend on the circumstances of the case and teachers would not be expected to intervene to restore safety at the expense of their own personal safety.

HBHS staff should use 'force' judiciously, there may be times when the member of staff may need to intervene, should they feel it appropriate to do so eg. when a fight ensues or if a student is harming themselves.

HBHS's policy is that if any member of staff uses 'reasonable force' with a student that a record is made of this intervention on the relevant 'Physical Intervention Sheet' (see Appendix 2). This sheet should be handed to the Student Welfare Team who will file it accordingly. The Student Welfare Team has additional copies of the Physical Intervention Sheet available on request.

Although staff have the right to use 'reasonable force' re. the guidance above, force should be used judiciously and, whenever possible or appropriate, after de-escalation techniques such as giving clear instructions, blowing a whistle and/or showing one's presence have been attempted.

However that said there may be occasions where situations progress quickly and thus the opportunity to give time for de-escalation techniques to work may be limited.

## **9. Protecting Children from Abuse - Teachers' Responsibilities**

Teachers should be familiar with the procedures within HBHS for dealing with suspected child abuse, see HBHS's Safeguarding, Child Protection Policy. Concerns or suspicions of a safeguarding/child protection nature should be reported to the Designated Safeguarding Lead (DSL) as detailed in the Safeguarding, Child Protection Policy.

If staff members have concerns about another staff member then this should be referred to the Principal (not the DSL). Where there are concerns about the Principal this should be referred to the Chair of Governors. Furthermore if the matter pertains to the Principal staff have the option (in addition to contacting the Chair of Governors) to make the Local Area Designated Officer aware (03000 410888).

Further information regarding the statutory guidance on how employers should deal with allegations of abuse against teachers and other staff can be access via the Principal or the DSL and at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/289327/Dealing\\_with\\_allegations\\_of\\_abuse\\_against\\_teachers\\_and\\_other\\_staff.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289327/Dealing_with_allegations_of_abuse_against_teachers_and_other_staff.pdf).

All staff need to be aware that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk. When in doubt – consult.

## **10. Teachers' Power to Discipline**

In February 2013 (updated in 2016), the DfE published a guide entitled Behaviour and Discipline in Schools - Advice for headteachers and school staff. <https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

The purpose of this document was to provide an overview of the powers and duties for school staff.

The key points detailed in the document are:

- Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 90 and 91 of the Education and Inspections Act 2006).
- The power also applies to all paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits.
- Teachers can also discipline pupils in certain circumstances when a pupil's misbehaviour occurs outside of school.
- Teachers have a power to impose detention outside school hours.
- Teachers can confiscate pupils' property.

### **10a. Punishing poor behaviour - What the law allows:**

Teachers can discipline pupils whose conduct falls below the standard which could reasonably be expected of them. This means that if a pupil misbehaves, breaks a school rule or fails to follow a reasonable instruction the teacher can impose a punishment on that pupil. To be lawful, the punishment (including detentions) must satisfy the following three conditions:

- 1) The decision to punish a pupil must be made by a paid member of school staff or a member of staff authorised by the headteacher;
- 2) The decision to punish the pupil and the punishment itself must be made on the school premises or while the pupil is under the charge of the member of staff; and
- 3) It must not breach any other legislation (for example in respect of disability, special educational needs, race and other equalities and human rights) and it must be reasonable in all the circumstances.

A punishment must be proportionate. In determining whether a punishment is reasonable, section 91 of the Education and Inspections Act 2006 says the penalty must be reasonable in all the circumstances and that account must be taken of the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.

Corporal punishment is illegal in all circumstances.

Schools should consider whether the behaviour under review gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff should follow the schools' safeguarding policies. They should also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs. At this point, the school should consider whether a multi-agency assessment is necessary - advice can be given by the DSL.

#### **10b. Detentions - What the law allows:**

Teachers have a power to issue detention to pupils (aged under 18).

Legally, parental consent is not required for detentions. Although within HBHS we feel it is appropriate to inform parents/carers of any detentions and as such this policy wishes to clarify that parents/carers should be informed of any after school detention that lasts longer than 20 minutes after the formal end of the PM registration.

With lunchtime detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet.

#### **10c. Detentions outside school hours**

School staff should not issue a detention where they know that doing so would compromise a child's safety. When ensuring that a detention outside school hours is reasonable, staff issuing the detention should consider the following points:

- Whether the detention is likely to put the pupil at risk.
- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable.
- Whether suitable travel arrangements can be made by the parent/carer for the pupil.

#### **10d. Confiscation of inappropriate items - What the law allows:**

In February 2013 (updated in 2016), the DfE published a guide entitled Behaviour and Discipline in Schools - Advice for headteachers and school staff. <https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>. In this document a section is devoted to confiscation of items and searching of students.

The following section relates to the DfE guide entitled Behaviour and Discipline in Schools - Advice for headteachers and school staff (February 2014) and 'Searching, screening and confiscation Advice for headteachers, school staff and governing bodies (January 2018)'.

There are two sets of legal provisions which enable school staff to confiscate items from pupils:

- 1) The general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully (see Section 94 of the Education and Inspections Act 2006).
- 2) Power to search without consent for "prohibited items" (See Section 550ZA (3) of the Education Act 1996) including:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence , cause personal injury or damage to property; and
- any item banned by the school rules (see below for the list of banned items) which has been identified in the rules as an item which may be searched for.

The legislation sets out what must be done with prohibited items found as a result of a search - Weapons and knives and child pornography must always be handed over to the police, otherwise it is for the school to decide if and when to return a confiscated item.

Telling parents and dealing with complaints (*what the guidance dictates*) - see 'Searching, screening and confiscation Advice for headteachers, school staff and governing bodies (January 2018)':

- Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search.
- Schools should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching should be dealt with through the normal school complaints procedure.

There is an expectation that the searcher must be the same sex as the pupil being searched; and that there should also be a witness who, if possible, should be the same sex as the pupil being searched. There is a limited exception to this rule. Someone can carry out a search of a pupil of the opposite sex to themselves and / or without a witness present, where the person reasonably believe that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

It is unlikely that a member of staff from beyond the Core Team ie. the College Managers and the Student Welfare Team would search a student. And as such, whenever possible, staff should liaise with a member of this team before considering searching as student, as they will be given advice and support and it is likely the search will be carried out by the people designated above in an area conducive to the search being carried out.

It should be noted that HBHS has rarely, if ever, needed to carry out a search without firstly gaining the student's consent (in cases where a student is believed to have a "prohibited item" in their possession). If it is deemed appropriate to search a student and the student fails to empty their pockets or allow their bags to be searched etc. then a member of the Core Team or a senior leader contacts home and this has proved sufficient for the student to comply fully with the search. It should be noted that a student may only be instructed to remove their outer clothing such as a hat, coat or shoe for the purposes of a search.

In circumstances where a student is believed to have a "prohibited item" in their possession and they fail to comply with the search and their parents/carers fail to support the search or manage to get their child to comply with the search the school will consider involving the police. Note – that although school staff have the legal right to search the student without consent, the school's preferred position is that the police would be called. However, it should be

noted that the school still retains the right to search the student without consent - in such circumstances a school leader should be contacted.

The following are the items that the school bans, these are in addition to the list of “prohibited items” that the Department for Education deem unacceptable for a student to bring into school - see 4.6iv(2) for the list of “prohibited items”:

Banned items within Herne Bay High School:

- Drug paraphernalia
- Matches or lighters
- Solvents
- E-cigarettes
- Vapes and associated liquids
- Smoking paraphernalia
- New Psychoactive Substances., formerly known as ‘legal highs’
- Energy drinks
- Laser pens
- Shisha pens
- Catapults
- Guns of any kind including replicas and BB guns
- Offensive material (pornographic, homophobic, racist etc.)
- Permanent markers

Note - Force cannot be used to search for items banned under the school rules

Searching, screening and confiscation at school (DfE, January 2018)

The government's 'Searching, screening and confiscation at school' guidance, has been updated. The latest document includes a new section, 'Statutory guidance for dealing with electronic devices'. Other than this section, the previous guidance still holds.

A summary of the new section is below:

Staff may lawfully search electronic devices, without consent or parental permission, if there is a suspicion that the pupil has a device prohibited by school rules, or the staff member has good reason to suspect the device may be used to:

- cause harm
- disrupt teaching
- break school rules
- commit an offence
- cause personal injury or
- damage property.

Any data, files or images that are believed to be illegal must be passed to the police as soon as practicable, including pornographic images of children, without deleting them.

Any data, files or images that are not believed to be unlawful, may be deleted or kept as evidence of a breach of the school's behaviour policy.

## **11. Anti-Discrimination Law and Human Rights**

### **11a. Anti-Discrimination Law and Human Rights – Pupils**

Discrimination law is mainly contained in the Equality Act 2010 - The law prohibits discrimination against pupils on grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. These are referred to as 'protected characteristics'.

It is unlawful to directly or indirectly discriminate against a pupil with a 'protected characteristic'.

Direct discrimination is where a person is treated less favourably because of his or her protected characteristic, in circumstances where another person without his or her protected characteristic is treated or would have been treated more favourably. Direct discrimination takes many forms. In the treatment of pupils and students, for example, it may vary from crude remarks to subtle differences in assessment, expectation, provision and treatment. It may be unconscious or even well-intentioned but still unlawful.

Indirect discrimination is more complex. This is where a provision, criterion or practice, although applied equally to everyone, puts people with a particular protected characteristic at a disadvantage and cannot be justified objectively.

'Justified objectively' means, in an educational context, justifiable on educational or other grounds. It is a question of fact in each case. An example of indirect race discrimination, based on a case heard by the House of Lords, was a requirement to wear a cap as part of a school uniform. Although applied equally to all pupils, it had the effect of excluding Sikh boys from the school and was not justifiable on educational grounds.

Pupils are protected from discriminatory harassment on grounds of their protected characteristics. They are also protected from victimisation i.e. from detrimental treatment on grounds that they have, for example, made a complaint of discrimination.

### **11b. Anti-Discrimination Law and Human Rights – Teachers**

Teachers are protected from discrimination in employment on grounds of age, disability, marital or civil partnership status, maternity/pregnancy, race, religion or belief, sex, sexual orientation, trade union membership or activity, trans status and by reason of working part-time or on a fixed-term contract. It is unlawful for employers to discriminate in recruitment or selection procedures, or to treat employees differently, in ways that amount to direct or indirect discrimination. Discrimination might occur, for example, in promotion opportunities or training; access to benefits or services; in disciplinary, grievance or other procedures; or in dismissal or other detrimental treatment. Teachers are protected from direct and indirect discrimination, victimisation and harassment. Employers must take steps to avoid discrimination in contractual provision and working practices and must take steps to prevent teachers from being harassed by colleagues, parents or pupils.

Teachers, like other employees, can raise grievances and bring complaints to employment tribunals about unlawful discrimination or harassment.

## **12. Criminal Records and Suitability to Work with Children**

When appointments are offered, teachers are asked to apply for an Enhanced Disclosure from the Disclosure and Barring Service (DBS). In addition to any convictions, disclosure includes information from local police records such as acquittals, allegations or other non-conviction information (referred to as soft information).

Teaching posts are exempted from the provisions of the Rehabilitation of Offenders Act 1974 under which 'spent' convictions do not need to be disclosed to employers. Teachers should therefore inform a prospective employer of any convictions when requested, unless the conviction has been removed by the DBS from a disclosure certificate as old and minor.

Teachers will generally be carrying out work that is classed as 'regulated activity'. 'Regulated activity' is a legal phrase, which appears in the Safeguarding Vulnerable Groups Act 2006 and refers to activities that involve working with children on a frequent, intensive or overnight basis. The significance of carrying out regulated activity for teachers is that employers will be required by law to obtain a DBS certificate where:

- the individual has been employed since March 2002 and has had a break in service of three months or more; or
- the individual has been employed since May 2006.

### **13. Addition information re. HBHS's expectations of its staff:**

- I. There may be occasions when it may be necessary for staff to work on a one-to-one basis with students, although this should be planned against as much as possible. On such occasions staff must take all reasonable steps to safeguard the student and themselves as much as is practicable. Safeguards should include:
  - a. Endeavouring to work with the student in a room or an area where other adults and students are present
  - b. Not working with the student in an isolated part of the school
  - c. If the above is not possible e.g. there is a need to access particular resources and/or equipment that are only accessible in one particular area, the member of staff should keep the door open, and inform a colleague, ideally their Head of Department, that this support is taking place. Whilst supporting the student, the member of staff should be mindful of the need to ensure that no action of theirs, either physical or verbal, could be misconstrued by the student.

Should the member of staff sense that the student is misconstruing the support that they are being offered, the session should be stopped in a manner that does not heighten any concern, and the member of staff should inform the DSL as soon as is practicable.
- II. Staff must email [afterschool@hernebayhigh.org](mailto:afterschool@hernebayhigh.org) and list any student(s) staying behind with them or in their area or for whom they have responsibility at the start of the after school session
- III. Other than Year Managers and administrative staff within the main office, staff should not email parents/carers or respond to emails from parents/carers. Should there be circumstances where a member of staff wishes to email a parent/carer directly they should discuss this matter with the Head of School or the Principal.
- IV. Staff should only email students at the student's Herne Bay High School email address and only from the staff member's 'hernebayhigh.org' email address, therefore no communication should flow from or to any personal/non-Herne Bay High School email addresses.
- V. All HBHS staff should ensure that any communication with students, colleagues, parent/carers and others is appropriate, including communication via electronic media.
- VI. The school's default position is that school staff should not befriend students on Facebook or other social networking, photo/file sharing platforms or environments not hosted and moderated by the school (either on the member of staff's site or the student's site), or 'follow' or be 'followed' (Twitter) by students. However, there may be circumstances where a member of staff wishes to befriend/link to a student over such a platform, if this is the case they should discuss this matter with the Senior Vice Principal or the Principal.
- VII. Re. staff giving students lifts in their own car or meeting students outside of school or engaging with a student in a manner that would not be perceived as the norm ie. beyond that which occurs within a normal school day on the school site or on a recognised visit.
  - a. Any issue re. entering into a one-off or enhanced student/staff engagement/arrangement (for instance giving a lift to a friend's child to school), must be discussed with the Senior Vice Principal or the Principal in order that the member of staff is not left vulnerable and/or the student is in no way compromised.
- VIII. The school operates a formal business dress approach for all staff where the wearing of jeans or casual wear is not deemed appropriate. Should there be circumstances where a member of staff wishes to dress more informally they should discuss this matter with Mrs Clifton (The Principal's PA).
- IX. Teachers' Standards – '*Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach*'. These routines and expectations should be adhered to by all teaching staff:

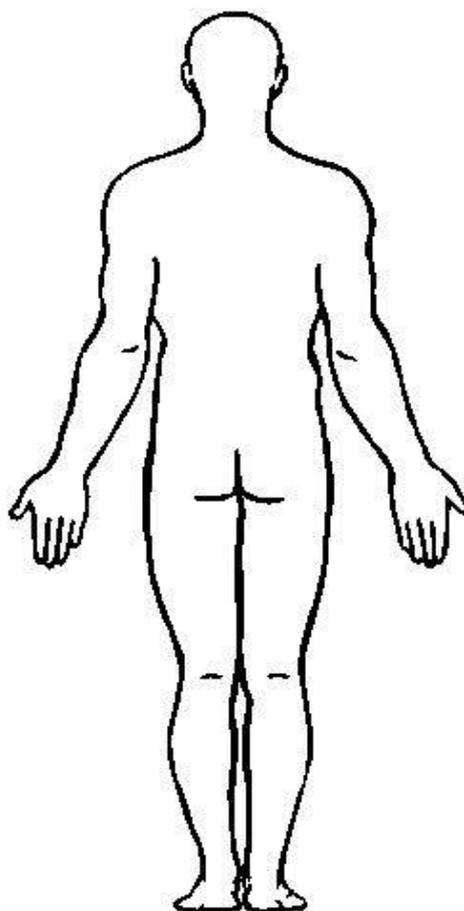
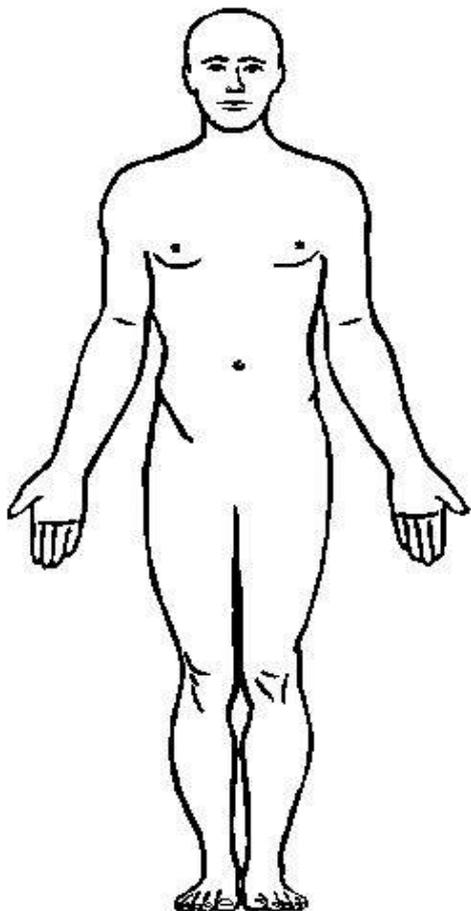
Appendix 1**Safeguarding Incident/Concern Form**

Student's name:	Date of birth: Mentor group:
Name and position of person completing the form (please print)	
Date of incident/concern (dd/mm/yy)	
<b>Incident/concern* (who, what, where, when)– use the 'Body Map' over page as appropriate to indicate any concerns</b>	
<b>Any other relevant information* (witnesses, immediate action taken)</b>	
<b>Action taken*</b>	
Signature	Date form completed (dd/mm/yy)

\*continue on a separate sheet if required

## Confidential Body Map

*Please highlight any (a)bruises (b)cuts/wounds (c)red areas (d)scalds/burns or (e)other concerns – please use the relevant letter from above as a key*



Description of marks	
Name and position of person completing the form (please print)	
Date of incident/concern (dd/mm/yy)	
Signature	Date form completed (dd/mm/yy)

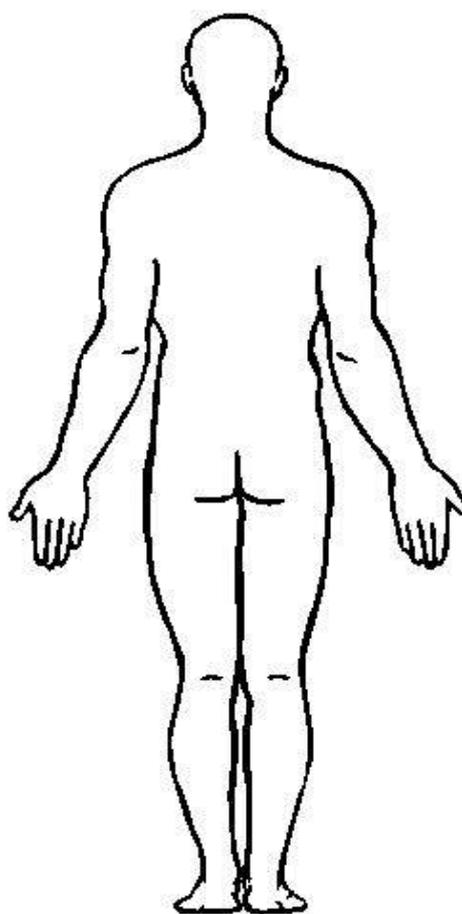
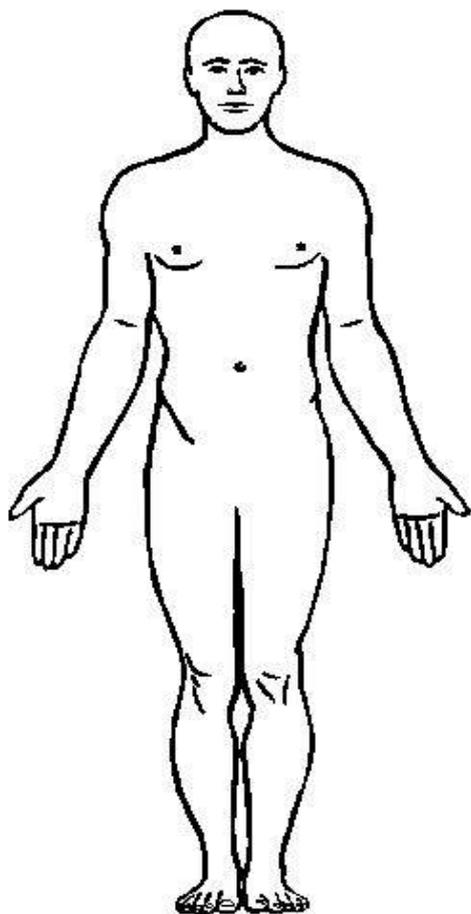
**Appendix 2****Physical Intervention Record**

Student's name:	Date of birth: Mentor group:
Name and position of person who carried out the physical intervention and thus who is completing the form (please print)	
Date of physical intervention (dd/mm/yy)	
<b>Incident * (who, what, where, when, why) – use the 'Body Map' over page as appropriate to indicate any marks that may have been left as a result of the physical intervention</b>	
<b>Any other relevant information* (witnesses, immediate action taken)</b>	
Was student seen by a first aider?  Yes / No	Why? / Why not?
Printed name and signature of first aider ( <i>if student was seen</i> )	First aider* – what was your assessment of the student?
What other information is provided along with this sheet?*	
Signature of person who made the physical intervention	Date form completed (dd/mm/yy)

\*continue on a separate sheet if required

## Confidential Body Map

*Please highlight any (a)bruises (b)cuts/wounds (c)red areas (d)other issues – please use the relevant letter from above as a key*



Description of marks	
Name and position of person completing the form (please print) – note if a first aider has seen the student then a separate Body Map should be completed	
Date of incident/concern (dd/mm/yy)	
Signature	Date form completed (dd/mm/yy)