



# The Oak-Tree Group

## Safeguarding Children Policies

### Main School and EYFS

SECTION A	<a href="#"><u>Child Protection Policy</u></a>	Page 2
SECTION B	<a href="#"><u>Abuse and Neglect</u></a>	Page 20
SECTION C	<a href="#"><u>Dealing with allegations of abuse against staff</u></a>	Page 40
SECTION D	<a href="#"><u>Dealing with Child on Child Sexual Violence/Harassment</u></a>	Page 51
SECTION E	<a href="#"><u>Policy on the use of force to control or restrain children</u></a> (including statement on Corporal Punishment)	Page 63
SECTION F	<a href="#"><u>Intimate Care Policy</u></a>	Page 66
SECTION G	<a href="#"><u>Staff Safer Recruitment Policy</u></a>	Page 69
SECTION H	<a href="#"><u>Children's Online Safety Policy</u></a>	Page 84
SECTION I	<a href="#"><u>Mobile Phone and Camera Policy</u></a>	Page 89
SECTION J	<a href="#"><u>Sexting Policy</u></a>	Page 93
SECTION K	<a href="#"><u>Prevent Policy</u></a>	Page 99
SECTION L	<a href="#"><u>Staff Code of Conduct</u></a>	Page 105
SECTION M	<a href="#"><u>Whistleblowing Policy</u></a>	Page 113
SECTION N	<a href="#"><u>Children Missing Education Policy</u></a>	Page 116
QUICK LINKS:	<a href="#"><u>Important Contact Details</u></a>	
	<a href="#"><u>Keeping Children Safe in Education (KCSIE) September 2021</u></a>	

*Note: Click policy title to navigate directly to the policy*



## **Safeguarding Children Policy: Section A** **Children Protection Policy (Main School and EYFS)**

This policy follows DfE guidelines in 'Keeping Children Safe in Education' (September 2021 KCSIE), 'Working Together to Safeguard Children (July 2018 WTTSC) and the requirements of the Children Act 2004. It has also been enhanced by Oak-Tree Group Safeguarding Children Insets and follows the Prevent Duty 2015 for the prevention of radicalisation.

'Child Protection' is the broad term used to describe the philosophies, standards, guidance and procedures to protect children from both intentional and unintentional harm. Safeguarding and promoting the welfare of children is **everyone's** responsibility. Everyone who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, staff should consider at all times what is in the best interests of the child.

The Oak-Tree Schools promote an environment in which staff feel able to raise concerns and feel supported in their safeguarding roles. Although there are clear procedures to follow within this policy, any member of staff may make a referral to external agencies. The term 'children' refers to everyone under the age of 18.

It should be noted that it is a statutory legal requirement for mobile phones not to be used around young children in the EYFS (see Section I).

This policy should be read alongside:

- statutory guidance [Working Together to Safeguard Children](#);
- departmental advice [What to do if you are Worried a Child is Being Abused - Advice for Practitioners](#);
- departmental advice [COVID-19: safeguarding in schools, colleges and other providers](#).

### **Policy Objectives:**

- To provide a safe environment for our pupils to learn
- To identify children at risk who are suffering or are likely to suffer significant harm and to take appropriate action with the aim of making sure that they are kept safe both at home and at school.
- To identify children in need and to take appropriate action.

### **Safeguarding and promoting the welfare of children is defined as:**

- Protecting children from maltreatment
- Preventing impairment of children's mental and physical health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best life chances and to enter adulthood successfully.

### **Systems are required to:**

- prevent unsuitable people working with our pupils
- promote safe practice, challenge poor and unsafe practice and take all reasonable measures to ensure that risks of harm to pupils' welfare are minimised
- identify circumstances in which there are grounds for concern about a child's welfare, and initiate/take appropriate action to keep them safe (in full partnership with local agencies)
- Contribute to effective partnership working between all those involved in providing services for pupils (e.g. health, social services, police)

Independent schools under Section 157 of the Education Act 2011 and the Education (Independent School Standards) Regulations 2014 are required to have arrangements to safeguard and promote the welfare of pupils. The Local Authority Safeguarding Children's Board provides advice and training and as a link with other local children's services. This policy is available to parents on request.

The Disclosure and Barring Service (DBS) was created in 2012 to provide a combined barring and criminal records disclosure service. It aims to prevent unsuitable people from working with children and vulnerable adults.

**Duties include:**

- ensuring that procedures are in place that are in line with procedures outlined in the latest version of DfE guidelines 'Keeping Children Safe in Education' (KCSIE);
- operating safe recruitment procedures and carrying out DBS checks on new staff and regular volunteers;
- ensuring that there are procedures in place for dealing with allegations of abuse against members of staff/volunteers (including the Headmistress) that comply with procedures;
- providing a designated person for child protection;
- providing training for all staff and training for the designated person and deputy designated person in inter agency work (all staff every three years and designated person training every two years);
- remedying any weaknesses in child protection arrangements without delay;
- undertaking an annual review of safeguarding policies and procedures;
- ensuring that all staff and volunteers feel able to raise concerns about poor or unsafe practice in regard to children, and that such concerns are addressed sensitively and effectively in a timely manner, in accordance with the school whistle blowing policy;

**Designated People:**

- The Managing Principal, Mr Matthew Hagger, is the Board Level Lead for safeguarding.
- The Headmistress is the Designated Safeguarding Leader (DSL) for the EYFS and Main School and has attended the relevant training. Training is updated every two years.
- Other staff, including the Deputy Head and members of the Senior Leadership Team, have been trained as Deputy DSLs for the EYFS and the Main School. Training is updated every two years.
- If any staff (teaching or non-teaching) have any concerns that a child may be being abused, they should speak to the DSL (or in her absence, the Deputy DSLs). If their concern involves the Headmistress they should speak to the Managing Principal **without first notifying the Headmistress**.
- If the DSL or Deputy DSLs believe that a child has been abused or is at serious risk of being abused it is their duty to contact external agencies **immediately**.

**The Role of the Designated Safeguarding Lead:**

The Designated Safeguarding Lead will take lead responsibility for safeguarding and child protection across the school. They will take part in strategy discussions and inter-agency meetings, and contribute to the assessment of children. They will advise and support other members of staff on child welfare and child protection matters, and liaise with relevant agencies such as the local authority and police.

Some safeguarding activities may be delegated to deputies, although the DSL will retain lead responsibility for the work of deputies and will ensure it is completed to the highest standard.

During term time the designated safeguarding lead (or a deputy) should always be available (during school or college hours) for staff in the school to discuss any safeguarding concerns. Whilst generally speaking the designated safeguarding lead (or deputy) would be expected to be available in person, it is a matter for individual schools, working with the designated safeguarding lead, to define what "available" means and whether in exceptional circumstances availability via phone and or Skype or other such media is acceptable.

It is a matter for individual schools and the designated safeguarding lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.

There are many aspects to the role of the Designated Safeguarding Lead, which include:

#### *Managing referrals*

- To liaise with the Group Managing Principal to inform him of all ongoing issues, especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations.
- To refer cases of suspected abuse to the local authority children's social care.
- To support staff who make referrals to local authority children's social care.
- To work with the Group Managing Principal in referring cases to the Channel programme where there is a radicalisation concern.
- To support staff who make referrals to the Channel programme.
- To work with the Group Managing Principal in referring cases to the Disclosure and Barring Service where a person is dismissed or left due to risk or harm to a child.
- To work with the Group Managing Principal in referring cases where a crime may have been committed to the police.
- To keep detailed, accurate and secure written records of concerns and referrals.

#### *Working with staff and other agencies*

- To ensure staff can access and understand the school's child protection and safeguarding policy and procedures (especially new and part time staff).
- To inform the Deputy DSLs of safeguarding issues, especially ongoing enquiries into whether a child is at risk of harm, and police investigations.
- To liaise with the case manager and the local authority's designated officer for child protection concerns in all cases where a member of school staff is involved.
- To liaise with staff on matters of safety and safeguarding and welfare (including online and digital safety), and when deciding whether to make a referral by liaising with relevant agencies.
- To act as a source of support, advice and expertise for staff.
- To act as a point of contact with the safeguarding partners.
- To liaise with the senior mental health lead and, where available, the Local Authority Mental Health Support Team where safeguarding concerns are linked to mental health.
- To promote supportive engagement with parents and/or carers in safeguarding and promoting the welfare of children, including where families may be facing challenging circumstances.
- To work with the relevant strategic leads, taking lead responsibility for promoting educational outcomes by knowing the welfare, safeguarding and child protection issues that children in need are experiencing, or have experienced, and identifying the impact that these issues might be having on children's attendance, engagement and achievement at school. This includes:
  - ensure that the school knows who its cohort of children who have or have had a social worker are, understanding their academic progress and attainment, and maintaining a culture of high aspirations for this cohort; and,
  - support teaching staff to provide additional academic support or reasonable adjustments to help children who have or have had a social worker reach their potential, recognising that even when statutory social care intervention has ended, there is still a lasting impact on children's educational outcomes.
- To refer to [NSPCC- When to call the police](#) to understand when to consider calling the police and what to expect when they do.

#### *Information sharing and managing the child protection file*

The designated safeguarding lead is responsible for ensuring that child protection files are kept up to date.

Information should be kept confidential and stored securely. It is good practice to keep concerns and referrals in a separate child protection file for each child.

Records should include:

- a clear and comprehensive summary of the concern;
- details of how the concern was followed up and resolved;
- a note of any action taken, decisions reached and the outcome

They should ensure the file is only accessed by those who need to see it and where the file or content within it is shared, this happens in line with information sharing advice later in this policy.

Where children leave the school (including in year transfers) the designated safeguarding lead should ensure their child protection file is transferred to the new school as soon as possible, and within 5 days for an in-year transfer or within the first 5 days of the start of a new term. This should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained.

Receiving schools should ensure key staff such as designated safeguarding leads and SENCOs are aware as required.

Lack of information about their circumstances can impact on the child's safety, welfare and educational outcomes. In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any additional information with the new school in advance of a child leaving to help them put in place the right support to safeguard this child and to help the child thrive in the school or college. For example, information that would allow the new school to continue supporting children who have had a social worker and been victims of abuse and have that support in place for when the child arrives.

#### *Raising Awareness*

The designated safeguarding lead should:

- To work with the Group Managing Principal to ensure the Child Protection Policy (as a minimum) and the procedures and implementation are updated and reviewed regularly;
- To ensure each member of staff has access to, and understands, the school's child protection policy and procedures, especially new and part-time staff;
- To ensure that the Child Protection Policy is available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made, and the role of the school in this;
- To link with the safeguarding partner arrangements to make sure staff are aware of any training opportunities and the latest local policies on local safeguarding arrangements; and
- To help promote educational outcomes by sharing the information about the welfare, safeguarding and child protection issues that children who have or have had a social worker are experiencing with teachers and school and college leadership staff.

#### *Training, knowledge and skills*

The designated safeguarding lead (and any deputies) should undergo training to provide them with the knowledge and skills required to carry out the role. This training should be updated at least every two years. The designated safeguarding lead should undertake Prevent awareness training.

Training should provide designated safeguarding leads with a good understanding of their own role, how to identify, understand and respond to specific needs that can increase the vulnerability of children, as well as specific harms that can put children at risk, and the processes, procedures and responsibilities of other agencies, particularly children's social care, so they:

- understand the assessment process for providing early help and statutory intervention, including local criteria for action and local authority children's social care referral arrangements;
- have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so;

- understand the importance of the role the designated safeguarding lead has in providing information and support to children social care in order to safeguard and promote the welfare of children;
- understand the lasting impact that adversity and trauma can have, including on children's behaviour, mental health and wellbeing, and what is needed in responding to this in promoting educational outcomes;
- are alert to the specific needs of children in need, those with special educational needs and disabilities (SEND), those with relevant health conditions and young carers;
- understand the importance of information sharing, both within the school, and with the safeguarding partners, other agencies, organisations and practitioners;
- understand and support the school with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation;
- are able to understand the unique risks associated with online safety and be confident that they have the relevant knowledge and up to date capability required to keep children safe whilst they are online at school;
- can recognise the additional risks that children with special educational needs and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support children with SEND to stay safe online;
- obtain access to resources and attend any relevant or refresher training courses; and,
- encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the school may put in place to protect them.

In addition to the formal training set out above, their knowledge and skills should be refreshed (this might be via e-bulletins, meeting other designated safeguarding leads, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, and at least annually, to allow them to understand and keep up with any developments relevant to their role.

#### *Providing support to staff*

Training should support the designated safeguarding lead in developing expertise, so they can support and advise staff and help them feel confident on welfare, safeguarding and child protection matters. This includes specifically to:

- ensure that staff are supported during the referrals processes; and
- support staff to consider how safeguarding, welfare and educational outcomes are linked, including to inform the provision of academic and pastoral support.

#### *Understanding the views of children*

It is important that children feel heard and understood. Therefore, designated safeguarding leads should be supported in developing knowledge and skills to:

- encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, and in any measures the school or college may put in place to protect them; and
- understand the difficulties that children may have in approaching staff about their circumstances and consider how to build trusted relationships which facilitate communication.

#### *Holding and sharing information*

The critical importance of recording, holding, using and sharing information effectively is set out in Parts one, two and five of this document, and therefore the designated safeguarding lead should be equipped to:

- understand the importance of information sharing, both within the school and college, and with other schools on transfer including in-year and between primary and secondary education, and with the safeguarding partners, other agencies, organisations and practitioners;
- understand relevant data protection legislation and regulations, especially the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR);
- be able to keep detailed, accurate, secure written records of concerns and referrals and understand the purpose of this record-keeping.

## **Multi-Agency Working**

Schools have a pivotal role to play in multi-agency safeguarding arrangements. Proprietors should ensure that the school contributes to multi-agency working in line with statutory guidance [Working Together to Safeguard Children](#).

Safeguarding partners for the school are:

- the local authority;
- a clinical commissioning group for an area within the local authority; and
- the chief officer of police within the local authority area.

They will make arrangements to work together with any appropriate relevant agencies to safeguard and promote the welfare of local children, including identifying and responding to their needs.

It is especially important that schools understand their role in the three safeguarding partner arrangements. Proprietors and their senior leadership teams, especially their designated safeguarding leads, should make themselves aware of and follow their local arrangements.

Safeguarding partners have a shared and equal duty to work together to safeguard and promote the welfare of children. To fulfil this role they **must** set out how they will work together and with any relevant agencies. Relevant agencies are those organisations and agencies whose involvement that the three safeguarding partners consider may be required to safeguard and promote the welfare of children with regard to local need. The three safeguarding partners will have set out in their published arrangements which organisations and agencies they will be working with and the expectations placed on any agencies and organisations by the arrangements.

[Working Together](#) is very clear that all schools in the local area should be fully engaged, involved and included in safeguarding arrangements. It is expected that, locally, the safeguarding partners will name schools as relevant agencies and will reach their own conclusions on the best way to achieve the active engagement with individual institutions in a meaningful way. Once named as a relevant agency, schools, in the same way as other relevant agencies, will reach their own conclusions on the best way to achieve the active engagement with individual institutions in a meaningful way.

Proprietors should understand the local criteria for action and the local protocol for assessment and ensure they are reflected in their own policies and procedures. They should also be prepared to supply information as requested by the safeguarding partners.

Schools should work with social care, the police, health services and other services to promote the welfare of children and protect them from harm. This includes providing a coordinated offer of early help when additional needs of children are identified and contributing to inter-agency plans to provide additional support to children subject to child protection plans. All schools should allow access for children's social care from the host local authority and, where appropriate, from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment.

## **Induction of New Staff (What school staff need to know)**

All staff, including temporary staff and volunteers, are provided with comprehensive induction training that supports safeguarding and includes:

- The Safeguarding Children Policy, including procedures to deal with peer on peer abuse and online safety.
- The identity and role of the Designated Safeguarding Lead and Deputies.
- A copy of Part 1 of the latest version of 'Keeping Children Safe in Education'
- An overview of the Prevent Duty, including its location in the Safeguarding Policy
- An overview of the Staff Code of Conduct, including its location in the Safeguarding Policy
- An overview of the Children Missing Education Policy and its location in the Safeguarding Policy
- An overview of the Equality Policy and direction towards its location on the website
- Any other Health and Safety issues relevant to the position
- The school's Behaviour Management Policy, including measures to prevent bullying (including cyberbullying, prejudice-based and discriminatory bullying).

## The Role of Staff

- Staff are particularly important as they are in a position to identify concerns early, provide help for children, and prevent concerns from escalating.
- **All** staff have a responsibility to provide a safe environment in which children can learn.
- **All** staff should be prepared to identify children who may benefit from early help. Early help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage years. In the first instance staff should discuss early help requirements with the Designated Safeguarding Lead. Staff may be required to support other agencies and professionals in an early help assessment.
- **Any staff member** who has a concern about a child's welfare should follow the referral processes set out below, **remembering that parental consent is not needed if the member of staff feels that the child is at risk of harm**. Staff may be required to support social workers and other agencies following any referral.
- The Teachers' Standards 2012 state that teachers, including heads, should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.

## Staff Training

- All staff receive appropriate safeguarding and child protection training that is regularly updated. In addition, staff receive safeguarding and child protection updates (eg by email and staff meetings), as required, to provide them with the relevant skills and knowledge to safeguard children effectively.
- All staff are made aware of arrangements for Child Protection and are provided with each latest version of 'Keeping Children Safe in Education', which they are required to read.
- All staff are made aware of the identity of the Designated Safeguarding Lead and Deputies.
- All staff are made aware of the DfE's advice about the use of force published on website: [www.education.gov.uk/aboutdfe/advice/f0077153/use-of-reasonable-force](http://www.education.gov.uk/aboutdfe/advice/f0077153/use-of-reasonable-force) and are aware of what constitutes inappropriate physical contact.
- Staff are trained in full Safeguarding procedures at least every three years, with the DSL and Assistant DSLs trained every two years.
- All staff are aware of the early help process and understand their role in it. This includes identifying emerging problems, liaising with the Designated Safeguarding Lead, sharing information with other professionals to support early identification and assessment and, in some cases, acting as the lead professional in undertaking an early help assessment.
- Staff are aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that might follow a referral, along with the role they might be expected to play in such assessments.
- All staff know what to do if a child tells them they are being abused, exploited or neglected. Staff know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need to be involved, such as the designated safeguarding lead and children's social care. Staff should never promise a child that they will not tell anyone about a report of any form of abuse, as this may ultimately not be in the best interests of the child.
- All staff are able to reassure victims that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting abuse, sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.
- All staff have been advised that they are not allowed to take photographs of children using their own mobile phone or personal camera (see Section H).
- Staff training includes raising awareness of issues including children who run away or go missing, female genital mutilation and child sexual exploitation.
- Staff training includes understanding how to keep children safe who are looked after by a local authority. This includes ensuring that staff have up to date assessment information, the most recent care plan, contact arrangements with parents, delegated authority to carers and information available to the designated person.



## What Staff Should Look Out For

Knowing what to look for is vital to the early identification of abuse and neglect. If staff members are unsure they should always speak to the Designated Safeguarding Lead.

- Any child may benefit from early help, but all school staff should be particularly alert to the potential need for early help for a child who:
  - Is disabled and/or has specific additional needs
  - Has special educational needs (whether or not they have a statutory Education, Health and Care Plan)
  - Has a mental health need
  - Is a young carer
  - Is showing signs of being drawn in to anti-social or criminal behavior, including gang involvement and association with organised crime groups or county lines
  - Is frequently missing or goes missing from care or from home
  - Is at risk of modern slavery, trafficking, sexual or criminal exploitation
  - Is at risk of being radicalized or exploited
  - Has a family member in prison, or is affected by parental offending
  - Is in a family circumstance presenting challenges to the child, such as around drug and alcohol abuse, adult mental health problems or domestic abuse
  - Is misusing drugs or alcohol themselves
  - Has returned home to their family from care
  - Is at risk of 'honour'-based abuse such as Female Genital Mutilation or Forced Marriage
  - Is a privately fostered child
  - Is persistently absent from education, including persistent absences for part of the school day
  - Is showing early signs of abuse and/or neglect
- **All** staff members should be aware of indicators of abuse and neglect. Knowing what to look for is vital for the early identification of abuse and neglect and specific safeguarding issues such as child criminal exploitation and child sexual exploitation so that staff are able to identify cases of children who may be in need of help or protection.
- Indicators of abuse and neglect, and examples of safeguarding issues are described in Section B.
- If staff are unsure, they should **always** speak to the DSL or Deputy DSL.
- **All** school staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events and cannot be covered by one definition or one label alone. In most cases, multiple issues will overlap with one another, therefore staff should always be vigilant and always raise any concerns with the Designated Safeguarding Lead (or Deputies).
- **All** staff should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school and/or can occur between children outside of these environments.
- **All** staff, but especially the DSL (and Deputies) should consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual exploitation, criminal exploitation, sexual abuse, serious youth violence and county lines.
- **All** staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse online as well as face to face. In many cases abuse will take place concurrently via online channels and in daily life.
- Children can also abuse their peers online, this can take the form of abusive, harassing, and misogynistic messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography, to those who do not want to receive such content.
- **In all cases, if staff are unsure, they should always speak to the DSL (or Deputies).**

## General Procedures

- All applicants for jobs at the school are scrutinised by verifying their identity and suitability for working with children by a Disclosure and Barring Service 'enhanced' check, seeing evidence of any academic or vocational qualifications, obtaining professional and character references, checking previous employment history and that the candidate has the health and physical capacity to do the job.

- Procedures are in place for dealing with allegations of abuse against staff (and volunteers who work with children) – see separate policy.
- The Managing Principal undertakes an annual review of the school's safeguarding policies and procedures and of the efficiency with which the related duties have been discharged. Any deficiencies or weaknesses in child protection arrangements are remedied immediately.
- Staff should refer to this Policy to ensure that their behaviour and actions do not place themselves at risk of harm or of allegations of harm to a pupil, for example in one-to-one tuition, sports coaching, conveying a pupil by car or engaging in inappropriate electronic communication with a pupil.

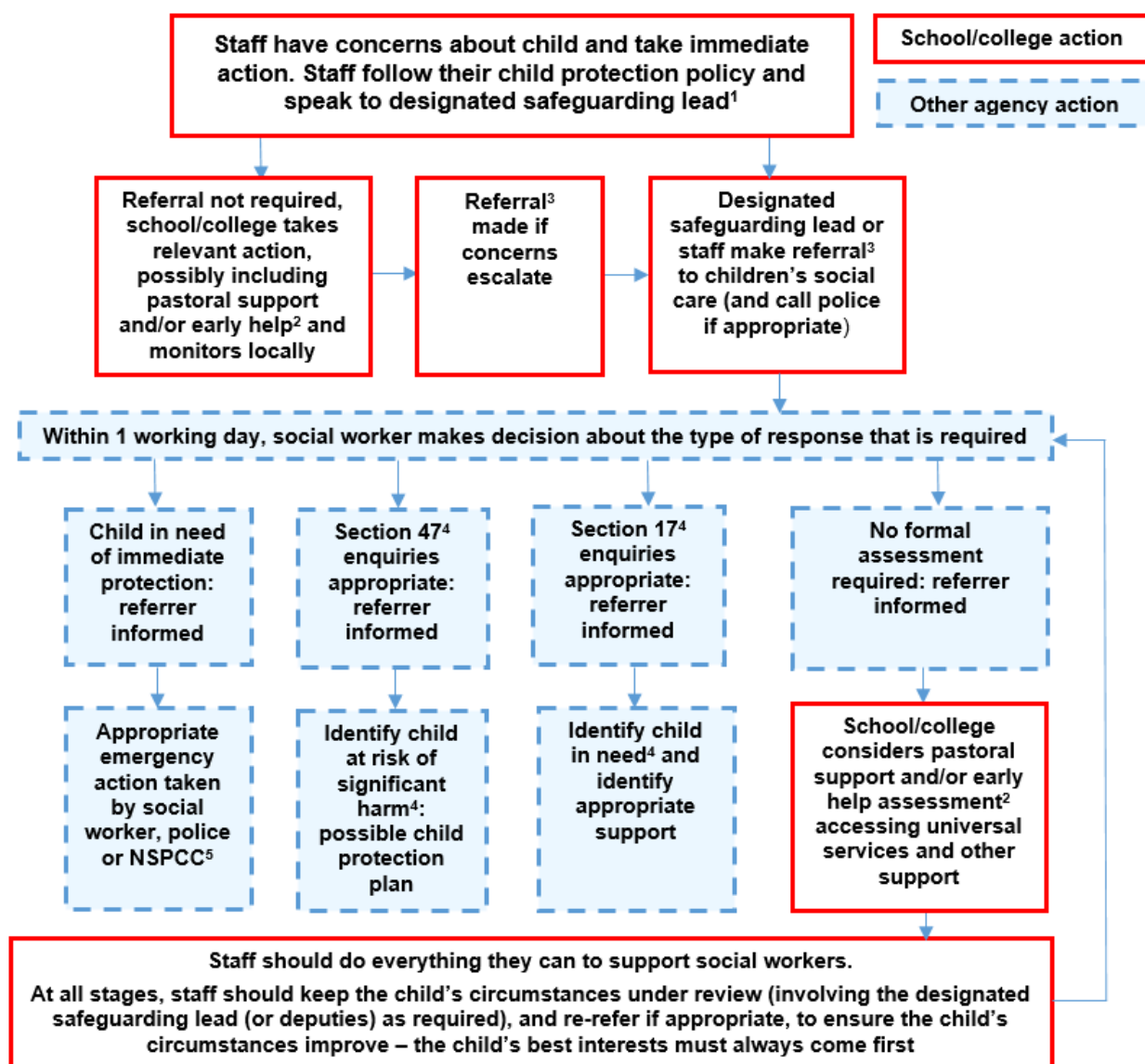
### What school staff should do if they have concerns about a child

- Staff members working with children are advised to maintain an attitude of '**it could happen here**' where safeguarding is concerned. When concerned about the welfare of a child, staff should always act in the best interests of the child.
- If staff have **any concerns** about a child, they should act on them **immediately** to decide what action to take. The flow chart below sets out the process for staff when they have concerns about a child.
- Options will include:
  - Managing any support for the child internally via the school's own pastoral support processes
  - Undertaking an early help assessment
  - Making a referral to statutory services, for example, as the child might be in need, is in need or suffering or is likely to suffer harm.
- The Designated Safeguarding Lead or a deputy should always be available to discuss safeguarding concerns. If, in exceptional circumstances, the DSL or Deputy DSL are not available, this should not delay appropriate action being taken. Staff should consider speaking to the Senior Leadership Team and one of the Principals, and/or take advice from local children's social care. In these circumstances, any action taken should be shared with the DSL (or deputy) as soon as is practically possible.
- Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for effective identification, assessment and allocation of appropriate service provision, whether this is when problems first emerge or where a child is already known to the local authority children's social care (such as a child in need or a child with a protection plan).
- [Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#) supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (UKGDPR).
- DPA and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe and promoting their welfare. If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy.
- Fears about sharing information **must not** be allowed to stand in the way of the need to safeguard and promote the welfare of children.

### Early Help

- If early help is appropriate, the Designated Safeguarding Lead (or Deputy) will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. Staff may be required to support other agencies and professionals in an early help assessment. Any such cases should be kept under constant review and consideration given to a referral to children's social care for assessment for statutory services if the child's situation does not appear to be improving or gets worse.

## Actions where there are concerns about a child



## Statutory children's social care assessments and services

- Concerns about a child's welfare should be referred to local authority children's social care. **Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and if appropriate the police) is made immediately.** Referrals should follow the local referral process.
- Children's social care assessments should consider where children are being harmed in contexts outside the home, so it is important that schools and colleges provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and enable a contextual approach
- The online tool Report Child Abuse to Your Local Council directs to the relevant local children's social care contact number.

## Children in Need

A 'child in need' is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired without the provision of services; or a child who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need should be referred to **children's social care**.

### **Children suffering, or likely to suffer, significant harm**

Local authorities, with the help of other organisations as appropriate, have a duty to make enquiries under section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm.

Such enquiries enable them to decide whether they should take any action to safeguard and promote the child's welfare and must be initiated where there are concerns about maltreatment. This includes all forms of abuse and neglect, female genital mutilation, or other so-called 'honour'-based abuse, forced marriage and extra-familial harms like radicalisation and sexual exploitation.

Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and/or the police) is made immediately, remembering that parental consent is not needed if the member of staff feels that the child is at risk of harm. Anyone can make a referral.

### **What will the Local Authority do?**

Within one working day of a referral being made, a local authority social worker should acknowledge receipt to the referrer and make a decision about the next steps and the type of response that is required. This will include determining whether:

- the child requires immediate protection and urgent action is required
- any services are required by the child and family and what type of services
- the child is in need, and should be assessed under section 17 of the Children Act 1989. Chapter one of [Working Together to Safeguard Children](#) provides details of the assessment process
- there is reasonable cause to suspect the child is suffering or likely to suffer significant harm, and whether enquiries must be made and the child assessed under section 47 of the Children Act 1989. Chapter one of [Working Together to Safeguard Children](#) provides details of the assessment process
- further specialist assessments are required to help the local authority to decide what further action to take.

The referrer should follow up if this information is not forthcoming. If social workers decide to carry out a statutory assessment, staff should do everything they can to support that assessment (supported by the Designated Safeguarding Lead (or deputy) as required). If, after a referral, the child's situation does not appear to be improving, the referrer should consider following local escalation procedures to ensure their concerns have been addressed and, most importantly, that the child's situation improves.

### **Record Keeping**

**All** concerns, discussions and decisions made and the reasons for those decisions should be recorded in writing. Information should be kept confidential and stored securely. It is good practice to keep concerns and referrals in a separate child protection file for each child. If in doubt about recording requirements staff should discuss with the Designated Safeguarding Lead.

Records should include:

- a clear and comprehensive summary of the concern
- details of how the concern was followed up and resolved
- a note of any action taken, decisions reached and the outcome.

Recording of concerns should:

- be written as soon as possible, be legible (preferably typed for future use) and make sense
- describe the full sequence of events (before and after)
- give non-verbal and verbal elements and use the child's words if possible rather than adult interpretation
- keep and include rough jottings/notes
- be signed and dated, with name and post printed for easy reading by possible outside agencies.

When making a record, staff should keep an open mind and distinguish between fact and opinion/speculation.

### **What school staff should do if they have safeguarding concerns about another Staff Member**

Schools should have processes and procedures in place to manage any safeguarding concerns about staff members (including supply staff, volunteers, and contractors). If staff have safeguarding concerns or an allegation is made about another member of staff (including supply staff, volunteers, and contractors) posing a risk of harm to children, then:

- this should be referred to the Head or Group Managing Principal
- where there are concerns/allegations about the Head this should be referred to the Group Managing Principal
- in the event of concerns/allegations about the Group Managing Principal, or a situation where there is a conflict of interest in reporting the matter to the Group Managing Principal, this should be reported directly to the local authority designated officer(s) (LADOs). Details of your local LADO should be easily accessible on your local authority's website.

See Section C for further details.

### **What school staff should do if they have concerns about School Safeguarding Practices**

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's safeguarding regime and that such concerns will be taken seriously by the SLT.

Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, are in place for such concerns to be raised with the school's Senior Leadership Team. Where a staff member feels unable to raise an issue with the school or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them:

- General guidance can be found at: [Advice on whistleblowing](#).
- The [NSPCC whistleblowing helpline](#) is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8am to 8pm, Monday to Friday and Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

### **Children in need of Additional Support**

The Oak-Tree Schools recognise that there is a difference between safeguarding children who have suffered or are at risk of suffering serious harm, and those who are in need of additional support from one or more local or national agencies. Whilst the former should be reported to children's social care immediately, the latter should lead to inter-agency assessment using local processes.

### **Children requiring mental health support**

Schools have an important role to play in supporting the mental health and wellbeing of their pupils. Mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Proprietors should ensure they have clear systems and processes in place for identifying possible mental health problems, including routes to escalate and clear referral and accountability systems.

Schools can access a range of advice to help them identify children in need of extra mental health support, this includes working with external agencies. More information can be found in the [mental health and behaviour in schools guidance](#). Public Health England has produced a range of resources to support secondary school teachers to promote positive health, wellbeing and resilience among young people.

### **Children who need a social worker**

Children may need a social worker due to safeguarding or welfare needs. Children may need this help due to abuse, neglect and complex family circumstances. A child's experiences of adversity and trauma can leave them vulnerable to further harm, as well as educationally disadvantaged in facing barriers to attendance, learning, behaviour and mental health.

Local authorities should share the fact a child has a social worker, and the designated safeguarding lead should hold and use this information so that decisions can be made in the best interests of the child's safety, welfare and educational outcomes. This should be considered as a matter of routine. There are clear powers to share this information under existing duties on both local authorities and schools to safeguard and promote the welfare of children.

Where children need a social worker, this should inform decisions about safeguarding (for example, responding to unauthorised absence or missing education where there are known safeguarding risks) and about promoting welfare (for example, considering the provision of pastoral and/or academic support, alongside action by statutory services).

Findings from the Children in Need review, '[Improving the educational outcomes of Children in Need of help and protection](#)' contains further information; the conclusion of the review, '[Help, protection, education](#)' sets out action Government is taking to support this.

### **Information sharing**

Information sharing is vital in identifying and tackling all forms of abuse and neglect, and in promoting children's welfare, including their educational outcomes. Schools have clear powers to share, hold and use information for these purposes.

As part of meeting a child's needs, it is important for proprietors to recognise the importance of information sharing between practitioners and local agencies. This should include ensuring arrangements are in place that set out clearly the processes and principles for sharing information within the school and with children's social care, the safeguarding partners, other organisations, agencies and practitioners as required.

School staff should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care.

It is important that proprietors are aware that among other obligations, the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure.

Proprietors should ensure relevant staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the UK GDPR. This includes:

- being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data'.
- understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.
- for schools, not providing pupils' personal data where the serious harm test under the legislation is met. For example, in a situation where a child is in a refuge or another form of emergency accommodation, and the serious harms test is met, they must withhold providing the data in compliance with schools' obligations under the Data Protection Act 2018 and the GDPR. Where in doubt schools should seek independent legal advice.

The Data Protection Act 2018 and GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.

Further details on information sharing can be found:

- in Chapter one of [Working Together to Safeguard Children](#), which includes a myth-busting guide to information sharing
- at [Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#). The seven golden rules for sharing information will be especially useful
- at [The Information Commissioner's Office \(ICO\)](#), which includes ICO UK GDPR FAQs and guidance from the department
- in [Data protection: toolkit for schools](#) - Guidance to support schools with data protection activity, including compliance with the UK GDPR.

Where children leave the school, the designated safeguarding lead should ensure their child protection file is transferred to the new school as soon as possible, to allow the new school to continue supporting children who have had a social worker and been victims of abuse and have that support in place for when the child arrives. They should also ensure secure transit and confirmation of receipt should be obtained. For schools, this should be transferred separately from the main pupil file. Receiving schools should ensure key staff, such as designated safeguarding leads and SENCOs, are aware as required.

In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any information with the new school in advance of a child leaving. For example, information that would allow the new school to continue supporting children who have had a social worker and been victims of abuse, or those who are currently receiving support through the 'Channel' programme and have that support in place for when the child arrives.

### **Parental Involvement**

Parents need to understand that the School has a duty to safeguard and promote the welfare of the children at the school, that this responsibility necessitates a safeguarding policy and procedures and that the school may need to share information and work in partnership with other agencies when there are concerns about a child's welfare.

The School will normally seek to discuss any concerns about a child's welfare with the family and, where possible, seek their agreement to making referrals to social services. If the Headmistress has reservations about involving the child's family, she will seek advice from the Local Safeguarding Children's Board.

### **Educating Children**

The non-statutory framework for Personal, Social and Health Education (PSHE) provides opportunities for children to learn about keeping safe, and who to ask for help if their safety is threatened. We teach children (via PSHE, class and assembly time) to develop a healthy and safe lifestyle and give opportunities to help them:

- to recognise and manage risks in different situation and then behave responsibly
- to judge what kind of physical contact is acceptable and unacceptable
- to recognise when pressure from others (including people they know) threatens their personal safety and well-being and develop effective ways of resisting pressure; including knowing when and where to get help
- to understand cyber bullying and to know where to find help
- to be aware of e-safety when using social messaging or the internet
- to use assertiveness techniques to resist unhelpful pressure
- to learn that it is acceptable to talk about their own problems and where to find help.

The school has appropriate filters and monitoring systems in place to safeguard children from potentially harmful and inappropriate online material.



## **Listening to Children**

Children will speak to people that they feel they can trust and they feel comfortable with. This will not always be a teacher. For this reason all staff (teaching and non-teaching) are trained in child protection so that they know how to respond sensitively to a child's concerns, whom to approach for advice about them, and the importance of not guaranteeing complete confidentiality. Posters giving national children's help lines (Child line/NSPCC) are displayed in the library.

Any member of staff who is approached by a child wanting to talk should listen positively and reassure the child. They should record the conversation on an encounter form as soon as possible, distinguishing clearly between fact, observation, allegation and opinion, noting any action taken and signing and dating the note. They should then inform the Headmistress (or in her absence one of the Deputy DSLs).

The member of staff should be aware that the way in which they talk to the child could have an effect on the evidence that is put forward if there are subsequent proceedings. Staff should not jump to conclusions, ask leading questions, or put words in a child's mouth. There should be no pressure to talk or to stop the child from freely recalling.

Staff should be aware that:

- it is not their responsibility to investigate suspected cases of abuse and they should not take any action beyond that advised in the Local Authority's Child Protection Procedures
- they cannot promise a child complete confidentiality – instead they must explain that they may need to pass information to other professionals to help keep the child or other children safe
- if they have concerns about a child's welfare, or if a child discloses that s/he is suffering abuse or reveals information that gives ground for concern, they should speak to the Headmistress (or in her absence, the Deputy Head)
- they must avoid asking leading questions
- accusations of abuse by one or more children against another child should be immediately reported to the designated person who will take advice from the Education Safeguarding Service within 24 hours of disclosure or suspicion of abuse
- procedures for dealing with allegations of abuse by a member of staff are outlined in Section C of this policy. All such allegations should be reported immediately to the designated person, who will contact the Education Safeguarding Service within 24 hours of disclosure or suspicion of abuse
- guidance for staff, to ensure that their behaviour and actions do not place pupils, or themselves, at risk or harm to a pupil, is available in 'Guidance for Safe Working Practice for the Protection of Children and Staff in Educational Settings'. This is available in the staff room. It is the responsibility of each member of staff to make sure that they are familiar with this guidance.

## **Abuse**

Abuse or neglect can have a damaging effect on a child's health, educational attainment and emotional well-being. Staff may see changes in behaviour patterns in existing pupils which are likely to impact adversely on a child's performance at school. Such changes may not necessarily indicate that a child is suffering abuse or neglect. In some cases those changes may be symptoms of a hidden disability or undiagnosed medical condition and the need to distinguish those cases reinforces the need for careful and thorough assessment of the child and his/her needs when concerns are passed on.

Children are put at risk of harm by a variety of behaviours. These may include:

- Drug/alcohol abusing parents
- Domestic Violence
- Children and young people who sexually abuse
- Sexual exploitation of children

See Section B for full details.



## **Bullying**

A bullying incident should be treated as a child protection concern when there is reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm.

See the Anti-Bullying Policy for additional guidance.

## **Process for retaining and transferring Child Protection Files**

Child Protection documents are retained in a file separate to the main pupil file. The main file has an alert that a child protection file exists and states its location. When a child leaves the school, the child protection file is copied and transferred to the new school as soon as possible clearly marked 'Child Protection CONFIDENTIAL for attention of Designated Safeguarding Lead'. This will be sent separately from the main pupil file.

## **Opportunities to teach Safeguarding**

Proprietors should ensure that children are taught about safeguarding, including online safety, and recognise that a one size fits all approach may not be appropriate for all children, and a more personalised or contextualised approach for more vulnerable children, victims of abuse and some SEND children might be needed.

Schools should consider all of this as part of providing a broad and balanced curriculum). This may include covering relevant issues for schools through Relationships Education (for all primary pupils) and Relationships and Sex Education (for all secondary pupils).

The Department has produced a one-stop page for teachers on GOV.UK, which can be accessed here: [Teaching about relationships sex and health](#). This includes teacher training modules on the RSHE topics and non-statutory implementation guidance. The following resources may also help schools and colleges understand and teach about safeguarding:

- DfE advice for schools: [teaching online safety in schools](#);
- UK Council for Internet Safety (UKCIS) guidance [Education for a connected world](#);
- UKCIS guidance: [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#);
- The UKCIS [external visitors guidance](#) will help schools and colleges to ensure the maximum impact of any online safety sessions delivered by external visitors;
- National Crime Agency's CEOP education programme: [Thinkuknow](#);
- Public Health England: [Rise Above](#)

Whilst it is essential that governing bodies and proprietors ensure that appropriate filters and monitoring systems are in place, they should be careful that "over blocking" does not lead to unreasonable restrictions as to what children can be taught with regard to online teaching and safeguarding.

## **Why is all of this important?**

It is important for children to receive the right help at the right time to address safeguarding risks, prevent issues escalating and to promote children's welfare. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action. Further information about serious case reviews can be found in Chapter Four of [Working Together to Safeguard Children](#). Examples of poor practice include:

- failing to act on and refer the early signs of abuse and neglect;
- poor record keeping;
- failing to listen to the views of the child;
- failing to re-assess concerns when situations do not improve;
- not sharing information with the right people within and between agencies;
- sharing information too slowly; and
- a lack of challenge to those who appear not to be taking action.

**Review**

The Managing Principal and Headmistress (as Designated Safeguarding Lead) will hold an annual review of the school's child protection policies, including an update and review of the procedures and their implementation. The Managing Principal will also ensure that the school contributes to interagency working in line with *Working Together to Safeguard Children 2015* through effective implementation of the child protection policies and procedures and good cooperation with local agencies.

If there has been a substantiated allegation against a member of staff, the school will work with the LADO to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.

## **KEY CONTACTS WITHIN THE SCHOOL**

### **DESIGNATED SAFEGUARDING LEAD (WHOLE SCHOOL INCLUDING EYFS)**

NAME: Headmistress  
CONTACT NUMBER: 020 8508 3517

### **DEPUTY DESIGNATED SAFEGUARDING LEAD (WHOLE SCHOOL INCLUDING EYFS)**

NAME: Members of the Senior Leadership Team (see school's policy for details)  
CONTACT NUMBER: 020 8508 3517

### **NOMINATED GOVERNOR FOR CHILD PROTECTION**

NAME: Matthew Hagger  
CONTACT NUMBER: 020 8508 3109

## **KEY CONTACTS WITHIN THE LOCAL AUTHORITY**

The **ESSEX SAFEGUARDING CHILDREN BOARD (ESCB)** is able to provide advice and consultancy and is the first point of contact for schools and education services should an allegation against an adult working within an education setting arise.

The aim of the Board is to improve outcomes for children by coordinating the work of local agencies to safeguard and promote the welfare of children and ensuring the effectiveness of that work.

**The Essex duty Local Authority Designated Officer (LADO) can be contacted on:**

**CONTACT NUMBER:** 03330 139797 or 01245 435167  
**EMAIL:** [escb@essex.gov.uk](mailto:escb@essex.gov.uk)

### **REFERRAL TO ESSEX SOCIAL CARE SERVICES**

If the school is concerned that a child is being harmed or neglected or is at risk from this, contact the Initial Response Team at the Family Operations Hub on **0345 603 7627**.

If the school has urgent and immediate for the safety and welfare of a child, contact:

**0345 603 7627** Monday to Thursday 8.45am to 5.30pm and Friday 8.45am to 4.30pm

**0345 606 1212** or **0300 1230 779** out of office hours

Email: [emergency.dutyteamoutofhours@essex.gov.uk](mailto:emergency.dutyteamoutofhours@essex.gov.uk)

If the school believes that there is an immediate risk of significant harm to a child, contact **0345 603 7627** and/or the Police on **999**.

## **ADDITIONAL PREVENT CONTACT**

### **REFERRAL TO THE DEPARTMENT FOR EDUCATION**

**020 7340 7264** during office hours – dedicated PREVENT helpline

Email: [counter-extremisim@education.gsi.gov.uk](mailto:counter-extremisim@education.gsi.gov.uk)



## **Safeguarding Children Policy: Section B**

### **Abuse and Neglect**

#### **Indicators of Abuse and Neglect**

Abuse is a form of maltreatment of a child. 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 others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

All staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.

All staff, but especially the DSL (and deputies) should consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual exploitation, criminal exploitation, and serious youth violence.

Child abuse may fall into one of the following four categories. These categories represent the criteria for registration on the Child Protection Register.

#### **1. Physical Abuse**

This is a form of abuse that 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 fabricates the symptoms of, or deliberately induces, illness in a child.

#### **2. Emotional Abuse**

This is the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate.

It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), 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 maltreatment of a child, although it may occur alone.

#### **3. Sexual Abuse**

This involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via the internet).

Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue (also known as peer on peer abuse) in education and **all** staff should be aware of it and of the school procedures.

4. Neglect

This 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. Neglect may occur during pregnancy as a result of maternal substance abuse.

Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

### **Identifying Abuse**

It is always preferable to prevent abuse or for intervention to take place at the earliest possible stage. All school staff are well placed to observe outward symptoms which may be due to child abuse. Some of the signs and symptoms are as follows:

1. Physical

Bruising / aggression / moody / bed-wetting / absences / lethargy / make up to cover bruising / hanging about after school / anxious on Friday afternoon or the end of term. (See the Local Authority Safeguarding Children's Board website re bruising that indicates abuse and the use of body maps).

2. Emotional

Tantrums / attention seeking / mood swings / poor knowledge of right and wrong / isolation / lack of communication. Children can be harmed by witnessing abuse, eg domestic violence. The child might be ignored / belittled / shouted at / terrorised / told they are useless etc.

3. Sexual

Provocative behaviour / new sexual language / fear of adults / secretive / refusing to allow physical contact / desire to cleanse / emphasising sex through play / self-mutilation / pregnancy / bleeding / anorexia / bulimia. Usually perpetrated by people who are known to, and trusted by, the child, eg relatives, family friends, neighbours, babysitters, people working in schools, clubs or activities.

4. Neglect

Weight loss or gain / lack of hygiene / fainting / slow physical development / hunger / tiredness / nightmares / imagining friends. Clear lack of parental care. Often poverty contributes. Can include parents/carers failing to provide adequate food, clothing and shelter / protect a child from physical and emotional harm or danger / ensure adequate supervision or stimulation / ensure access to appropriate medical care or treatment.

Abuse can take place by one or more pupils against another pupil, and may not involve adults. Referrals should be made to local agencies if a child is suspected to be abused by an adult or another child.

### **General signs of abuse**

There are many signs of abuse that staff should be aware of. These include:

- Unexplained delay in seeking treatment which is needed;
- Incompatible explanations;
- A series of minor injuries;
- Unexplained bruising:
  - in and around the mouth;
  - black eyes – especially if both eyes are black and there is no bruising;
  - to forehead or nose;
  - grasp/finger marks;
  - bruising of the ears;
  - linear bruising (particularly buttocks or back);
  - differing age bruising.

- Bite marks;
- Burns and scalds (including from cigarettes);
- General physical disability;
- Unresponsiveness in the child;
- Soiling and wetting;
- Change in behavioural pattern;
- Attention seeking;
- Apprehension;
- Anti-social behaviour;
- Unkempt appearance;
- Sexually precocious behaviour;
- Sexualised drawings and play;
- Female Genital Mutilation;
- Sudden poor performance in school;
- Poor self-esteem;
- Self-mutilation;
- Withdrawal;
- Running away or going missing;
- Reluctance to return home after school;
- Resistance to undressing for PE;
- Resistance to school medicals;
- Difficulty in forming relationships;
- Confusing affectionate displays;
- Poor attendance – repeated infections etc;
- Excessive dependence;
- Poor growth.

No list of symptoms can be exhaustive. They may give rise to concern but are not in themselves proof that abuse has occurred. Where a member of staff is concerned that abuse may have occurred, he or she must report this immediately to the Designated Safeguarding Lead.

With the wide range of ages at our school, some of these signs will be more relevant and evident than others in terms of the ages of the pupils and the nature of the abuse. Staff should take this into account when considering these specific safeguarding issues.

We recognise the importance of partnership between home and school but where issues of child abuse or suspected child abuse arise, our first and only responsibility is to the child. We may not be able to prevent child abuse but by following child protection procedures, we will try our best to protect all our children and this is our prime objective.

### **Safeguarding Issues**

**All** staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking and or alcohol misuse, deliberately missing education and consensual and non-consensual sharing of nudes and semi-nudes images and/or videos<sup>9</sup> can be signs that children are at risk. Other safeguarding issues all staff should be aware of include:

### **Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE)**

Both CSE and CCE are forms of abuse that occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual or criminal activity:

- in exchange for something the victim needs or wants and/or
- for the financial advantage or increased status of the perpetrator or facilitator and/or
- through violence or the threat of violence.

CSE and CCE can affect children, both male and female, and can include children who have been moved (commonly referred to as trafficking) for the purpose of exploitation.

### **Child Criminal Exploitation (CCE)**

CCE is where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. CCE does not always involve physical contact; it can also occur through the use of technology.

Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources. In some cases, the abuse will be in exchange for something the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator.

Some specific forms of CCE can include children being forced or manipulated into transporting drugs or money through county lines, working in cannabis factories, shoplifting or pickpocketing. They can also be forced or manipulated into committing vehicle crime or threatening/committing serious violence to others.

Some of the following can be indicators of CCE:

- children who appear with unexplained gifts or new possessions;
- children who associate with other young people involved in exploitation;
- children who suffer from changes in emotional well-being;
- children who misuse drugs and alcohol;
- children who go missing for periods of time or regularly come home late; and
- children who regularly miss school or education or do not take part in education.

Children can become trapped by this type of exploitation as perpetrators can threaten victims (and their families) with violence, or entrap and coerce them into debt. They may be coerced into carrying weapons such as knives or begin to carry a knife for a sense of protection from harm from others. As children involved in criminal exploitation often commit crimes themselves, their vulnerability as victims is not always recognised by adults and professionals, (particularly older children), and they are not treated as victims despite the harm they have experienced. They may still have been criminally exploited even if the activity appears to be something they have agreed or consented to.

It is important to note that the experience of girls who are criminally exploited can be very different to that of boys. The indicators may not be the same, however professionals should be aware that girls are at risk of criminal exploitation too. It is also important to note that both boys and girls being criminally exploited may be at higher risk of sexual exploitation.

### **Child Sexual Exploitation (CSE)**

CSE is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator.

CSE is a form of child sexual abuse. Sexual abuse may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse including via the internet.

The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact, it can also occur through the use of technology.

Like all forms of child sex abuse, child sexual exploitation:

- can still be abuse even if the sexual activity appears consensual
- can affect any child or young person (male or female) under the age of 18 years, including 16 and 17 year olds who can legally consent to have sex
- can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity
- can take place in person or via technology, or a combination of both
- can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence
- may occur without the child or young person's immediate knowledge (e.g. through others copying videos or images they have created and posted on social media)
- can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse
- is typified by some form of power imbalance in favour of those perpetrating the abuse. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources.

Some of the following signs may be indicators of child sexual exploitation:

- children who appear with unexplained gifts or new possessions
- children who associate with other young people involved in exploitation
- children who have older boyfriends or girlfriends
- children who suffer from sexually transmitted infections or become pregnant
- children who suffer from changes in emotional well-being
- children who misuse drugs and alcohol
- children who go missing for periods of time or regularly come home late
- children who regularly miss school or education or do not take part in education.

CSE occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. CSE does not always involve physical contact; it can also occur through the use of technology.

CSE can affect any child or young person (male or female) under the age of 18 years, including 16 and 17 year olds who can legally consent to have sex. Some children may not realise they are being exploited e.g. they believe they are in a genuine romantic relationship. It can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity and may occur without the child or young person's immediate knowledge (e.g. through others copying videos or images they have created and posted on social media).

The above CCE indicators can also be indicators of CSE, as can:

- children who have older boyfriends or girlfriends; and
- children who suffer from sexually transmitted infections or become pregnant

CCE and CSE abuse can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual and it should be noted exploitation as well as being physical can be facilitated and/or take place online.

The department provides: [Child sexual exploitation: guide for practitioners.](#)



## County Lines

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”. This activity can happen locally as well as across the UK - no specified distance of travel is required.

Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to move [and store] drugs and money. Offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children can be targeted and recruited into county lines in a number of locations including schools, further and higher educational institutions, pupil referral units, special educational needs schools, children’s homes and care homes.

Children are often recruited to move drugs and money between locations and are known to be exposed to techniques such as ‘plugging’, where drugs are concealed internally to avoid detection. Children can easily become trapped by this type of exploitation as county lines gangs create drug debts and can threaten serious violence and kidnap towards victims (and their families) if they attempt to leave the county lines network.

A number of the indicators for CSE and CCE as detailed above may be applicable to where children are involved in county lines. Some additional specific indicators that maybe present where a child is criminally exploited through involvement in county lines are children who:

- go missing and are subsequently found in areas away from their home;
- have been the victim or perpetrator of serious violence (e.g. knife crime);
- are involved in receiving requests for drugs via a phone line, moving drugs, handing over and collecting money for drugs;
- are exposed to techniques such as ‘plugging’, where drugs are concealed internally to avoid detection;
- are found in accommodation that they have no connection with, often called a ‘traphouse or cuckooing’ or hotel room where there is drug activity;
- owe a ‘debt bond’ to their exploiters;
- have their bank accounts used to facilitate drug dealing.

One of the ways of identifying potential involvement in county lines are missing episodes (both from home and school), when the victim may have been trafficked for the purpose of transporting drugs and a referral to the National Referral Mechanism should be considered. If a child is suspected to be at risk of or involved in county lines, a safeguarding referral should be considered alongside consideration of availability of local services/third sector providers who offer support to victims of county lines exploitation.

Further information on the signs of a child’s involvement in county lines is available in guidance published by the [Home Office](#).

## Domestic Abuse

The Domestic Abuse Act 2021 received Royal Assent on 29 April 2021. The Act introduces the first ever statutory definition of domestic abuse and recognises the impact of domestic abuse on children, as victims in their own right, if they see, hear or experience the effects of abuse. The statutory definition of domestic abuse, based on the previous cross-government definition, ensures that different types of relationships are captured, including ex-partners and family members. The definition captures a range of different abusive behaviours, including physical, emotional and economic abuse and coercive and controlling behaviour. Both the person who is carrying out the behaviour and the person to whom the behaviour is directed towards must be aged 16 or over and they must be “personally connected” (as defined in section 2 of the 2021 Act).

All children can witness and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members. Exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

## Operation Encompass

[Operation Encompass](#) operates in the majority of police forces across England. It helps police and schools work together to provide emotional and practical help to children. The system ensures that when police are called to an incident of domestic abuse, where there are children in the household who have experienced the domestic incident, the police will inform the key adult (usually the designated safeguarding lead) in school before the child or children arrive at school the following day. This ensures that the school has up to date relevant information about the child's circumstances and can enable support to be given to the child according to their needs. Police forces not signed up to operation encompass will have their own arrangements in place.

Refuge runs the National Domestic Abuse Helpline, which can be called free of charge and in confidence, 24 hours a day on 0808 2000 247. Its website provides guidance and support for potential victims, as well as those who are worried about friends and loved ones. It also has a form through which a safe time from the team for a call can be booked.

Additional advice on identifying children who are affected by domestic abuse and how they can be helped is available at:

- [NSPCC- UK domestic-abuse Signs Symptoms Effects](#)
- [Refuge what is domestic violence/effects of domestic violence on children](#)
- [SafeLives: young people and domestic abuse.](#)
- [Domestic abuse: specialist sources of support - GOV.UK \(www.gov.uk\)](#) (includes information for adult victims, young people facing abuse in their own relationships and parents experiencing child to parent violence/abuse)
- [Home : Operation Encompass](#) (includes information on the impact of domestic abuse on children)

## Homelessness

Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare. The Designated Safeguarding Lead (and any Deputies) should be aware of contact details and referral routes in to the Local Housing Authority so they can raise/progress concerns at the earliest opportunity. Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour, as well as the family being asked to leave a property.

Whilst referrals and or discussion with the Local Housing Authority should be progressed as appropriate, this does not, and should not, replace a referral into children's social care where a child has been harmed or is at risk of harm.

The Homelessness Reduction Act 2017 places a new legal duty on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help including an assessment of their needs and circumstances, the development of a personalised housing plan, and work to help them retain their accommodation or find a new place to live.

The following factsheets usefully summarise the new duties: [Homeless Reduction Act Factsheets](#). The new duties shift focus to early intervention and encourage those at risk to seek support as soon as possible, before they are facing a homelessness crisis.

In most cases school staff will be considering homelessness in the context of children who live with their families, and intervention will be on that basis. However, it should also be recognised in some cases 16 and 17 year olds could be living independently from their parents or guardians, for example through their exclusion from the family home, and will require a different level of intervention and support. Children's social care will be the lead agency for these children and the designated safeguarding lead (or a deputy) should ensure appropriate referrals are made based on the child's circumstances. The Department and the Ministry of Housing, Communities and Local Government have published joint statutory guidance on the provision of accommodation for 16 and 17 year olds who may be homeless and/or require accommodation: [here](#).

### **So-called ‘honour-based’ abuse (including Female Genital Mutilation and Forced Marriage)**

So-called ‘honour-based’ abuse (HBA) encompasses incidents or crimes which have been committed to protect or defend the honour of the family and/or the community, including female genital mutilation (FGM), forced marriage, and practices such as breast ironing. Abuse committed in the context of preserving “honour” often involves a wider network of family or community pressure and can include multiple perpetrators.

It is important to be aware of this dynamic and additional risk factors when deciding what form of safeguarding action to take. All forms of HBA are abuse (regardless of the motivation) and should be handled and escalated as such. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a child being at risk of HBA, or already having suffered HBA.

If staff have a concern regarding a child that might be at risk of HBA or who has suffered from HBA, they should speak to the Designated Safeguarding Lead (or Deputy). As appropriate, they will activate local safeguarding procedures, using existing national and local protocols for multiagency liaison with police and children’s social care. Where FGM has taken place, since 31 October 2015 there has been a mandatory reporting duty placed on **teachers** that requires a different approach (see following section).

### **Female Genital Mutilation**

FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences.

### **FGM Mandatory Reporting Duty for Teachers**

Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon **teachers** along with regulated health and social care professionals in England and Wales, to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18.

Those failing to report such cases will face disciplinary sanctions. It will be rare for teachers to see visual evidence, and they should **not** be examining pupils, but the same definition of what is meant by “to discover that an act of FGM appears to have been carried out” is used for all professionals to whom this mandatory reporting duty applies. Information on when and how to make a report can be found at: [Mandatory reporting of female genital mutilation procedural information](#).

Teachers **must** personally report to the police cases where they discover that an act of FGM appears to have been carried out. Unless the teacher has good reason not to, they should still consider and discuss any such case with the school’s Designated Safeguarding Lead (or Deputy) and involve children’s social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. where the teacher does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, teachers should follow local safeguarding procedures.

The following is a useful summary of the FGM mandatory reporting duty: [FGM Fact Sheet](#). Further information can be found in the [Multi-agency statutory guidance on female genital mutilation](#) and the [FGM resource pack](#) particularly section 13.

### **Serious Violence**

**All** staff should be aware of indicators that may signal that children are at risk from, or are involved with, serious violent crime. These may include:

- increased absence from school
- a change in friendships or relationships with older individuals or groups
- a significant decline in performance
- signs of self-harm or a significant change in wellbeing
- signs of assault or unexplained injuries.

Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation. **All** staff should be aware of the associated risks and understand the measures in place to manage these.

**All** staff should be aware of the range of risk factors which increase the likelihood of involvement in serious violence, such as being male, having been frequently absent or permanently excluded from school, having experienced child maltreatment and having been involved in offending, such as theft or robbery.

Advice for schools is provided in the Home Office's [Preventing youth violence and gang involvement](#) and its [Criminal exploitation of children and vulnerable adults: county lines guidance](#).

### **Forced Marriage**

Forcing a person into a marriage is a crime in England and Wales. Forced marriage is a term used when a person is made to marry against their will. Forced marriage takes place when there is an absence of free and full consent of one or both parties, but the parties are forced to get married under duress, including physical and emotional pressure, usually from their families.

Every year, hundreds of young people in Britain, both male and female, are forced into marriage against their will. In the UK, forced marriage is considered a serious abuse of human rights and, when it involves a child, a form of child abuse. A child marriage is always a forced marriage as children lack the capacity to make a fully informed and consensual decision to marry or not. According to the organisation [Forward UK](#), "Child marriages must be viewed within a context of force and coercion, involving pressure and emotional blackmail and children that lack the choice or capacity to give their full consent."

#### *Reasons for Forced Marriages*

There are a number of reasons that parents or families may choose to force their children into unwanted marriages, such as:

- a desire to maintain 'family honour' in terms of ensuring that young people marry into a particular, approved family or community
- to control unwanted behaviour in a child (such as perceived promiscuity)
- to protect cultural or religious ideals which are misguided or out of date
- when homosexuality in a child or young person is not accepted by his or her parents, and they then force the child or young person into a heterosexual marriage
- to strengthen family or community links, or to ensure that land or assets remain within the family.
- for immigration and citizenship purposes to enable a family or community member living outside the UK to move to the UK on a permanent residence visa.

There are no religious or cultural justifications for forced marriage.

According to the Foreign and Commonwealth Office's [Forced Marriage Unit](#) (FMU), most cases of forced marriage that take place in the UK or involve UK nationals involve South Asian families, although there have also been reported incidents from East Asian families, as well as Middle Eastern, European and African families.

A child who is forced into marriage is at risk of significant harm through physical, sexual or emotional abuse. Forced marriage can have a negative impact on a child's health and development, and can also result in sexual violence including rape. If a child is forced to marry, he or she may be taken abroad for an extended period of time which could amount to child abduction. In addition, a child in such a situation is likely to be taken out of school so as to ensure that they do not talk about their situation with their peers.

#### *Referral to Social Services or Police*

Information about a possible or actual forced marriage may come from the child/young person concerned or a friend or relative. It may also become apparent in relation to other family issues, such as domestic violence, self-harm, teenage pregnancy, child abuse or neglect, family conflict or when a child/young person has gone missing.

Any member of staff who has reason to believe that a child/young person may be at risk of forced marriage, or has been subject to forced marriage, whether or not the child/young person is thought currently to be in this country, must immediately refer to Social Services or the Police. Where the Police are the first to be informed, they are to refer to Social Services without delay.

### *Warning Signs*

Potential warning signs for staff:

- A sudden drop in performance, aspirations and motivation.
- A student coming to school but then truanting from lessons. Often young people at risk of a forced marriage are living in virtual imprisonment so school time is their 'free' and 'unsupervised' time to do ordinary adolescent activities that others do on weekends with their friends.
- Considerable absence authorised by parents for reasons of sickness and family commitments or other commitments overseas. There could be a history of extended family holidays overseas often interrupting the school term.
- History of older siblings also leaving education early and marrying early.
- Self-harming, anxious and depressive behaviour including anorexia, mental health disorders, self cutting, substance abuse, shoplifting, very withdrawn behaviour, very low self-esteem and difficulties in expressing own needs and making decisions.
- The student seems to be subject to excessive restriction and control. This can include:
  - Not being allowed to attend extra-curricular or after school activities.
  - Being accompanied to and from school and during lunch-breaks - never being left alone.
  - Being excessively worried about being seen in the company of the opposite sex or of different racial and religious groups.

Connexions staff may identify children/young people who are at risk of, or subject to, forced marriage.

### *The Forced Marriage Unit*

The Forced Marriage Unit (FMU) is the Government's central unit dealing with forced marriage casework, policy and projects. The FMU provides confidential information and assistance to potential victims and concerned professionals. It works with partners both in the UK and overseas to ensure that all appropriate action is taken to prevent a forced marriage taking place.

The FMU also provides advice and information to individuals who have already been forced to marry. All caseworkers in the FMU have wide experience of the cultural, social and emotional issues surrounding forced marriage.

The staff can offer advice and assistance to individuals who:

- Fear that they are going to be forced into a marriage (in the UK or overseas).
- Fear for a friend or relative who may be forced into a marriage (in the UK or overseas).
- Have been forced into a marriage and do not want to support their spouse's visa application.

The staff can assist professionals by:

- Providing information about existing networks within the UK, including Social Services, Police and non-governmental organisations.
- Providing advice about legal remedies in the UK and overseas.

The Forced Marriage Unit has published [statutory guidance](#) and [Multi-agency guidelines](#), pages 32-36 of which focus on the role of schools. School staff can contact the Forced Marriage Unit if they need advice or information: Contact: 020 7008 0151 or email [fm@fcdo.gov.uk](mailto:fm@fcdo.gov.uk).

### **Peer on Peer Abuse (child on child)**

**All** staff should be aware that children can abuse other children (often referred to as peer on peer abuse). And that it can happen both inside and outside of school and online. It is important that all staff recognise the indicators and signs of peer on peer abuse and know how to identify it and respond to reports.

All staff should understand, that even if there are no reports in their school it does not mean it is not happening, it may be the case that it is just not being reported. As such it is important if staff have **any** concerns regarding peer on peer abuse they should speak to their Designated Safeguarding Lead (or deputy).

It is essential that **all** staff understand the importance of challenging inappropriate behaviours between peers, many of which are listed below, that are actually abusive in nature. Downplaying certain behaviours, for example dismissing sexual harassment as “just banter”, “just having a laugh”, “part of growing up” or “boys being boys” can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

Peer on peer abuse is most likely to include, but may not be limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying)
- abuse in intimate personal relationships between peers
- physical abuse such as hitting, kicking, shaking, biting, hair pulling or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse)
- emotional abuse, such as blackmail or extortion, threats and intimidation
- sexual violence, such as rape, assault by penetration and sexual assault (this may include an online element which facilitates, threatens and/or encourages sexual violence)
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse
- sexual exploitation, such as encouraging other children to engage in inappropriate sexual behaviour (for example having an older boyfriend/girlfriend, associating with unknown adults or other sexually exploited children, staying out overnight)
- consensual and non-consensual sharing of nudes and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery). The Department provides [Searching Screening and Confiscation Advice](#) for schools. The UKCIS Education Group has published [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#).
- ‘upskirting’, which typically involves taking a picture under a person’s clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, watch pornography, touch themselves sexually or to engage in sexual activity with a third party.

All staff must be clear as to the school’s policy and procedures with regard to peer on peer abuse and the important role they have to play in preventing it and responding where they believe a child may be at risk from it.

In most instances, the conduct of students towards each other will be covered by the school’s Behaviour Policy. Some allegations may be of such a serious nature that they may raise safeguarding concerns. These allegations are most likely to include physical abuse, emotional abuse, sexual abuse and sexual exploitation. It is also likely that incidents dealt with under this policy will involve older students and their behaviour towards younger students or those who are vulnerable.

It is likely that, to be considered a safeguarding allegation against a pupil, one or more of the following features may be found about the allegation:

- It is made against an older pupil and refers to their behaviour towards a younger pupil or a more vulnerable pupil
- It is of a serious nature, possibly including a criminal offence
- It raises risk factors for other pupils in the school
- It indicates that other pupils may have been affected by this student
- It indicates that young people outside the school may be affected by this student



There are many different forms that peer on peer abuse can take. Abuse is abuse and should never be tolerated or passed off as ‘banter’ or ‘part of growing up’.

### **What Staff should do if they believe there to be Peer on Peer Abuse**

When an allegation is made by a pupil against another student, members of staff should consider whether the complaint raises a safeguarding concern. If there is a safeguarding concern the Designated Safeguarding Lead (DSL) should be informed.

A factual record should be made of the allegation, but no attempt at this stage should be made to investigate the circumstances. The DSL should contact the Local Authority Children’s Safeguarding Board to discuss the case. The DSL will follow through the outcomes of the discussion and make a referral where appropriate. If the allegation indicates that a potential criminal offence has taken place, the Local Authority will refer the case to the multi-agency agency safeguarding hub where the police may become involved.

Parents, of both the pupil being complained about and the alleged victim, should be informed and kept updated on the progress of the referral. The DSL will make a record of the concern, the discussion and any outcome and keep a copy in the files of both pupils’ files.

It may be appropriate to exclude the pupil being complained about for a period of time according to the school’s Behaviour Policy. Where neither social services nor the police accept the complaint, a thorough school investigation should take place into the matter using the school’s usual disciplinary procedures.

As usual, important decisions should be made on a case by case basis, on the basis of an assessment of the children’s best interests. Key specific considerations will include:

- The age, maturity and understanding of the children;
- Any disability or special needs of the children;
- Their social and family circumstance;
- Any evidence in the behaviour of the children that might suggest they have been harmed;
- Any evidence of pressure to engage in sexual activity;
- Any indication of sexual exploitation.

There are also contextual factors. Gender, sexuality, race and levels of sexual knowledge can all be used to exert power. A sexual predator may sometimes be a woman or girl and the victim a boy

### *Support*

Once the outcome of the incident(s) has been established it is necessary to ensure future incidents of abuse do not occur again and consider the support and intervention required for those involved. In the event of disclosures about pupil on pupil abuse all children involved, whether perpetrator or victim, will be treated as being ‘at risk’.

### Support for the young person who has been harmed

What support they require depends on the individual young person. It may be that they wish to seek counselling or one to one support via a mentor. It may also be that they feel able to deal with the incident(s) on their own or with support of family and friends. It will be necessary for the young person to be monitored and offered support should they require it in the future. If the incidents are of a bullying nature, the young person may need support in improving peer groups/relationships with other young people or some restorative justice work with all those involved may be required.

Other interventions that could be considered may target a whole class or year group, for example a speaker on cyber bullying, relationship abuse etc. It may be that through the continued curriculum of PSHE and SMSC that certain issues can be discussed and debated more frequently.

If the young person feels particularly vulnerable it may be that a risk assessment can be put in place for them whilst in school so that they have someone named that they can talk to, support strategies for managing future issues and identified services to offer additional support

### Support for the young person who has displayed harmful behaviour

In this circumstance it is important to find out why the young person has behaved in such a way. It may be that the young person is experiencing their own difficulties and may even have been harmed themselves in a similar way. In such cases support such as one to one mentoring or counselling may also be necessary. Particular support from external services may be necessary and the young person may require additional support from family members.

Once the support required to meet the individual needs of the young person has been met, it is important that young person receives a consequence for their behaviour. This may be in the form of restorative justice e.g. making amends with the young person they have targeted if this has been some form of bullying. In the cases of sexually harmful behaviour it may be a requirement for the young person to engage in one to one work with a particular service or agency (if a crime has been committed this may be through the police or youth offending service). If there is any form of criminal investigation ongoing it may be that this young person cannot be educated on site until the investigation has concluded. In which case, the young person will need to be provided with appropriate support and education whilst off site.

Even following the conclusion of any investigation the behaviour that the young person has displayed may continue to pose a risk to others in which case an individual risk assessment may be required. This should be completed via a multiagency response to ensure that the needs of the young person and the risks towards others are measured by all of those agencies involved including the young person and their parents. This may mean additional supervision of the young person or protective strategies if the young person feels at risk of engaging in further inappropriate or harmful behaviour.

The school may also choose a punishment as a consequence such as exclusion or internal exclusion/inclusion/seclusion for a period of time to allow the young person to reflect on their behaviour.

### *Procedures to Minimise the Risk of Peer on Peer Abuse*

It is important to develop appropriate strategies in order to prevent the issue of peer on peer abuse rather than manage the issues in a reactive way.

Firstly, and most importantly is recognition that peer on peer abuse can and will occur on any site even with the most stringent of policies and support mechanisms. It is important to continue to recognise and manage such risks and learn how to improve and move forward with strategies in supporting young people to talk about any issues and through sharing information with all staff.

This can be supported by ensuring that the school has an open environment where young people feel safe to share information about anything that is upsetting or worrying them. This can be strengthened through a strong and positive PHSE/SMSC curriculum that tackles such issues as prejudiced behaviour and gives children an open forum to talk things through rather than seek one on one opportunities to be harmful to one another.

To enable such an open and honest environment it is necessary to ensure the whole workforce feels confident and enabled to talk about issues and challenge perceptions of young people, including use of inappropriate language and behaviour towards one another. In order to create such an environment, it may be necessary for whole staff training and CPD around abusive behaviours and talking to young people in a way that continues to create an open and honest environment without prejudice. Staff must not dismiss issues as 'banter' or 'growing up' or compare them to their own experiences of childhood. Staff should consider each issue and each individual in their own right before taking action. If staff minimise the concerns raised it may result in a young person seeking no further help or advice.

It is important that 'signposting' is available to young people in the event that they don't feel confident raising an issue to staff or a peer. This might include a resource board with support services on a wide range of issues so that young people can seek their own solutions should they wish to. In the same way external services or support programmes could be brought in to talk to young people about specific issues in support of the prevention of peer on peer abuse.



It is useful to ensure that young people are part of changing their circumstances and that of the procedures within schools. Having a school council and pupil voice and encouraging young people to support changes and develop 'rules of acceptable behaviour' helps to create a positive ethos in school and one where all young people understand the boundaries of behaviour before it becomes abusive.

### **Sexual Violence and Sexual Harassment between Children in School**

Sexual violence and sexual harassment can occur between two children of **any** age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that **all** victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up
- not tolerating or dismissing sexual violence or sexual harassment as "banter", "part of growing up", "just having a laugh" or "boys being boys"
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

#### *Sexual Violence*

It is important that school staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 such as rape, assault by penetration, sexual assault.

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

#### *Sexual Harassment*

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - non-consensual sharing of sexual images and videos
  - sexualised online bullying

- unwanted sexual comments and messages, including, on social media
- sexual exploitation; coercion and threats

The initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

If staff have a concern about a child or a child makes a report to them, they should follow the referral process as set out in Section D. As is always the case, if staff are in any doubt as to what to do they should speak to the Designated Safeguarding Lead (or a deputy).

### **Upskirting**

The Voyeurism (Offences) Act, which is commonly known as the Upskirting Act, came into force on 12 April 2019. 'Upskirting' is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and/or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender, can be a victim.

### **The Response to a Report of Sexual Violence or Sexual Harassment**

The initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

If staff have a concern about a child or a child makes a report to them, they should follow the referral process as set out above. As is always the case, if staff are in any doubt as to what to do they should speak to the Designated Safeguarding Lead (or a deputy).

### **Children going Missing from Education**

Children missing from education, particularly persistently, can act as a vital warning sign of a range of safeguarding issues including neglect, sexual abuse and child sexual and criminal exploitation. It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage.

It is important the school response to children missing from education supports identifying such abuse and also helps prevent the risk of them going missing in the future. This includes when problems are first emerging but also where children are already known to local authority children's social care and need a social worker (such as on a child in need or child protection plan, or as a looked after child), where going missing from education may increase known safeguarding risks within the family or in the community.

The school is under a legal duty to deal with children who miss schooling in these circumstances, particularly on repeat occasions and for those children who leave school without clear indications of where they will be continuing their education. The school will carry out daily registration and all absences will be dealt with in accordance with the school's Attendance Policy. This policy covers those instances where:

- there is a repeated pattern of absence
- the reason for absence is unclear or unexplained
- a member of staff has concerns about the nature of a pupil's absence

In these instances the school's Designated Safeguarding Lead (DSL, or the Deputy DSL), should record the welfare concerns and any details in the Safeguarding Log. This is kept separate from the child's other records.

When a pupil leaves the school, the school will make contact with the receiving school to ensure the child is registered at the school and has started to attend. If the school has welfare concerns, the DSL will forward the appropriate records to the receiving school.

When a pupil leaves the school without clear indication of a receiving school, the school will contact the Local Authority Safeguarding Children Board to advise them of the situation and to start their tracking procedures. In cases of serious concern the DSL will contact the Prevent helpline, in line with the Safeguarding Policy and Procedures, for further advice. Further information and support, includes:

- schools' duties regarding children missing education, including information schools **must** provide to the local authority when removing a child from the school roll at standard and non-standard transition points can be found in the Department's statutory guidance: [Children Missing Education](#).
- general information and advice for schools can be found in the Government's [Missing Children and Adults Strategy](#).

### **Elective Home Education (ELE)**

Many home educated children have an overwhelmingly positive learning experience. We would expect the parents' decision to home educate to be made with their child's best education at the heart of the decision. However, this is not the case for all, and home education can mean some children are less visible to the services that are there to keep them safe and supported in line with their needs.

From September 2016 the Education (Pupil Registration) (England) Regulations 2006 were amended so that schools must inform their LA of all deletions from their admission register when a child is taken off roll.

Where a parent/carers has expressed their intention to remove a child from school with a view to educating at home, we recommend that LAs, schools, and other key professionals work together to coordinate a meeting with parents/carers where possible. Ideally, this would be before a final decision has been made, to ensure the parents/carers have considered what is in the best interests of each child. This is particularly important where a child has SEND, is vulnerable, and/or has a social worker.

DfE guidance for local authorities on Elective home education sets out the role and responsibilities of LAs and their powers to engage with parents in relation to EHE. Although this is primarily aimed at LAs, schools should also be familiar with this guidance.

### **Children with Special Educational Needs and Disabilities or Physical Health Issues**

Children with special educational needs or disabilities (SEND) can face additional safeguarding challenges. Additional barriers can exist when recognising abuse and neglect in this group of children including:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's condition without further exploration;
- these children can be more prone to peer group isolation or bullying (including prejudice-based bullying) than other children;
- the potential for children with SEND or certain medical conditions being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs;
- communication barriers and difficulties in managing or reporting these challenges.

**All** staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking, alcohol abuse, deliberately missing education and sexting (also known as youth produced sexual imagery) put children in danger.

Safeguarding incidents and/or behaviours can be associated with factors outside the school and/or can occur between children outside the school. All staff, but especially the Designated Safeguarding Lead (or Deputy) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare.

Children's social care assessments should consider such factors so it is important that schools provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and the full context of any abuse. Additional information regarding contextual safeguarding is available here: [Contextual Safeguarding](#) and in the DfE's [SEND Code of Practice 0 to 25 and Supporting Pupils at School with Medical Conditions](#).

### **Looked After Children and previously Looked After Children**

The most common reason for children becoming looked after is as a result of abuse and/or neglect. The school aims to ensure that staff have the skills, knowledge and understanding necessary to keep looked after children safe.

In particular, they should have the information they need in relation to a child's looked after legal status (whether they are looked after under voluntary arrangements with consent of parents or on an interim or full care order) and the child's contact arrangements with birth parents or those with parental responsibility. They should also have information about the child's care arrangements and the levels of authority delegated to the carer by the authority looking after him/her. The Designated Safeguarding Lead should have details of the child's social worker and the name of the virtual school head in the authority that looks after the child.

A previously looked after child potentially remains vulnerable and all staff should have the skills, knowledge and understanding to keep previously looked after children safe. When dealing with looked after children and previously looked after children, it is important that all agencies work together and prompt action is taken when necessary to safeguard these children, who are a particularly vulnerable group.

### **The Designated Teacher**

Maintained schools and academies **must** appoint a designated teacher and should work with local authorities to promote the educational achievement of registered pupils who are looked after. With the commencement of sections 4 to 6 of the Children and Social Work Act 2017, designated teachers have responsibility for promoting the educational achievement of children who have left care through adoption, special guardianship or child arrangement orders or who were adopted from state care outside England and Wales. The designated teacher **must** have appropriate training and the relevant qualifications and experience.<sup>46</sup> In other schools, an appropriately trained teacher should take the lead.

Statutory guidance contains further information on [The Role and Responsibilities of the Designated Teacher](#).

### **Virtual School Heads**

Virtual school heads manage pupil premium plus for looked after children; they receive this funding based on the latest published number of children looked after by the local authority. In maintained schools and academies, the designated teacher should work with the virtual school head to discuss how funding can be best used to support the progress of looked after children in the school and meet the needs identified in the child's personal education plan. The designated teacher should also work with the virtual school head to promote the educational achievement of previously looked after children. In other schools, an appropriately trained teacher should take the lead.

As with designated teachers, following the commencement of sections 4 to 6 of the Children and Social Work Act 2017, virtual school heads have responsibilities towards children who have left care through adoption, special guardianship, or child arrangement orders or who were adopted from state care outside England or Wales. Their primary role for this group will be the provision of information and advice to relevant parties.

Statutory guidance on [Promoting the Education of Looked After Children](#) contains further information on the roles and responsibilities of virtual school heads.

## **Care Leavers**

Local authorities have on-going responsibilities to the children who cease to be looked after and become care leavers. That includes keeping in touch with them, preparing an assessment of their needs and appointing a personal adviser who develops a pathway plan with the young person. This plan describes how the local authority will support the care leaver to participate in education or training. Designated Safeguarding Leads should therefore have details of the local authority Personal Advisor appointed to guide and support the care leaver and should liaise with them as necessary regarding any issues of concern affecting the care leaver.

## **Children and the Court System**

Children are sometimes required to give evidence in criminal courts, either for crimes committed against them or for crimes they have witnessed. There are two age appropriate guides to support children 5-11-year olds and 12-17 year olds.

The guides explain each step of the process, support and special measures that are available. There are diagrams illustrating the courtroom structure and the use of video links is explained.

Making child arrangements via the family courts following separation can be stressful and entrench conflict in families. This can be stressful for children. The Ministry of Justice has launched an online child arrangements information tool with clear and concise information on the dispute resolution service. This may be useful for some parents and carers.

## **Children with family members in prison**

Approximately 200,000 children have a parent sent to prison each year. These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health. The National Information Centre on Children of Offenders, [NICCO](#), provides information designed to support professionals working with offenders and their children, to help mitigate negative consequences for those children.

## **Children requiring Mental Health support**

Schools have an important role to play in supporting the mental health and wellbeing of their pupils.

Mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Governing bodies and proprietors should ensure they have clear systems and processes in place for identifying possible mental health problems, including routes to escalate and clear referral and accountability systems.

The Department has published advice and guidance on [Preventing and Tackling Bullying, Mental Health and Behaviour in Schools](#). [The Mental Health and Behaviour in Schools guidance](#) sets out how schools can help prevent mental health problems by promoting resilience as part of an integrated, whole school approach to social and emotional wellbeing, which is tailored to the needs of their pupils.

Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Education staff, however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one.

A 'senior mental health lead' role is not currently mandatory, and different senior leads will inevitably have different levels of knowledge and skills to promote wellbeing and mental health, and different responsibilities, as roles are locally defined to fit in with other relevant roles and responsibilities. The schools has been training staff in how to support children with mental health issues, and there will be at least one member of the Senior Leadership Team with the relevant training.

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences can impact on their mental health, behaviour and education.

Public Health England has produced a range of resources to support secondary school teachers to promote positive health, wellbeing and resilience among children, including:

- [Promoting children and young people's emotional health and wellbeing](#)
- [Rise Above](#) (for links to all materials and lesson plans)

Its resources include social media, forming positive relationships, smoking and alcohol. The Department has also published, '[Every interaction matters](#)', a pre-recorded webinar which provides staff with a simple framework for promoting wellbeing, resilience, and mental health. This sits alongside the [Wellbeing for education recovery](#) program content, which covers issues such as bereavement, loss, anxiety, stress and trauma.

If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following the child protection policy and speaking to the Designated Safeguarding Lead or a Deputy.

### **Child Abduction**

Child abduction is the unauthorised removal or retention of a minor from a parent or anyone with legal responsibility for the child. Child abduction can be committed by parents or other family members; by people known but not related to the victim (such as neighbours, friends and acquaintances); and by strangers.

Other community safety incidents in the vicinity of a school can raise concerns amongst children and parents, for example, people loitering nearby or unknown adults engaging children in conversation.

As children get older and are granted more independence (for example, as they start walking to school on their own) it is important they are given practical advice on how to keep themselves safe. Many schools provide outdoor-safety lessons run by teachers or by local police staff.

It is important that lessons focus on building children's confidence and abilities rather than simply warning them about all strangers. Further information is available at: [www.actionagainstabduction.org](http://www.actionagainstabduction.org) and [www.clevernevergoes.org](http://www.clevernevergoes.org).

### **Modern Slavery**

Modern slavery encompasses human trafficking and slavery, servitude and forced or compulsory labour. Exploitation can take many forms, including: sexual exploitation, forced labour, slavery, servitude, forced criminality and the removal of organs.

Further information on the signs that someone may be a victim of modern slavery, the support available to victims and how to refer them to the NRM is available in the Modern Slavery Statutory Guidance. Modern slavery: how to identify and support victims - GOV.UK ([www.gov.uk](http://www.gov.uk))

### **Cybercrime**

Cybercrime is criminal activity committed using computers and/or the internet. It is broadly categorised as either 'cyber-enabled' (crimes that can happen off-line but are enabled at scale and at speed on-line) or 'cyber dependent' (crimes that can be committed only by using a computer). Cyber-dependent crimes include;

- unauthorised access to computers (illegal 'hacking'), for example accessing a school's computer network to look for test paper answers or change grades awarded;
- denial of Service (Dos or DDoS) attacks or 'booting'. These are attempts to make a computer, network or website unavailable by overwhelming it with internet traffic from multiple sources;
- making, supplying or obtaining malware (malicious software) such as viruses, spyware, ransomware, botnets and Remote Access Trojans with the intent to commit further offence, including those above.

Children with particular skill and interest in computing and technology may inadvertently or deliberately stray into cyber-dependent crime.

If there are concerns about a child in this area, the designated safeguarding lead (or a deputy), should consider referring into the **Cyber Choices** programme. This is a nationwide police programme supported by the Home Office and led by the National Crime Agency, working with regional and local policing. It aims to intervene where young people are at risk of committing, or being drawn into, low level cyber-dependent offences and divert them to a more positive use of their skills and interests.

Note that **Cyber Choices** does not currently cover 'cyber-enabled' crime such as fraud, purchasing of illegal drugs on-line and child sexual abuse and exploitation, nor other areas of concern such as on-line bullying or general on-line safety.

Additional advice can be found at: [Cyber Choices](#), ['NPCC- When to call the Police'](#) and [National Cyber Security Centre - NCSC.GOV.UK](#)

### **Additional information and support**

Departmental advice [What to Do if You Are Worried a Child is Being Abused - Advice for Practitioners](#) provides more information on understanding and identifying abuse and neglect. Examples of potential indicators of abuse and neglect are highlighted throughout the advice and will be particularly helpful for school staff. The [NSPCC](#) website also provides useful additional information on abuse and neglect and what to look out for.



## **Safeguarding Children Policy: Section C**

### **Dealing with Allegations of Abuse against Staff**

This policy outlines school procedure for managing cases of allegations of abuse by a member of staff. It refers to Part 4 of the latest version of 'Keeping Children Safe in Education' (KCSIE).

This part of the safeguarding guidance has two sections covering the two levels of allegation/concern:

1. Allegations that may meet the harms threshold
2. Allegation/concerns that do not meet the harms threshold – referred to as 'low level concerns'.

#### **Section 1: Allegations that may meet the harms threshold**

This section is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school.

This guidance should be followed where it is alleged that anyone working in the school that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The last bullet point above includes behaviour that may have happened outside of school, which might make an individual unsuitable to work with children. This is known as transferable risk.

Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

It is important that policies and procedures make clear to whom allegations should be reported and that this should be done without delay. A "case manager" will lead any investigation. This will be either the Head or, where the Head is the subject of an allegation, the proprietor.

This policy relates to members of staff who are currently working in school regardless of whether the school is where the alleged abuse took place. Allegations against a teacher who is no longer teaching will be referred to the police. Historical allegations of abuse will also be referred to the police.

As an employer, the Group Managing Principal has a duty of care to its employees. The Group Managing Principal will ensure there is effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

#### **The Initial Response to an Allegation**

Where the school identifies a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children's social care and as appropriate the police immediately.



There are two aspects to consider when an allegation is made:

1. **Looking after the welfare of the child** - the designated safeguarding lead is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care as described in Part one of this guidance.
2. **Investigating and supporting the person subject to the allegation** - the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

When dealing with allegations, schools should:

- apply common sense and judgement;
- deal with allegations quickly, fairly and consistently;
- provide effective protection for the child and support the person subject to the allegation.

Schools should ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made. Before contacting the LADO, schools should conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. For example:

- was the individual in the school at the time of the allegations?
- did the individual, or could they have, come into contact with the child?
- are there any witnesses?
- was there any CCTV footage?

These are just a sample of example questions. Schools should be familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service.

When to inform the individual of the allegation should be considered carefully on a case by case basis, with guidance as required from the LADO, and if appropriate children's social care and the police.

If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or children's social care will be convened in accordance with the statutory guidance [Working Together to Safeguard Children](#). If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO should take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour. Further information about the use of reasonable force can be found on [GOV.UK](#).

Where the case manager is concerned about the welfare of other children in the community or the member of staff's family, they should discuss these concerns with the designated safeguarding lead and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to children's social care.

Where it is clear that an investigation by the police or children's social care is unnecessary, or the strategy discussion or initial assessment decides that is the case, the LADO should discuss the next steps with the case manager.

### **No further action**

Where the initial discussion leads to no further action, the case manager and the LADO should:

- record the decision and justification for it;
- agree on what information should be put in writing to the individual concerned and by whom.

### **Further enquiries**

Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager should discuss how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's staff.

Where there is a lack of appropriate resource within the school, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator. Many local authorities provide for an independent investigation of allegations for schools that are maintained by the local authority, often as part of the HR/personnel services that schools can buy in from the authority. It is important that local authorities ensure that schools in that area have access to an affordable facility for independent investigation where that is appropriate. Independent schools should also ensure they secure the services of a person who is independent of the school.

The case manager should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Wherever possible, the first review should take place no later than four weeks after the initial assessment. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the review meeting if the investigation continues. The LADO will provide advice and guidance to schools when considering allegations against adults working with children. The LADO's role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, children's social care, the school, or a combination of these.

### **Supply teachers and all contracted staff**

In some circumstances schools will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, supply teachers or contracted staff provided by an employment agency or business.

Whilst schools are not the employer of agency supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. Governing bodies and proprietors should discuss with the supply agency or agencies where the supply teacher is working across a number of schools, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care. The school will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school, are under the supervision, direction and control of the governing body or proprietor when working in the school. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the school during the investigation.

When using a supply agency, schools should inform the agency of its process for managing allegations but also take account of the agency's policies and their duty to refer to the DBS as personnel suppliers. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

## Suspension

Suspension should not be an automatic response when an allegation is reported. All options to avoid suspension should be considered prior to taking that step. The case manager **must** consider carefully whether the circumstances warrant suspension from contact with children at the school, or until the allegation is resolved. It should be considered only in cases where there is cause to suspect a child or other children at the school is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. If in doubt, the case manager should seek views from their personnel adviser and the LADO, as well as the police and children's social care where they have been involved.

Where a school is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at a school, they should take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual **must not** carry out teaching work. School should have clear policies on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

In many cases, an inquiry can be resolved quickly and without the need for suspension. The employer will decide on whether the individual should continue to work at the school, based on consultation with the LADO who will provide relevant information they have received from the police or children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case. The case manager should be as inventive as possible to avoid suspension.

Based on a risk analysis drawn up with the LADO, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the child or children concerned and takes accounts of their views. It should be made making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school.

These alternatives allow time for an informed decision regarding the suspension, this will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be given within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or a volunteer, although the case manager should give appropriate weight to their views. The power to suspend is vested in the governing body or proprietor who are the employers. However,

where a strategy discussion, or initial assessment, concludes that there should be enquiries by the children's social care, and/or an investigation by the police, the LADO should canvass police and children's social care for views about whether the accused member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment about whether the person poses a risk of harm to children.

## **Supporting those involved**

### **Duty of care**

The welfare of a child is paramount (how children should be protected and supported is set out throughout this guidance) and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. It is important that an employer offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

Employers have a duty of care to their employees. They should:

- manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary;
- advise the individual to contact their trade union representative, or a colleague for support;
- appoint a named representative to keep the person informed about progress of the case;
- provide access to counselling or medical advice where appropriate;
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

Parents or carers of the child or children involved should be:

- formally told about the allegation as soon as possible. The case manager should consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member;
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002.

## **Confidentiality and Information sharing**

In an allegations management meeting or during the initial assessment of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the school should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delaying the conclusion of their investigation or any court case.

Children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

The school **must** make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 amended the Education Act 2002, to introduce reporting restrictions. These provisions made it an offence (except in the limited circumstance

expressly permitted by the legislation), for any person to publish any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a child from the same school (where that identification would identify the teacher as the subject of the allegation).

The reporting restrictions apply until:

- the point that the accused person is charged with a relevant offence; or
- the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.

The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a court lifts the reporting restrictions in response to a request to do so.

The legislation prevents the “publication” of material by any person that may lead to the identification of the teacher who is the subject of the allegation. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public). In circumstances where schools need to make parents aware about an allegation, they should make parents and others aware that there are restrictions on publishing information.

In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In exceptional cases where the police wish to depart from that rule, for example an appeal to trace a suspect, they **must** apply to a magistrates’ court to request that reporting restrictions be lifted.

The case manager should take advice from the LADO, police and children’s social care to agree the following:

- who needs to know and exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when, it should arise.

### **Allegation outcomes**

The definitions that should be used when schools and colleges determine the outcome of an allegation are set out below:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence; or,
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Ultimately the options open to the school depend on the nature and circumstances of the allegations and the evidence and information available. This will range from taking no further action, to dismissal or a decision not to use the person’s services in future. Suspension should not be the default position, an individual should be suspended only if there is no reasonable alternative. If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services; or
- the employer ceases to use the person’s services.

The employer has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. In the case of a member of teaching staff at a school, the case manager **must** consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

### **Following a criminal investigation or a prosecution**

The police should inform the LADO and the employer immediately when:

- a criminal investigation and any subsequent trial is complete,
- it is decided to close an investigation without charge, or
- it is decided not to continue to prosecute after the person has been charged.

In those circumstances, during the joint assessment meeting the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care should also inform that decision. The options will depend on the circumstances of the case and the consideration should take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### **Unsubstantiated, unfounded, false or malicious allegations**

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate. If a report is shown to be deliberately invented or malicious, the school should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

### **Returning to work**

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Guidance and advice are usually provided via HR or the LADO. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

### **Managing the situation and exit arrangements**

#### ***Resignations and 'settlement agreements'***

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, should **not** be used, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or school investigation where that is appropriate.

Schools should not cease their investigations if the person leaves, resigns or ceases to provide their services. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate.

Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, should continue even if the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers. This is particularly important where the person moves into another position involving working with children.

It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances schools and colleges sometimes use settlement agreements to end the employment relationship on agreed terms, but not where there is an allegation that the individual poses a risk to children.

Where a settlement/compromise agreement is used, schools and colleges should not let it prevent the employer from:

- fulfilling their legal duty to refer cases to the DBS where the referral criteria are met. Non-compliance of this duty is a criminal offence;
- providing a reference to potential employers when requested;
- considering whether to make a referral to the Teaching Regulations Agency where the criteria are met.

### **Record keeping**

Details of allegations following an investigation that are found to have been malicious or false should be removed from personnel records, unless the individual gives their consent for retention of the information. However, for all other allegations, it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, and decisions reached and the outcome as categorised above;
- a copy provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

Schools have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the [IICSA website](#)). All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention. This can be found on the ICO website: [here](#).

## References

Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference. Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

## Learning lessons

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures to help prevent similar events in the future. This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

For all other cases the case manager should consider the facts and determine whether any improvements can be made.

## Non recent allegations

Where an adult makes an allegation to a school that they were abused as a child, the individual should be advised to report the allegation to the police. Non recent allegations made by a child, should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police. Abuse can be reported no matter how long ago it happened.

## Further information

See the [College of Policing: Engagement, Communication and Media relations](#).

## **Section 2: Concerns that do not meet the harm Threshold**

Concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. It is important that schools have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children.

## Low level concerns

As part of their whole school approach to safeguarding, schools should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

Creating a culture in which **all** concerns about adults (including allegations that do not meet the harms threshold (see Part Four - Section one)) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable schools to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

## ***What is a low level concern?***

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school may have acted in a way that:



- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work,
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

It is crucial that any such concerns, including those which do not meet the allegation/harm threshold (see KCSIE Part Four - Section one), are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

### ***Staff code of conduct and safeguarding policies***

As good practice, proprietors should set out their low-level concerns policy within their staff code of conduct and safeguarding policies. They should make it clear what a low-level concern is and the importance of sharing low-level concerns, and an explanation of what the purpose of the policy is – i.e. to create and embed a culture of openness, trust and transparency in which the school's values and expected behaviour which are set out in the staff code of conduct are constantly lived, monitored and reinforced by all staff.

As set out in Part two of this guidance, the proprietor should ensure their staff code of conduct, behaviour policies and safeguarding policies and procedures are implemented effectively, and ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school approach to dealing with **any** concerns.

Schools can achieve the purpose of their low-level concerns policy by, for example:

- ensuring their staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;
- empowering staff to share any low-level safeguarding concerns with the designated safeguarding lead (or a deputy);
- addressing unprofessional behaviour and supporting the individual to correct it at an early stage;
- providing a responsive, sensitive and proportionate handling of such concerns when they are raised;
- helping identify any weakness in the school or colleges safeguarding system.

### ***Sharing low-level concerns***

Low-level concerns about a member of staff should be reported to the designated safeguarding lead (or deputy). Where a low-level concern is raised about the designated safeguarding lead, it should be shared with the headteacher.

Schools should ensure they create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in a school, that concern should be shared with the designated safeguarding lead (or deputy), and/or headteacher, and recorded in accordance with the school's low-level concern/staff code of conduct policy, and their employer notified about the concern, so that any potential patterns of inappropriate behaviour can be identified.

### ***Recording low-level concerns***

All low-level concerns should be recorded in writing by the designated safeguarding lead (or deputy). The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

Schools can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues within the school that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again.

It is for schools to decide how long they retain such information, but it is recommended that it is retained at least until the individual leaves their employment.

### ***References***

Part three of this guidance is clear that schools should only provide substantiated safeguarding allegations in references. Low level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.

### ***Responding to low-level concerns***

Concerns about safeguarding should be reported to the designated safeguarding lead or their deputy. The school or college policy should set out the procedure for responding to reports of low-level concerns. If the concern has been raised via a third party, the designated safeguarding lead should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken.

A good low level concerns policy will simply be a reflection and extension of the school's or college's wider staff behaviour policy/code of conduct.

More detailed guidance and case studies on low-level concerns can be found in [Developing and implementing a low-level concerns policy \(farrer.co.uk\)](https://www.farrer.co.uk/resources/developing-and-implementing-a-low-level-concerns-policy/)



## **Safeguarding Children Policy: Section D**

### **Dealing with Child on Child Sexual Violence/Harassment**

#### **Introduction**

This part of the statutory guidance is about how schools should **respond to all reports and concerns** of child on child sexual violence and sexual harassment, including those that have happened outside of the school premises, and or online.

Sexual violence and sexual harassment can occur between two children of **any age and sex**, from primary through to secondary stage and into colleges. It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable. All staff working with children are advised to maintain an attitude of **‘it could happen here’**.

Addressing inappropriate behaviour (even if it appears to be relatively innocuous) **can** be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.

Children who are victims of sexual violence and sexual harassment wherever it happens, will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school or college. Schools should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school, including intimate personal relationships.

Whilst **any** report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys.

It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report

Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with special educational needs and disabilities (SEND) and LGBT children are at greater risk.

Staff should be aware of the importance of:

- challenging inappropriate behaviours;
- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”;
- challenging physical behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

You should read KCSIE Part five alongside the Departmental advice: [Sexual Violence and Sexual Harassment Between Children in Schools and Colleges it contains](#) further detailed information on:

- what sexual violence and sexual harassment constitutes,
- important context to be aware of, including; what is consent, power imbalances, and developmental stages,
- harmful sexual behaviour (HSB), including that a child displaying HSB may be an indication that they are a victim of abuse themselves,

- related legal responsibilities for schools,
- advice on a whole school approach to preventing child on child sexual violence and sexual harassment,
- more detailed advice on responding to reports of sexual violence and sexual harassment, including safeguarding and supporting both the victim(s) and alleged perpetrator(s).

## **What is sexual violence and sexual harassment?**

### **Sexual violence**

It is important that school staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way and that it can happen both inside and outside of school. When referring to sexual violence we are referring to sexual violence offences under the Sexual Offences Act 2003 as described below:

- **Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents. (Schools should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent, or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault.)

### ***Causing someone to engage in sexual activity without consent***

A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (This could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.)

### ***What is consent?***

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

Further information about consent can be found here: [Rape Crisis England & Wales - Sexual consent:](#)

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16;
- sexual intercourse without consent is rape.

### **Sexual harassment**

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline and both inside and outside of school. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes

(schools should consider when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature;

- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - consensual and non-consensual sharing of nudes and semi-nudes images and/or videos. As set out in [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) (which provides detailed advice for schools and colleges) taking and sharing nude photographs of U18s is a criminal offence;
  - sharing of unwanted explicit content;
  - upskirting (is a criminal offence);
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media;
  - sexual exploitation; coercion and threats.

### **Responding to reports of sexual violence and sexual harassment**

Systems should be in place (and they should be well promoted, easily understood and easily accessible) for children to confidently report abuse, knowing their concerns will be treated seriously.

Schools not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Pre- planning, effective training and effective policies will provide schools and colleges with the foundation for a calm, considered and appropriate response to any reports. Proprietors should ensure that the school contributes to multi-agency working in line with statutory guidance [Working Together to Safeguard Children](#).

This part of the guidance does not attempt to provide (nor would it be possible to provide) detailed guidance on what to do in any or every particular case. The guidance provides effective safeguarding practice and principles for schools to consider in their decision-making process.

Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

There is support available for schools. Annex A in the [Sexual Violence and Sexual Harassment Between Children in Schools and Colleges](#) advice provides detailed information and links to resources.

### **The immediate response to a report**

#### **Responding to the report**

It is important to note that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report or a member of school or college staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. If staff have **any** concerns about a child's welfare, they should act on them immediately rather than wait to be told.

The school's initial response to a report from a child is incredibly important. How the school responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

It is essential that **all** victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward and that they will be supported and kept safe. Abuse that occurs online or outside of the school or college should not be downplayed and should be treated equally seriously. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report or their experience minimised.

All staff should be trained to manage a report. Local policies (and training) will dictate exactly how reports should be managed. However, effective safeguarding practice includes:

- if possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy). However, this might not always be possible;
- where the report includes an online element, being aware of [searching screening and confiscation](#) advice (for schools) and [UKCIS Sharing nudes and semi-nudes: advice for education settings working with children and young people](#). **The key consideration is for staff not to view or forward illegal images of a child.** The highlighted advice provides more details on what to do when viewing an image is unavoidable. In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection;
- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead or children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to;
- recognising that a child is likely to disclose to someone they trust: this could be **anyone** on the school staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child;
- recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse;
- keeping in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, sex, ethnicity and/or sexual orientation;
- listening carefully to the child, reflecting back, using the child's language, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc. It is important to note that whilst leading questions should be avoided, staff can ask children if they have been harmed and what the nature of that harm was;
- considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, **it is essential a written record is made**;
- only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools and colleges should be aware that notes of such reports could become part of a statutory assessment by children's social care and/or part of a criminal investigation; and informing the designated safeguarding lead (or deputy), as soon as practically possible, if the designated safeguarding lead (or deputy) is not involved in the initial report.

### **Risk assessment**

When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:

- the victim, especially their protection and support;
- whether there may have been other victims,
- the alleged perpetrator(s); and

- all the other children, (and, if appropriate, adult students and staff) at the school, especially any actions that are appropriate to protect them from the alleged perpetrator(s), or from future harms.

Risk assessments should be recorded (written or electronic) and should be kept under review. At all times, the school or college should be actively considering the risks posed to all their pupils and students and put adequate measures in place to protect them and keep them safe.

The designated safeguarding lead (or a deputy) should ensure they are engaging with children's social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The above school risk assessment is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school's approach to supporting and protecting their pupils and students and updating their own risk assessment.

### **Action following a report of sexual violence and/or sexual harassment**

#### ***What to consider***

As set out above, sexual violence and sexual abuse can happen anywhere, and all staff working with children are advised to maintain an attitude of '**it could happen here**'. Schools should be aware of, and respond appropriately to **all** reports and concerns about sexual violence and/or sexual harassment both online and offline, including those that have happened outside of the school. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the school's initial response. Important considerations will include:

- the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the school's duty and responsibilities to protect other children;
- the nature of the alleged incident(s), including whether a crime may have been committed and/or whether HSB has been displayed;
- the ages of the children involved;
- the developmental stages of the children involved;
- any power imbalance between the children. For example, is the alleged perpetrator(s) significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?;
- if the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature);
- that sexual violence and sexual harassment can take place within intimate personal relationships between peers;
- are there ongoing risks to the victim, other children, adult students or school staff;
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools should follow general safeguarding principles as set out throughout this guidance. **Immediate** consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted).

The starting point regarding any report should always be that there is a zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and it will not be tolerated. It is especially important not to pass off any sexual violence or sexual harassment as "banter", "just having a laugh", "part of growing up" or "boys being boys" as this can lead to a culture of unacceptable behaviours and an unsafe environment for children.

### **Children sharing a classroom: Initial Considerations when the report is made**

Any report of sexual violence is likely to be traumatic for the victim. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

However, reports of rape and assault by penetration are likely to be especially difficult with regard to the victim, and close proximity with the alleged perpetrator(s) is likely to be especially distressing. Whilst the school establishes the facts of the case and starts the process of liaising with children's social care and the police, the alleged perpetrator(s) **should** be removed from any classes they share with the victim. The school should also **carefully** consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school premises (including during any before or after school-based activities) and on transport to and from the school, where appropriate. These actions are in the best interests of all children involved and should not be perceived to be a judgment on the guilt of the alleged perpetrator(s).

For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator(s) and considerations regarding shared classes, sharing school premises and school transport, should be considered immediately.

In all cases, the initial report should be carefully evaluated. The wishes of the victim, the nature of the allegations and the protection of all children in the school will be especially important when considering any immediate actions.

### **Options to manage the report**

It is important that schools consider every report on a case-by-case basis as per paragraph 448. When to inform the alleged perpetrator(s) will be a decision that should be carefully considered. Where a report is going to be made to children's social care and/or the police, then, as a general rule, the school should speak to the relevant agency and discuss next steps and how the alleged perpetrator(s) will be informed of the allegations. However, as per general safeguarding principles, this does not and should not stop the school taking immediate action to safeguard their children, where required.

There are four likely scenarios for schools to consider when managing any reports of sexual violence and/or sexual harassment. It will be important in all scenarios that decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt. It is particularly important to look out for potential patterns of concerning, problematic or inappropriate behaviour. Where a pattern is identified, the school should decide on a course of action. Consideration should be given to whether there are wider cultural issues within the school that enabled the inappropriate behaviour to occur and where appropriate extra teaching time and/or staff training could be delivered to minimise the risk of it happening again. The four scenarios are:

#### **1. Manage internally**

- In some cases of **sexual harassment**, for example, one-off incidents, the school may take the view that the children concerned are not in need of early help or that referrals need to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.
- Whatever the response, it should be underpinned by the principle that there is a zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

#### **2. Early help**

- In line with 1 above, the school may decide that the children involved do not require referral to statutory services but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent



HSB and may prevent escalation of sexual violence. It is particularly important that the designated safeguarding lead (and their deputies) know what the Early Help process is and how and where to access support.

- More information on Early Help is set out in Part one of this guidance with full details of the early help process in Chapter one of [Working Together to Safeguard Children](#).
- Multi-agency early help will work best when placed alongside strong school or college policies, preventative education and engagement with parents and carers.
- Early help and the option to manage a report internally do not need to be mutually exclusive: a school could manage internally and seek early help for both the victim and perpetrator(s).
- Whatever the response, it should be under-pinned by the principle that there is zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

### **3. Referrals to children's social care**

- Where a child has been harmed, is at risk of harm, or is in immediate danger, schools and colleges should make a referral to local children's social care.
- At the point of referral to children's social care, schools will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of children's social care.
- If a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.
- Where statutory assessments are appropriate, the school (especially the designated safeguarding lead or a deputy) should be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children that require support.
- Schools should not wait for the outcome (or even the start) of a children's social care investigation before protecting the victim and other children in the school. It will be important for the designated safeguarding lead (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the school or college takes do not jeopardise a statutory investigation. The risk assessment will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator(s), any other children directly involved in the safeguarding report and all children at the school should be **immediate**.
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The school (generally led by the designated safeguarding lead or a deputy) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.
- Whatever the response, it should be under-pinned by the principle that there is a zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- **All concerns**, discussions, decisions and reasons for decisions should be recorded (written or electronic).

### **4. Reporting to the Police**

- **Any report** to the police will generally be in parallel with a referral to children's social care (as above).
- It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach. The following advice may help schools decide

when to engage the Police and what to expect of them when they do: [When to call the police](#).

- Where a report has been made to the police, the school should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.
- At this stage, schools will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school is supporting the child in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies.
- All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements.
- In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school continue to engage with specialist support for the victim and alleged perpetrator(s) as required.
- Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school take do not jeopardise the police investigation.
- If schools have questions about the investigation, they should ask the police. The police will help and support the school as much as they can (within the constraints of any legal restrictions).
- Whatever the response, it should be under-pinned by the principle that there is a zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

### **Considering bail conditions**

- The police will consider what action to take to manage the assessed risk of harm. This could involve the use of police bail with conditions, prior to a suspect appearing in court, or court bail with or without conditions after the first appearance.
- Alternatively, the person suspected of an offence could be 'released under investigation' (RUI). People released under RUI can have no conditions attached to their release from custody and it is possible for a person on bail also to have no conditions.
- Whatever arrangements are in place, the school or college will need to consider what additional measures may be necessary to manage any assessed risk of harm that may arise within their institution.
- Particular regard should be given to: the additional stress and trauma that might be caused to a victim within the institution; the potential for the suspected person to intimidate the victim or a witness; the need to ensure that any risk management measures strike a balance between management of risk and the rights of an unconvicted person (e.g. rights to privacy, family life, etc).
- Careful liaison with the police investigators should help to develop a balanced set of arrangements.

### **Managing any delays in the criminal process**

- **There may be delays in any case that is being progressed through the criminal justice system. Schools should not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator(s) and other children in the school. The risk assessment will help inform any decision.**

### **The end of the criminal process**

- If a child is convicted or receives a caution for a sexual offence, the school should update its risk assessment, ensure relevant protections are in place for all the children at the school or college and, if it

has not already, consider any suitable action in line with their behaviour policy. This process should include a review of the necessary actions to keep all parties safe and meet their needs. If the perpetrator(s) remains in the same school or college as the victim, the school or college should be very clear as to their expectations regarding the perpetrator(s) now they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the school or college thinks are reasonable and proportionate with regard to the perpetrator(s)' timetable.

- Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school. It will be important that the school ensure both the victim and perpetrator(s) remain protected, especially from any bullying or harassment (including online).
- Where cases are classified as “no further action” (NFA’d) by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school or college should continue to offer support to the victim and the alleged perpetrator(s) for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated or was withdrawn does not necessarily mean that it was unfounded. Schools should discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator(s) is also likely to require ongoing support for what will have likely been a difficult experience.

### **Unsubstantiated, unfounded, false or malicious reports**

**All** concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children’s social care may be appropriate.

If a report is shown to be deliberately invented or malicious, the school should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

### **Ongoing response**

#### **Safeguarding and supporting the victim**

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the victim.

- The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim’s daily experience as normal as possible, so that the school or college is a safe space for them.
- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Schools should be aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator(s).
- The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.
- Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of
- Sexualised name-calling is likely to be vastly different from that for a report of rape.
- Schools should be aware that sexual assault can result in a range of health needs, including physical, mental, and sexual health problems and unwanted pregnancy. Children and young people that have a health need arising from sexual assault or abuse can access specialist NHS support from a Sexual Assault Referral Centre

- (SARC). SARCs offer confidential and non-judgemental support to victims and survivors of sexual assault and abuse. They provide medical, practical, and emotional care and advice to all children and adults, regardless of when the incident occurred.
- Support can include:
  - Early help and children's social care as set out in Part one of this guidance.
  - Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools to ensure the best possible outcomes for the victim.
  - Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school. Contact details for ChISVAs can be found at [Rape Crisis](#) and [The Survivors Trust](#).
  - Child and adolescent mental health services ([CAMHS](#)) is used as a term for all services that work with children who have difficulties with their emotional or behavioural wellbeing. Services vary depending on local authority. Most CAMHS have their own website, which will have information about access, referrals and contact numbers.
  - The specialist sexual violence sector can provide therapeutic support for children who have experienced sexual violence. Contact [Rape Crisis](#) (England & Wales) or The Survivors Trust for details of local specialist organisations. The [Male Survivors Partnership](#) can provide details of services which specialise in supporting men and boys.
  - [NHS - Help after rape and sexual assault - NHS \(www.nhs.uk\) provides a range of advice, help and support including advice about the risk of pregnancy, sexually transmitted infections \(STI\), reporting to the police and forensics.](#)
  - Rape and sexual assault referral centres services can be found at: [Find Rape and sexual assault referral centres](#). [Sexual assault referral centres \(SARCs\) offer medical, practical and emotional support. They have specially trained doctors, nurses and support workers.](#) If children, young people, or their families are unsure which service to access, they should contact their GP or call the NHS on 111.
  - [Childline](#) provides free and confidential advice for children and young people.
  - [Internet Watch Foundation](#) works internationally to remove child sexual abuse online images and videos and offers a place for the public to report them anonymously.
  - [Childline / IWF: Remove a nude image shared online](#) *Report Remove* is a free tool that allows children to report nude or sexual images and videos of themselves that they think might have been shared online, to see if they can be removed from the internet.

Victims may not talk about the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, schools should ask the victim if they would find it helpful to have a designated trusted adult (for example, their form tutor or designated safeguarding lead) to talk to about their needs. The choice of any such adult should be the victim's (as far as reasonably possible). Schools should respect and support this choice.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. While schools and colleges should avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be because the victim wants to, not because it makes it easier to manage the situation. If required, schools should provide a physical space for victims to withdraw.

It may be necessary for schools to maintain arrangements to protect and support the victim for a long time. Schools should be prepared for this and should work with children's social care and other agencies as required.

It is therefore important that the designated safeguarding lead knows how and where to seek support.

It is important that the school do everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made.

Whilst they should be given all the necessary support to remain in their school or college, if the trauma results in the victim being unable to do this, alternative provision or a move to another school or college should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).

It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file. Information sharing will help support this process.

### **Safeguarding and supporting the alleged perpetrator(s) and children and young people who have displayed harmful sexual behaviour**

Advice about safeguarding and supporting the alleged perpetrators is also set out in departmental advice: [Sexual violence and sexual harassment between children at schools and colleges](#). The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator(s):

- The school will have a difficult balancing act to consider. On one hand, they need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions. Taking disciplinary action and still providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary.
- Consider the age and the developmental stage of the alleged perpetrator(s), the nature of the allegations and frequency of allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. HSB in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials. More information on HSB can be found at paras 18-22 of the detailed advice, [Sexual violence and sexual harassment between children at schools and colleges](#). Advice should be taken, as appropriate, from children's social care, specialist sexual violence services and the police. The NSPCC also provides free and independent advice about HSB: [NSPCC Learning - Protecting children from harmful sexual behaviour](#) and [NSPCC - Harmful sexual behaviour framework](#)
- The Lucy Faithfull Foundation has developed a [HSB toolkit](#), which amongst other things, provides support, advice and information on how to prevent it, links to organisations and helplines, resources about HSB by children, internet safety, sexual development and preventing child sexual abuse.
- The NSPCC provides free and independent advice about HSB: [NSPCC Learning: Protecting children from harmful sexual behaviour](#) and [NSPCC - Harmful sexual behaviour framework](#).
- [Contextual Safeguarding Network – Beyond Referrals \(Schools\)](#) provides a school self-assessment toolkit and guidance for addressing HSB in schools.
- StopItNow - [Preventing harmful sexual behaviour in children - Stop It Now provides a guide for parents, carers and professionals to help everyone do their part in keeping children safe, they also run a free confidential helpline.](#)
- It is important that the perpetrator(s) is/are also given the correct support to try to stop them re-offending and to address any underlying trauma that may be causing this behaviour. Addressing inappropriate behaviour **can** be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future.
- Advice on [behaviour and discipline in schools](#) is clear that teachers can discipline pupils whose conduct falls below the standard which could be reasonably expected of them. If the perpetrator(s) is to be

excluded the decision must be lawful, reasonable and fair. Further information about exclusions can be found in statutory guidance for schools [Exclusions from maintained schools, academies and PRUs](#).

- School can be a significant protective factor for children who have displayed HSB, and continued access to school, with a comprehensive safeguarding management plan in place, is an important factor to consider before final decisions are made. It is important that if an alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file. Information sharing advice will help support this process.
- [Stop it now - professionals looking for advice](#) provides support for professionals in child sexual abuse prevention, so that they're well equipped to keep children safe.



## **Safeguarding Children Policy: Section E**

### **Policy on the Use of Force to Control or Restrain Children**

The Education Act 2002 (Section 4) clarifies the position about the use of physical force by teachers and others authorised by the Managing Principal to control or restrain pupils. All learning support, lunchtime staff, admin staff, club supervisors, peripatetic music staff and the caretaker are authorised by the Managing Principal to control or restrain pupils where necessary.

#### **Corporal Punishment**

The law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a pupil, or which is primarily intended to cause pain or injury or humiliation. Corporal punishment is not allowed.

#### **The Use of 'Reasonable Force' in Schools**

There are circumstances when it is appropriate for staff in schools to use reasonable force to safeguard children. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a child needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

The Department believes that the adoption of a 'no contact' policy at a school can leave staff unable to fully support and protect their pupils and students. It encourages head teachers, principals, governing bodies, and proprietors to adopt sensible policies, which allow and support their staff to make appropriate physical contact. The decision on whether or not to use reasonable force to control or restrain a child is down to the professional judgement of the staff concerned within the context of the law and should always depend on individual circumstances.

When using reasonable force in response to risks presented by incidents involving children with special educational needs or disabilities (SEND), mental health or with medical conditions, schools should in considering the risks carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty. By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, schools can reduce the occurrence of challenging behaviour and the need to use reasonable force.

Departmental advice for schools is available at [Use of Reasonable Force in Schools](#).

Information about how to support children with learning difficulties, autistic spectrum conditions and mental health difficulties who are at risk of restrictive intervention can be found at [Reducing the need for restraint and restrictive intervention](#).

#### **Physical Restraint**

Teachers and other authorised staff may use such force as is reasonable (ie using no more force than is needed) in all circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- injuring themselves or others;
- causing serious damage to property (including the pupil's own property);



- engaging in any behaviour prejudicial to maintaining good order and discipline at the School or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere;
- anything that would reasonably be regarded as exceptional circumstances.

This applies when a teacher, or other authorised person, is on the school premises and when he or she has lawful control or charge of the pupil elsewhere, e.g. on a field trip or other authorised out of school activity.

Any occasion where physical intervention is used to manage a child's behaviour should be recorded and parents should be informed about this on the same day.

### **Types of Incidents**

There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories:

1. where action is necessary in self-defence or because there is imminent risk of injury e.g. a pupil attacks a member of staff or another pupil;
2. where there is a developing risk of injury, or significant damage to property e.g. pupils are fighting, misusing dangerous materials, vandalising property, running in the corridor in a way that may cause an accident or a pupil absconds from school or tries to leave the School and so is at risk;
3. where a pupil is behaving in a way that is compromising good discipline e.g. a pupil persistently refuses to obey an order to leave the classroom or behaves in a way which seriously disrupts the classroom.

### **Practical Considerations**

Before intervening physically a teacher should, where practicable, tell the pupil who is misbehaving to stop and what will happen if he/she does not. The teacher should continue to communicate with the pupil throughout the incident and should make it clear that the physical contact will stop as soon as it ceases to be necessary.

In some circumstances, a teacher should not intervene without help (unless it is an emergency) e.g. when dealing with an older pupil, or a physically large pupil, or if the teacher believes he or she may be at risk of injury. In these circumstances the teacher should remove other pupils who may be at risk and call for assistance from colleagues or where necessary call the police.

### **Application of Force**

Physical intervention can take several forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path
- holding
- pushing
- pulling
- leading by the hand or arm
- shepherding a pupil away by placing a hand in the centre of the back;
- (in extreme circumstances) using more restrictive holds.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action consistent with the concept of 'reasonable force': for example to prevent a young pupil running off the pavement onto a busy road or preventing a pupil hitting someone or throwing something.

In other circumstances staff should not act in a way that might reasonably be expected to cause injury. Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

### **Recording Incidents**

It is important that there is a detailed, contemporaneous, written report of any occasion where it has been necessary to use force or restraint (except minor or trivial incidents). Immediately following any such incident the member of staff concerned should tell the Head or a senior member of staff and provide a written report as soon as possible afterwards on an incident form. That should include:



- the name(s) of the pupil(s) involved and when and where the incident took place;
- the names of any staff or pupils who witnessed the incident;
- the reason that force was necessary;
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied and for how long;
- the pupil's response, and the outcome of the incident;
- details of any injury suffered by the pupil, another pupil or a member of staff or damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy.

Incidents involving the use of force can cause parents of the pupil involved great concern. It is always advisable to inform parents and give them the opportunity to discuss it.

Any incident requiring restraint of a child will be recorded by the Headmistress or Deputy Head in the 'Restraint and Physical Intervention Record Book' kept in the Headmistress's office.

### **Children with SEND or Medical Conditions**

The Oak-Tree Schools recognise that when considering the use of reasonable force towards children with SEND or medical conditions, the risks should be carefully considered. Individual behaviour plans and other forms of proactive behaviour support can reduce the need for reasonable force.

### **Complaints**

Involving parents when an incident occurs, plus a clear policy about physical contact with pupils that staff adhere to, should help to avoid complaints from parents. If, however, a parent does submit a formal complaint this will be dealt with via school procedures for dealing with allegations against staff. This may lead to an investigation, either under disciplinary procedures, or by the Police and Social Services under child protection procedures.

### **Physical Contact with pupils in other circumstances**

There are some occasions where physical contact may be proper or necessary. Some physical contact may be necessary during PE lessons, sports coaching or Design Technology or if a member of staff is giving first aid. Young children and children with special needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some children for whom touching is particularly unwelcome. For example because of their cultural background or because they have suffered abuse. Staff will be informed if this is the case.

For full details of government advice on the use of physical force by teachers see the DfE's advice website: [www.education.gov.uk/aboutdfe/advice/f0077153/use-of-reasonable-force](http://www.education.gov.uk/aboutdfe/advice/f0077153/use-of-reasonable-force).



## **Safeguarding Children Policy: Section F**

### **Intimate Care Policy**

All children have a right to safety, privacy and dignity when contact of an intimate nature is required (e.g. assisting with toileting or removal of wet/soiled clothing). A care plan will be drawn up and agreed with parents for all children who require intimate care on a regular basis.

#### **Definition of intimate care**

Intimate care can be defined as care tasks of an intimate nature, associated with bodily functions, body products and personal hygiene which may involve staff touching parts of the child's body. Examples include care associated with toileting and menstrual management as well as more ordinary tasks such as help with washing.

#### **Aims**

The School aims to:

- Treat children with sensitivity and respect, so that their experience of intimate care is a positive one.
- Ensure privacy appropriate to the child's age and the situation.
- Allow the child to care for him/herself as far as possible.
- Be aware of, and responsive to, the child's reactions.
- When carrying out intimate care away from the School remember the main issues of privacy and safety.
- Ensure that staff have a high awareness of child protection issues and will undertake their duties in a professional manner at all times.

#### **Strategies for dealing with intimate care issues**

Given the right approach, intimate care can provide opportunities to teach children about the value of their own bodies, to develop their safety skills and to enhance their self-esteem. Wherever children can learn to assist in carrying out aspects of intimate care, they should be encouraged to do so. This practice fits into the school's personal and social development programme in terms of giving children life skills and developing their independence.

Explanations of what is happening are given in a straight forward and reassuring way to the individual child taking into account any religious and/or cultural sensitivities related to aspects of intimate care relevant to the individual.

Facilities, which afford privacy and modesty e.g. separate toilets, are provided and respect is given to a child's preference for a particular care and sequence of care.

Appropriate terminology for parts of the body and functions are used by staff, who encourage children to use these terms as appropriate.

Spare clothing is kept either in the classroom or in the school office together with a supply of plastic bags. The Year 6 class teacher has a supply of sanitary towels / tampons kept in a "special folder".

#### **Changing children who have wet or soiled themselves (EYFS, Year 1 and Year 2)**

We have some very young children in our school who try hard to fit into our daily routines. However, as they get more and more engrossed in the activities provided, we understand that from time to time young children, especially in the EYFS and Years 1 and 2, will have accidents that require attention.

Staff should change children who have wet or soiled themselves in order to minimise discomfort and embarrassment. For the sake of clarity, parents are informed of the procedures that we follow:

- Staff will change the wet or soiled clothing as soon after the accident as possible.
- The changing will take place discretely in the toilet area relevant to the group or in the Medical Room and, if necessary, a changing mat will be used.
- Staff will use rubber gloves to protect their hands and to minimise contact with intimate areas.
- Antibacterial wipes will be used to ensure the child is clean.
- If a child is particularly soiled he/she will be washed in the Medical Room shower.
- Wet or soiled clothing will be stored in a plastic bag to go home with the child.
- The staff will monitor wet or soiled clothing changes and record each occurrence.

If a child becomes unduly distressed or embarrassed by the experience, the staff concerned should comfort and reassure him/her, talk through what they are doing and ensure that the change is completed swiftly. Every effort should be made to minimise embarrassment and discomfort in accordance with general Child Protection Procedures.

It is not usually practicable from the point of view of staffing resources for there to be two members of staff involved with a child needing intimate care unless for health and safety reasons e.g. with a child who is ill or difficult to move or handle. The best interests of the child need to be considered in making such decisions. Whilst the presence of two people may be seen as providing protection against a possible allegation of abuse against a member of staff, it further erodes the privacy of the child.

Parents are aware that staff will normally change the children on their own so as to maintain the required staffing ratios for the rest of the group. There is always another member of staff nearby when intimate care is being undertaken on a one-to-one basis.

Staff should make their intention and purpose known to other staff and to the child concerned before commencing intimate care. Parents are aware that staff will also need to make contact with the children's genitals in order to ensure thorough cleanliness. This contact should be minimal and through the use of rubber gloves.

Parents are invited to come to school to change their child themselves if they are not happy for staff to change children as above.

### **The use of toilets**

Staff should promote appropriate use of toilets and associated skills in private and public settings. Parents should be encouraged to train their children at home as part of their daily routine, and school should reinforce these routines whilst avoiding any unnecessary physical contact. Where possible, staff should be mindful of respect for the personal dignity of the pupils when supervising, teaching or reinforcing toileting skills.

### **Parental rights and responsibilities**

Ultimately it is parents, as the child's main carers who have responsibility for his/her health. They should give relevant information to the School about their child's medical condition, and any medication involved in treatment.

Cultural and religious sensitivities should be taken into account in relation to aspects of intimate care. These should be discussed with parents, and wherever possible, with the child. All staff involved in delivering intimate care should be made aware of these issues relating to individual children and taken into full account in practices.

Diaries offer an excellent way of exchanging information between parents/carers and school staff, which is essential as the personal and social development of a child is their joint responsibility. Parents/carers welcome the communication as it gives them relevant information relating to their child's day at school, and staff also appreciate news from home. However, information concerning intimate care procedures should not be recorded

in the diary, as it is not a confidential document and could be accessed by people other than the parent/carer and member of staff. It is recommended that communication relating to intimate care should be made through one of the following:

- Sealed letter
- Personal contact – face to face at home or at school
- Telephone call – between member of staff and parent/carer

Parents and staff should be aware that matters concerning intimate care will be dealt with confidentially and sensitively and that the children's right to privacy and dignity is maintained at all times.

### **Vetting of staff, volunteers and pupils**

All those members of staff working with children will have enhanced DBS disclosure and clearance. Work experience pupils and volunteers who do not have an enhanced DBS disclosure are not allowed to provide intimate care.



## **Safeguarding Children Policy: Section G**

### **Staff Safer Recruitment Policy**

The Group Managing Principal must act reasonably in making decisions about the suitability of each prospective employee based on checks and evidence including: criminal record checks (DBS checks), barred list checks and prohibition checks together with references and interview information.

It is vital that the school creates a culture of safe recruitment and, as part of that, adopts recruitment procedures that help deter, reject or identify people who might abuse children.

In order to safeguard children within our schools, we carry out a number of checks on all staff, whether permanent, temporary, voluntary, school-based supply or agency-based supply, and maintain a single central register documenting that checks have been carried out.

#### **The Advert**

The school advertises forthcoming vacancies on the Oak-Tree Group website, in the TES for teaching roles and on Indeed.co.uk or Reed.co.uk for ancillary roles. It includes the following information when defining the role:

- the skills, abilities, experience, attitude and behaviours required for the post
- the safeguarding requirements, including the school's commitment to safeguarding and promoting the welfare of children and a statement clarifying that safeguarding checks will be undertaken
- the safeguarding responsibilities of the post as per the job description and personal specification
- whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. Which means that when applying for certain jobs and activities certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

#### **Application Form**

Where a role involves engaging in regulated activity relevant to children, the school includes a statement in the application form and on the website that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

The schools provides a link to its child protection policy and practices, and policy on employment of ex-offenders, on the recruitment page of its website.

The school requires applicants to provide:

- personal details, current and former names, current address and national insurance number;
- details of their present (or last) employment and reason for leaving;
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment;
- qualifications, the awarding body and date of award;
- details of referees/references (see below for further information);
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

The school does not accept copies of curriculum vitae in place of an application form.

## Shortlisting

Shortlisted candidates are asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on GOV.UK.

For example:

- if they have a criminal history;
- whether they are included on the barred list;
- whether they are prohibited from teaching;
- whether they are prohibited from taking part in the management of an independent school;
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- if they are known to the police and children's social care;
- have they been disqualified from providing childcare (see paras 245-249);
- any relevant overseas information.

Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

The school:

- ensures that at least two people carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach);
- consider any inconsistencies and look for gaps in employment and reasons given for them;
- explore all potential concerns.

## Employment History and References

The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Where possible, the school aims to obtain references before interview. This allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

The School:

- does not accept open references e.g. to whom it may concern;
- does not rely on applicants to obtain their reference;
- ensures any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the head teacher/principal as accurate in respect to disciplinary investigations);
- obtains verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secures a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verifies any information with the person who provided the reference;
- ensures electronic references originate from a legitimate source;
- contacts referees to clarify content where information is vague or insufficient information is provided;
- compares the information on the application form with that in the reference and takes up any discrepancies with the candidate;
- establishes the reason for the candidate leaving their current or most recent post;

- ensures any concerns are resolved satisfactorily before appointment is confirmed.

When asked to provide references, schools should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations but should not include information about allegations which are unsubstantiated, unfounded, false, or malicious. References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings.

## **Selection**

The school uses a variety of selection techniques to identify the most suitable person for the post. Those interviewing agree structured questions, which include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children
- exploring their skills and asking for examples of experience working with children which are relevant to the role
- probing any gaps in employment of where the candidate has changed employment or location frequently, asking the reasons for this.

The interviews should be used to explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal;
- lack of recognition and/or understanding of the vulnerability of children;
- inappropriate idealisation of children;
- inadequate understanding of appropriate boundaries between adults and children
- indicators of negative safeguarding behaviours.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

Pupils should be involved in the recruitment process in a meaningful way. Observing short listed candidates and appropriately supervised interaction with pupils is common and recognised as good practice.

All information considered in decision making should be clearly recorded along with decisions made.

## **At the Point of Interview:**

All applicants will be required to bring in a minimum of 3 proofs of Identification which verify their name, date of birth and current address. Ideally:

- Valid passport, Birth Certificate or driving licence (proof of ID which includes name, DoB & address)
- marriage Certificate, Birth Certificate, NHS Card, NI Card (another proof of name and or DoB)
- Additional proof of address, we need at least 2 (recent utility bill, bank statement, valid TV Licence)

These ID documents will also be sufficient if a new DBS Disclosure Application needs to be completed.

If the applicant is required to hold a specific qualification relevant to the post (e.g., QTS, a specific subject field, First Aid or Food Hygiene) that has been entered on their application, we need to see the original documentation to verify this.

In the case of teaching staff and many support staff roles, references will have been sought prior to interview, in other cases, shortly afterwards. Appointments are always subject to receipt of satisfactory references.

### Pre-appointment Vetting Checks, Regulated Activity and Recording Information

This section provides the legal requirements that proprietors need to understand (and which **must** be carried out) when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out. These checks will help identify whether a person may be unsuitable to work with children (and in some cases is legally prohibited from working with children and/or working as a teacher). They should be seen as the part of a wider safeguarding regime which will carry on following appointment. This section also explains what information schools **must** record on the single central record.

All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks. All schools **must**:

- verify a candidate's identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found on the GOV.UK website.
- obtain (via the applicant) an enhanced DBS check (including children's barred list information, for those who will be engaging in regulated activity with children). When using the DBS update service the school still needs to obtain the original physical certificate.
- obtain a separate children's barred list check if an individual will start work in regulated activity with children before the DBS certificate is available.
- verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role.
- verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then schools should follow advice on the GOV.UK website.
- if the person has lived or worked outside the UK, make any further checks the school considers appropriate.
- verify professional qualifications, as appropriate. The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

In addition:

- independent schools **must** check that a person taking up a management position as described below is not subject to a section 128 direction made by the Secretary of State.
- all schools **must** ensure that an applicant to be employed to carry out teaching work for prohibition checks or any sanction or restriction imposed (that remains current) by the GTCE, before its abolition in March 2012, is not subject to a prohibition order issued by the Secretary of State.
- before employing a person to carry out teaching work in relation to children, schools **must** take reasonable steps to establish whether that person is subject to a prohibition order issued by the Secretary of State.
- all schools providing childcare **must** ensure that appropriate checks are carried out to ensure that individuals employed to work in reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations.

### Applicants moving from previous posts

There is no requirement for a school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked, in a school in England, in a post:

- which brought the person regularly into contact with children;



- to which the person was appointed on or after 12 May 2006 and which did not bring the person regularly into contact with children or young persons.

Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, schools may still choose to request one to ensure they have up to date information. However, schools **must** still carry out all other relevant pre-appointment checks, including where the individual is engaging in regulated activity with children, a children's barred list check.

### Regulated activity

In summary, a person will be engaging in regulated activity with children if, as a result of their work, they:

- will be responsible, on a regular basis in a school, for teaching, training instructing, caring for or supervising children;
- will be working on a regular basis in a specified establishment, such as a school, for or in connection with the purposes of the establishment, where the work gives opportunity for contact with children;
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced Factual note on regulated activity in relation to children: scope.

Regulated activity includes:

- teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly.<sup>66</sup> Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- relevant personal care, or health care provided by or provided under the supervision of a health care professional:
  - personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;<sup>67</sup>
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve teaching, training;
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.

### Types of DBS checks

These are the types of checks available.

- **Basic DBS check** – this provides details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.
- **Standard DBS check** – this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.

- **Enhanced DBS check** – this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken **must** be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.
- **Enhanced DBS check with children's barred list information** – where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by police as above. The position being applied for or activities being undertaken **must** be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check **can** also include information as to whether an individual is subject to a section 128 direction.

### Considering which type of check is required

Most staff in a school working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required. For all other staff (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

Barred list information **must not** be requested on any person who is not engaging in or seeking to engage in regulated activity. The flowchart below provides more information on the decision making process.

Where a DBS certificate is required, it **must** be obtained from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service. Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant **must** show the original paper DBS certificate to their potential employer before they take up post, or as soon as practicable afterwards. Schools will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process. DBS guidance on how to check a DBS certificate can be found on GOV.UK.

Schools should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school can defend its decision, in line with its policy on recruitment of ex-offenders.

When assessing any disclosure information on a DBS certificate schools should take into consideration the explanation from the applicant, including for example:

- the seriousness and relevance to the post applied for;
- how long ago the offence occurred;
- has the individual accepted responsibility for their actions?

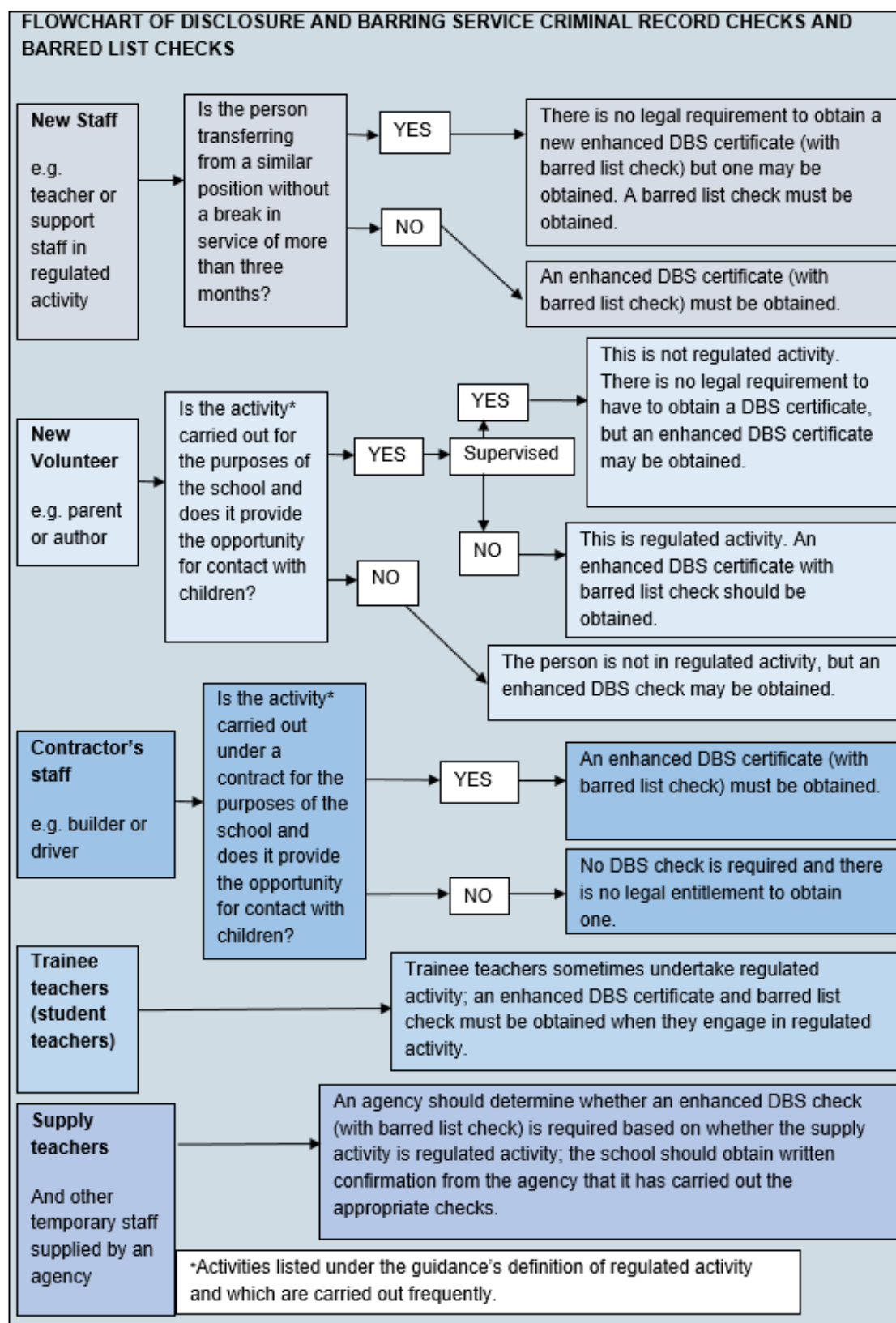
The school should also consider the incident in the context of the Teachers' Standards and Teacher misconduct guidance, if the applicant is applying for a teaching post.

Where a school allows an individual to start work in regulated activity relating to children before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that they carry out **all other** checks, including a separate **children's barred list check**. Separate barred list checks **must** only be carried out in the following circumstances:

- for newly appointed staff who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) (and where all other relevant checks have been carried out);

- where an individual has worked in a post in a school that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation (and where all other relevant checks have been carried out).

The following flowchart of Disclosure and Barring Service criminal record checks and barred list checks is used by the Oak-Tree Group.



## **DBS Update Service**

Individuals can join the DBS Update Service at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

As good practice, many schools require new staff to join the Update Service as part of their employment contract. The benefits of joining the Update Service are:

- portability of a DBS check across employers;
- free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new DBS check;
- that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

Before using the Update Service, schools must:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check;
- confirm the DBS certificate matches the individual's identity;
- examine the original certificate to ensure that it is valid for the children's workforce; and
- ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including with barred list information.

Further information about the Update Service, including when updated information can be used, can be found on GOV.UK.

## **Prohibitions, directions, sanctions and restrictions**

### **Secretary of State teacher prohibition, and interim prohibition orders**

Teacher prohibition and interim prohibition orders prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012 in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children's homes in England.

Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. The TRA's role in making prohibition orders and the processes used to impose them are described in more detail in the publication "[Teacher misconduct: disciplinary procedures for the teaching profession](#)" and "[Teacher misconduct: the prohibition of teachers: Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession](#)".

A person who is prohibited **must not** be appointed to a role that involves teaching work (as defined in the Teachers' Disciplinary (England) Regulations 2012).

### **Historic General Teaching Council for England (GTCE) sanctions and restrictions**

There remain a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012).

### **Secretary of State Section 128 Direction**

A section 128 direction prohibits or restricts an unsuitable individual from participating in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:

- take up a management position in an independent school, academy, or in a free school as an employee;

- be a trustee of an academy or free school trust; a governor or member of a proprietor body of an independent school; or
- be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

There is no exhaustive list of roles that might be regarded as ‘management’ for the purpose of determining what constitutes management in an independent school. The Department’s view is that roles involving, or very likely to involve, management of a school include (but are not limited to) head teachers, principals, deputy/assistant head teachers, governors and trustees. It is important to note that the individual’s job title is not the determining factor and whether other individuals such as teachers with additional responsibilities could be considered to be ‘taking part in management’ depends on the facts of the case.

The grounds on which a section 128 direction may be made by the Secretary of State are set out in The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014 made under section 128 of the Education and Skills Act 2008.

A section 128 direction will be disclosed when an enhanced DBS check with children’s barred list information is requested, provided that ‘child workforce independent schools’ is specified on the application form as the position applied for. Where a person is not eligible for a children’s barred list check but will be working in a management position in an independent school, a section 128 check should be carried out using the TRA’s Employer Access service.

A person subject to a section 128 direction is also disqualified from holding or continuing to hold office as a governor of a maintained school.

### **How to check TRA, Teacher Employer Access service for prohibitions, directions, sanctions and restrictions**

Schools can use the TRA’s Employer Access service to make prohibition, direction, restriction, and children’s barred list checks. The service is free to use and is available via the TRA’s [web page](#). Users require a DfE Sign-in account to log onto the service.

Further information about obtaining a DfE Sign-in account and using the Employer Access service to carry out a range of ‘teacher status checks’ including verification of qualified teacher status (QTS) and the completion of teacher induction or teacher probation can be found on GIOV.UK.

### **European Economic Area (EEA) regulating authority teacher sanctions or restrictions**

From 01 January 2021 the TRA Teacher Services system no longer maintained a list of those teachers who have been sanctioned in EEA member states. Advice about how information about a teacher’s past conduct may be obtained can be found below.

### **Childcare disqualification**

Childcare disqualification is an additional requirement to the general child safeguarding arrangements provided under the Disclosure and Barring Service (DBS) regime, which apply to all children.

The childcare disqualification arrangements apply to staff working with young children in childcare settings, including primary schools, nurseries and other registered settings, such as childcare provision on college sites. The arrangements predominantly apply to individuals working with children aged 5 and under, including reception classes, but also apply to those working in wraparound care for children up to the age of 8, such as breakfast clubs and after school care.

For staff who work in childcare provision, or who are directly concerned with the management of such provision, employers need to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification Regulations 2018.

Further information on the staff to whom these Regulations apply, the checks that should be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance on GOV.UK.

### Single Central Record

The school keeps a single central register as a record of all employment checks. The single central record must cover the following people:

- all staff (including supply staff and teacher trainees on salaried routes) who work at the school, even if they work for only one day
- all volunteers
- all members of the proprietor body.

The list below sets out the minimum information that must be recorded in respect of staff members. For agency and third party supply staff, the school also includes whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificates have been provided in respect of the member of staff.

The single central record **must** indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- an identity check
- a barred list check
- an enhanced DBS check/certificate provided
- a prohibition from teaching check
- a section 128 check for management positions
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required
- a check to establish the person's right to work in the United Kingdom.

### Retention of documents

Schools do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools comply with the requirements of the Data Protection Act 2018, when a school chooses to retain a copy, there should be a valid reason for doing so and it should not be kept for longer than six months. When the information is destroyed a school may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken if they choose to.

Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept on their personnel file.

Further information on handling DBS information can be found on GOV.UK.

### Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK **must** undergo the same checks as all other staff. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, schools **must** make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks could include, where available:

- [criminal records checks for overseas applicants](#) - Home Office guidance can be found on [GOV.UK](#)
- obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the [Regulated Professional Database](#). Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

**Where available**, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability. Where this information is not available we will seek alternative methods of checking suitability and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, we will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance: [Recruit teachers from overseas](#).

Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. Schools should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas applicants which can be found on GOV.UK.

Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available [here](#). Please note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

### **Agencies and Third Party Staff (supply staff)**

Schools **must** obtain written notification from any agency, or third party organisation, that they have carried out the checks on an individual who will be working at the school that the school would otherwise perform. In respect of the enhanced DBS check, schools **must** ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school, which has disclosed any matter or information, or any information was provided to the employment business, the school **must** obtain a copy of the certificate from the agency.

Where the position requires a children's barred list check, this **must** be obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual. The school should also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **Contractors**

The school ensures that any contractor, or any employee of the contractor, who is to work at the school has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating to children will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.

In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor does not have opportunity for regular contact with children, schools and colleges should decide on whether a basic DBS disclosure would be appropriate.

Under no circumstances should a contractor on whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity relating to children. The school is responsible for determining the appropriate level of supervision depending on the circumstances. If a contractor working at the school is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account. The school always checks the identity of contractors and their staff.

### **Trainee/student Teachers**

Where applicants for initial teacher training are salaried by the school, the school **must** ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity relating to children, an enhanced DBS certificate (including barred list information) **must** be obtained.

Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools should obtain written confirmation from the provider that these pre-appointment checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for the school to record details of fee-funded trainees on the single central record.

### **Visitors**

Schools have different types of visitors, those with a professional role i.e. educational psychologists, social workers etc. those connected with the building, grounds maintenance, children's relatives or other visitors attending an activity in school such as a sports day.

Schools should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.

Head teachers and principals should use their professional judgment about the need to escort or supervise such visitors.

For visitors who are there in a professional capacity check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks).

Whilst external organisations can provide a varied and useful range of information, resources and speakers that can help schools enrich children's education, careful consideration should be given to the suitability of any external organisations.

School safeguarding policies should set out the arrangements for individuals coming onto their premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

### **Volunteers**

Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so schools should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required. The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;



- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability;
- whether the role is eligible for a DBS check and if it is, what level is appropriate.

Details of the risk assessment should be recorded.

#### *When should a DBS with barred list be obtained for volunteers?*

Schools should obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly, or provide personal care on a one-off basis in schools. Employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

#### *Existing volunteers*

Volunteers engaging in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information) unless the school have any concerns.

### **Proprietors of Independent Schools**

Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will:

- carry out an enhanced DBS check; and where such a check is made, obtain an enhanced DBS certificate (either including or not including children's barred list information as appropriate);
- confirm the individual's identity; a
- if the individual lives or has lived outside of the UK, where applying for an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

### **Adults Supervising Children on Work Experience**

If the school organises work experience placements it should ensure that policies and procedures are in place to protect children from harm.

Children's barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The school should consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be:

- unsupervised themselves
- providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the school could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

Schools are not able to request that an employer obtains an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

### **Private fostering – Local Authority notification when identified**

Private fostering occurs when a child under the age of 16 (under 18 for children with a disability) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home.

A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer. Such arrangements may come to the attention of school staff through the normal course of their interaction, and promotion of learning activities, with children.

Where the arrangements come to the attention of the school (and the school is not involved in the arrangements), they should then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child. Schools who are involved (whether or not directly) in arranging for a child to be fostered privately **must** notify local authorities of the arrangement as soon as possible after the arrangement has been made. Notifications **must** contain the information specified in Schedule 1 of The Children (Private Arrangements for Fostering) Regulations 2005 and **must** be made in writing.

### **Ensuring the ongoing safeguarding of children and the legal reporting duties on employers**

Safer recruitment is not just about carrying out the right DBS checks. Similarly safeguarding should not be limited to recruitment procedures. Good safeguarding requires a continuing commitment from governing bodies, proprietors, and all staff to ensure the safety and welfare of children is embedded in all of the organisation's processes and procedures, and consequentially enshrined in its ethos.

### **Ongoing vigilance**

Proprietors should ensure they have processes in place for continuous vigilance, maintaining an environment that deters and prevents abuse and challenges inappropriate behaviour.

To support this, it is important that school leaders create the right culture and environment so that staff feel comfortable to discuss matters both within, and where it is appropriate, outside of the workplace, which may have implications for the safeguarding of children. This can assist employers to support staff, where there is a need, and help them manage children's safety and welfare, potentially providing them with information that will help them consider whether there are further measures or changes to procedures that need to be put in place to safeguard children in their care.

### **Existing staff**

There are limited circumstances where schools will need to carry out new checks on existing staff. These are when:

- an individual working at the school moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity must be carried out
- there has been a break in service of 12 weeks or more
- there are concerns about an individual's suitability to work with children.

### **Visiting Speakers**

Visiting speakers invited into school to talk to pupils in assemblies or in classes do not require DBS checks as long as they are supervised whilst in the school site. The school will ensure that they are suitable to be with children and that the subject matter is appropriate. Visitors conducting activities such as individual interviews with pupils that require them to be alone, must have enhanced DBS checks carried out.

The Prevent Policy (Section K) should be followed for visiting speakers to ensure that the risk of radicalisation is minimised.

### **Duty to refer to the Disclosure and Barring Service**

There is a legal requirement for schools to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults,
- satisfied the harm test in relation to children and/or vulnerable adults; or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information **must** be provided, can be found on [GOV.UK](https://www.gov.uk).

Referrals should be made as soon as possible, when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned. It is important that as much relevant information is provided to the DBS as possible, as it relies on the quality of information provided to them.

When an allegation is made, an investigation should be carried out to gather enough evidence to establish if it has foundation, and employers should ensure they have sufficient information to meet the referral duty criteria explained in the DBS referral guidance, which can be found on [GOV.UK](https://www.gov.uk).

### **Duty to consider referral to the Teaching Regulation Agency**

Where a school teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they **must** consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

The Secretary of State may investigate the case, and if s/he finds there is a case to answer, **must** then decide whether to make a prohibition order in respect of the person. Details about how to make a referral to the TRA can be found on [GOV.UK](https://www.gov.uk).



## **Safeguarding Children Policy: Section H**

### **Children's Online Safety Policy**

#### **Introduction**

It is essential that children are safeguarded from potentially harmful and inappropriate online material. An effective whole school and college approach to online safety empowers a school or college to protect and educate pupils, students, and staff in their use of technology and establishes mechanisms to identify, intervene in, and escalate any concerns where appropriate.

The breadth of issues classified within online safety is considerable, but can be categorised into four areas of risk:

- **content:** being exposed to illegal, inappropriate or harmful content, for example: pornography, fake news, racism, misogyny, self-harm, suicide, anti-Semitism, radicalisation and extremism.
- **contact:** being subjected to harmful online interaction with other users; for example: peer to peer pressure, commercial advertising and adults posing as children or young adults with the intention to groom or exploit them for sexual, criminal, financial or other purposes'.
- **conduct:** personal online behaviour that increases the likelihood of, or causes, harm; for example, making, sending and receiving explicit images eg consensual and non-consensual sharing of nudes and semi-nudes and/or pornography, sharing other explicit images and online bullying; and
- **commerce:** risks such as online gambling, inappropriate advertising, phishing and or financial scams. If you feel your pupils, students or staff are at risk, please report it to the Anti-Phishing Working Group (<https://apwg.org/>).

Using the internet is a part of the statutory curriculum and a necessary tool for staff and pupils. The purpose of using such technologies in school is to raise educational standards, to promote pupil achievement and to support the professional work of staff. It is important however to ensure that pupils and staff use the internet responsibly and that the school has systems in place to ensure that its usage is as safe as is realistically possible. We are committed to teaching children about what is meant by responsible use; how to use technological devices and the internet; what to do if you are concerned/worried about a website or something you come across connected to technology and the consequences of misuse.

#### **Using the Internet in School**

The benefits include:

- access to world-wide educational resources.
- inclusion in government initiatives.
- opportunities for educational and cultural exchanges between pupils world-wide.
- cultural, vocational and leisure use in lessons and clubs.
- access to experts in many fields for pupils and staff.
- staff professional development through access to national initiatives, educational materials and good curriculum practice.
- communication with support services, parents, professional associations and colleagues.
- easy exchange of curriculum and administration data.

The internet enhances learning by:

- using planned activities to enrich and extend learning.
- enabling research, including the skills of location, retrieval and evaluation of information.
- greatly increasing skills in Literacy, particularly in being able to read and evaluate then communicate what is important to others.
- giving pupils the opportunity to exchange information via email.
- deciding when it is appropriate to use the Internet, as opposed to other sources of information.

## Ensuring Safe and Responsible Use

### Using the Internet:

- the school uses a “filtered” Internet Service provided a reputable third party, which minimises the chance of pupils encountering undesirable material.
- pupils are only allowed to use the internet when there is a responsible adult present.
- where possible staff review and evaluate resources available on web sites to ensure that they are appropriate to the age range and ability of the pupils being taught.
- children are taught how to evaluate whether a website is useful and appropriate for the task and what to do if they or another child comes across inappropriate material.
- children are encouraged to tell a teacher immediately if they come across anything inappropriate.
- when in school pupils are not allowed to access chat rooms or social networking sites.
- if staff or pupils discover unsuitable sites, the URL (address) and content must be reported to the Internet Service Provider via the Group ICT Manager.
- responsible internet use, including use of social media and messaging, is included in the PSHE programme covering both school and home use.
- failure to use the internet responsibly will result in a child being banned from using the internet for a fixed period of time.

### Using Email:

- pupils may only use approved email accounts on the school system.
- pupils may not access personal email accounts from any school computers.
- pupils must tell an adult immediately if they receive any offensive emails or emails that give them cause for concern, they will be encouraged to provide a copy of such emails to the Group ICT Manager.
- pupils must not reveal details about themselves or others (such as addresses and/or telephone numbers), or arrange to meet anyone in email communication.
- parents are made aware when homework can be emailed to teachers and they will be made clear of the schools rules about safe and responsible use.
- staff to pupil e-mail communication must only take place via a school e-mail address.

### Social networking:

- Children are not allowed to access social networking sites in school. However, through PSHE they will be taught about how to network responsibly (eg responsible use of sites such as MoshiMonsters and Club Penguin).
- Pupils and parents are advised that the use of social network spaces outside of school brings a range of dangers for younger pupils.

### Management of the school’s systems:

- the point of contact on the school’s website is the school address and telephone number. Staff or pupils’ home information is never published
- all personal details stored on the school’s networks that relate to pupils, parents and staff are kept securely through password-protected systems
- website photographs that include pupils are carefully selected in line with permission received
- the Group Marketing Team is responsible for ensuring that that content added to the website is appropriate and accurate
- the website content is updated and maintained by authorised individuals who have their own identification and password in order to be able to access the site
- virus protection is updated regularly and the appropriate licenses are in place for every machine
- the school’s systems automatically block a range of sites. At times, teachers may request that a site is unblocked for specific lessons. In order to unblock a site the teacher has to have authorization from the Group ICT Manager.

## **School Website**

We are aware that this may be accessed by anyone, including paedophiles. With this in mind we do not publish photographs with names of pupils available. In news releases to the newspaper and newsletters published on the website, children are referred to only by their Christian name. Our terms and conditions, which are signed by the parents and returned to the School, include a declaration giving permission for pictures of pupils to be published on the website and in the prospectus and any other promotional material published by the school.

## **Responsibilities of Staff**

- all staff must accept and comply with the terms of this policy.
- staff are not permitted to use the internet to access chat rooms or social networking sites in school.
- staff must adopt the same level of professionalism when using the internet at home for personal use as they do at school, this includes keeping staff and children's names and details confidential.
- staff are encouraged to check the security settings on their own personal profiles on social networking sites and ensure that the general public can only access a 'Limited' amount of information.
- staff must not knowingly game online with pupils from school.
- parents are able to contact staff and teachers on school email accounts.
- school staff must not add children or parents currently attending the school to their personal social networking profiles (except in the case where parents are also members of staff – in such cases these staff members must not share/show the information to their children).
- staff will report any offensive emails to their Group ICT Manager.
- staff should ensure that computers are either locked or logged off when not in use.

Under no circumstances should adults in school access inappropriate images. Accessing child pornography or indecent images of children on the Internet, and making and disseminating such material is illegal and, if proven, will invariably lead to the individual being barred from work with children and young people. More detailed information is contained within the Oak-Tree Staff ICT Policy.

## **Responsibilities of Parents**

- to encourage children to use the internet and other technology responsibly by following the guidelines and recommendations set by the school and outlined in this policy
- it is ultimately a parents responsibility to closely monitor their son/daughters use of technology outside of school - including use of mobile phones, the internet etc. If they have evidence of cyber-bullying involving school pupils and feel unable to resolve the matter themselves, they should liaise directly with the school (normally via the class teacher first) about how best to proceed

Periodic Internet Safety Workshops are held for parents and/or pupils with outside specialists who advise families how to safeguard their children against some of the dangers of the internet/social media.

## **Safeguarding Children**

Children are taught about the dangers of having conversations with unidentified people in 'chat rooms' (e.g. that sometimes adults pretend to be young people in order to 'groom them' and encourage them to meet them after having 'got to know' them via the Internet.) They are also taught that if they receive unkind messages from members of the school via e-mail or a 'chat room' at home they should immediately tell their parents or a member of staff in school as this may be a form of bullying.

The PSHE Curriculum teaches children about safeguarding, including online. Children are encouraged to adjust their behaviours in order to reduce risks and build resilience, including to radicalisation, with particular attention to the safe use of electronic equipment and the internet. Children are taught about the risks posed by adults or young people who use the internet and social media to bully, groom, abuse or radicalise other people, especially children. Internet safety is also taught through the ICT Curriculum.

## Education

Resources that could support schools include:

- [Be Internet Legends](#) developed by Parent Zone and Google is a free internet safety curriculum with PSHE accredited lesson plans and teaching resources for Key Stage 2 pupils
- [Disrespectnobody](#) is Home Office advice and includes resources on healthy relationships, including sexting and pornography
- [Education for a connected world framework](#) from the UK Council for Internet Safety supports the development of the curriculum and is of particular relevance to RSHE education and Computing. It is designed, however, to be usable across the curriculum and beyond (covering early years through to age 18) and to be central to a whole school approach to safeguarding and online safety.
- [PSHE association](#) provides guidance to schools on developing their PSHE curriculum
- [Teaching online safety in school](#) is departmental guidance outlining how schools can ensure their pupils understand how to stay safe and behave online as part of existing curriculum requirements
- [Thinkuknow](#) is the National Crime Agency/CEOPs education programme with age specific resources
- [UK Safer Internet Centre](#) developed guidance and resources that can help with the teaching of the online safety component of the Computing Curriculum.

## Advice for governing bodies/proprietors and senior leaders

There is a wealth of information available to support schools and parents/carers to keep children safe online. The following list is not exhaustive but should provide a useful starting point:

- [Childnet](#) provide guidance for schools on cyberbullying
- [Educateagainsthate](#) provides practical advice and support on protecting children from extremism and radicalisation
- [London Grid for Learning](#) provides advice on all aspects of a school's online safety arrangements
- [NSPCC](#) provides advice on all aspects of a school's online safety arrangements
- [Safer recruitment consortium](#) "guidance for safe working practice", which may help ensure staff behaviour policies are robust and effective
- [Searching screening and confiscation](#) is departmental advice for schools on searching children and confiscating items such as mobile phones
- [South West Grid for Learning](#) provides advice on all aspects of a school's online safety arrangements
- [Use of social media for online radicalisation](#) - A briefing note for schools on how social media is used to encourage travel to Syria and Iraq
- UK Council for Internet Safety have provided advice on [sexting-in-schools-and- colleges](#) and [using-external-visitors-to-support-online-safety-education](#)

## Remote Learning

Where children are being asked to learn online at home, for example during local or national lockdowns, the Department has provided advice to support schools and colleges do so safely: safeguarding in schools colleges and other providers and [safeguarding and remote education](#). The NSPCC and PSHE Association also provide helpful advice:

- NSPCC Learning - [Undertaking remote teaching safely during school closures](#)
- PSHE - [PSHE Association coronavirus hub](#)

In addition, the school uses the following resources to help safeguard children who learn remotely:

- [Case studies](#) on remote education practice are available for schools to learn from each other
- [Departmental guidance on safeguarding and remote education](#) including planning remote education strategies and teaching remotely
- [London Grid for Learning](#) guidance, including platform specific advice
- [National cyber security centre](#) guidance on choosing, configuring and deploying video conferencing
- [National cyber security centre](#) guidance on how to set up and use video conferencing
- [UK Safer Internet Centre](#) guidance on safe remote learning

## Support for children

- [Childline](#) for free and confidential advice
- [UK Safer Internet Centre](#) to report and remove harmful online content
- [CEOP](#) for advice on making a report about online abuse

## Parental support

- [Childnet](#) offers a toolkit to support parents and carers of children of any age to start discussions about their online life, to set boundaries around online behaviour and technology use, and to find out where to get more help and support
- [Commonsensemedia](#) provide independent reviews, age ratings, & other information about all types of media for children and their parents
- [Government advice](#) about protecting children from specific online harms such as child sexual abuse, sexting, and cyberbullying
- [Government advice](#) about security and privacy settings, blocking unsuitable content, and parental controls
- [Internet Matters](#) provide age-specific online safety checklists, guides on how to set parental controls on a range of devices, and a host of practical tips to help children get the most out of their digital world
- [Let's Talk About It](#) provides advice for parents and carers to keep children safe from online radicalisation
- [London Grid for Learning](#) provides support for parents and carers to keep their children safe online, including tips to keep primary aged children safe online
- [Lucy Faithfull Foundation StopItNow](#) resource can be used by parents and carers who are concerned about someone's behaviour, including children who may be displaying concerning sexual behaviour (not just about online)
- [National Crime Agency/CEOP Thinkuknow](#) provides support for parents and carers to keep their children safe online
- [Net-aware](#) provides support for parents and carers from the NSPCC and O2, including a guide to social networks, apps and games
- [Parentzone](#) provides help for parents and carers on how to keep their children safe online
- [Parent info](#) from Parentzone and the National Crime Agency provides support and guidance for parents from leading experts and organisations
- [UK Safer Internet Centre](#) provide tips, advice, guides and other resources to help keep children safe online

## Reviewing online safety

Technology, and risks and harms related to it evolve and changes rapidly. The school carries out an annual review of its approach to online safety, supported by an annual risk assessment that considers and reflects the risks the children face. A free online safety self-review tool for schools can be found via the [360 safe website](#).

UKCIS has published Online safety in schools and colleges: [Questions from the governing board](#). The questions can be used to gain a basic understanding of the current approach to keeping children safe online; learn how to improve this approach where appropriate; and find out about tools which can be used to improve the approach. It has also published an [Online Safety Audit Tool](#) which helps mentors of trainee teachers and early career teachers induct mentees and provide ongoing support, development and monitoring.

When reviewing online safety provision, the UKCIS [external visitors guidance](#) highlights a range of resources which can support educational settings to develop a whole school approach towards online safety.





## **Safeguarding Children Policy: Section I**

### **Mobile Phone and Camera Policy**

#### **EYFS Setting**

Given the more vulnerable nature of children within the EYFS setting, extra care should be given to the use of devices in these year groups. All existing regulations regarding the use of devices apply to the EYFS. The following regulations are expected to be of particular note to the EYFS setting:

- Mobile phones must not be used in any teaching area or within the toilet areas
- All mobile phones and similar devices must be stored securely away from pupils during contact time with children. This includes staff, visitors, parents, volunteers and students
- Only school devices should be used to take photographs

It is a statutory requirement that mobile phones are not used around the young children in the Early Years.

#### **Use of cameras and the manipulation and storage of images**

In this policy terms such as 'photography', 'pictures', 'images', 'camera', 'device' and 'digital technology' include both still and video media. The term 'camera' includes mobile phones, iPads and other equipment which has the capacity to take photographs.

The school recognises that the appropriate use of photography enhances many aspects of school life and the pupils' education. Mobile phone technology is becoming more and more sophisticated with easier access to the internet, social networking sites and instant messaging. Many mobile phones offer camera, video and audio recording as standard. This ease of communication raises the potential for certain risks.

This policy is intended to ensure an environment in which children, parents and staff are safe from images being recorded and used inappropriately by providing a clear framework to ensure that:

- the use of cameras and the storage of images reflect good practice the safeguarding needs of the pupils are met
- staff are not distracted from their work with children.

The policy also recognises that learning to use digital technology is an important part of the ICT curriculum. Teaching needs to ensure that pupils are able to learn how to use digital cameras and to edit and store photographs with an understanding of safeguarding requirements, for themselves and others, which is appropriate for their age and takes due account of the cyber-bullying aspects of the school's Anti-Bullying Policy.

Photography is used at the school for a variety of purposes, including:

- Recording pupils' achievements, learning and progress, eg providing evidence to support EYFS milestones in the Early Years learning stories
- Providing evidence to support pupils' application for entrance/scholarship to their future schools
- Recording school events and providing material for displays
- Communication with parents, for example to help reassure new parents or carers of young children that they have settled well into school life and provide prompt information on their children's activities on residential trips
- For publicity purposes (brochures, prospectus, media articles, website etc.)
- To support work undertaken by members of staff or pupils on placements for training and gaining further qualifications.

The school Terms and Conditions, signed by all parents on entry, provide for publicity photographs of children to be taken by the school unless parents request otherwise. If parents withhold consent for certain aspects of photography in relation to their child, this must be respected. Images should be checked to determine whether photographs have been taken which inadvertently include pupils for whom consent has not been given. If this is the case, images should be destroyed, cropped or otherwise edited to ensure that parental consent is respected. If an image is edited for this reason, the original must be destroyed.

Periodically, professional photographers visit the school by arrangement to take portrait photographs and publicity photographs for the prospectus or website. Care should be taken that parental consent is respected. It is not compulsory for pupils to be included in portrait and team photography, nor is there any obligation on parents to purchase the resulting photographs.

From time to time a teacher, student or trainee teacher on placement may undertake a case study of a child, for example, as part of a training course to gain a qualification. In such situations, parental consent with regard to photography must be respected. Case studies will only be undertaken following prior written consent from the parent or carer and, except by prior arrangement between the Headmistress and the parent/carer, the child's name will be changed in the case study to protect his or her identity.

Occasionally a photograph may be taken that inadvertently catches a pupil in an unfortunate, embarrassing or compromising position. If this is the case, the image and any copies of it must be destroyed immediately.

### **Photography by parents**

It is very difficult to police the use of cameras by parents, for example at prize giving, in sporting events or in concerts or other performances. However, if members of staff have concerns about the suitability of photography by parents, they should consult the Headmistress, who will consider the situation with reference to this policy and the school's safeguarding procedures and take appropriate action. Concerns will be taken seriously, logged and investigated appropriately.

Any parent who works at the school, for example as a volunteer, must abide by this policy. The teacher responsible (for example the Trip Leader for an educational visit which uses parent volunteers) must ensure that the parents involved are aware of this policy and abide by it.

### **Use of equipment**

Except with permission from the Headmistress, staff may not use their own cameras, phones or other equipment to take pictures in school or at school events. School cameras are available for this purpose.

Users bringing personal devices in to the school must ensure there is no inappropriate or illegal content on the device. Staff must ensure that this policy is observed when using other equipment which can be used in connection with photographs (photocopier, scanner, printer, ipads etc.)

### **Editing and storage of photographs**

All images taken by members of staff or volunteers at school or on school activities remain the property of the school. The school may require images to be deleted or edited as appropriate and may also select images taken by members of staff or volunteers for other purposes, with due attention paid to the requirements of this policy.

When editing images, staff must take due professional care and ensure that edited images do not mislead or misrepresent. Care must also be taken to ensure that images do not result in their subject being vulnerable to embarrassment, teasing, bullying or abuse.

Close attention must be paid to the storage of images, particularly whilst kept on portable media such as flash cards and memory sticks. Staff are responsible for the security of such media and the images they contain and must take all reasonable measures to ensure that they are kept safe and do not come into the possession of unauthorised people.

Unless specific prior consent has been obtained, members of staff and volunteers must not post school images on personal pages of social networking sites or other websites. The use of images on the school's official Facebook page, website and other approved sites is carefully monitored to ensure that it is in line with this policy and parental consent. The age limit for having a Facebook account is 13 and other social networks have similar restrictions. However, parents do not always enforce these restrictions. Staff must be vigilant in respect of any inappropriate use by pupils of school images or their own photographs of school events on social networks and must report any concerns to the designated safeguarding lead.

Final responsibility for the appropriate use of photography at school and in connection with school events rests with the Headmistress as lead Child Protection Officer. In circumstances where there is a suspicion that the material on the setting's mobile phone may be unsuitable and provide evidence relating to a criminal offence, the procedures set out in the school's Safeguarding Children Policy will be followed.

The school assesses the risk of access to archived images by inappropriate individuals to be very low. Staff and volunteers must ensure that their use and storage of images maintains a similarly acceptable level of risk.

### **Use of personal mobile phones by staff and volunteers**

The School recognises that staff, pupils and volunteers may wish to have their personal mobile phones at work for use in case of emergency. However, safeguarding of children within the setting is paramount and it is recognised that personal mobile phones have the potential to be used inappropriately and therefore the following must be observed:

- Personal mobile phones should only be used outside of working hours and never whilst children are present.
- On arrival at school, staff should switch their mobile phones to silent.
- Personal mobile phones should be safely stored either in a lockable cabinet or in the staff room.
- Mobile phones may be used at break times provided that:
  - Pupils are not present
  - The member of staff is not on duty
  - This does not prevent the individual from responding to a request for assistance from another member of staff, or other aspects of their professional duties.
- Staff, pupils or volunteers who ignore this policy may face disciplinary action.
- The setting's main telephone number can be used for emergencies by staff or volunteers or by people who need to contact them.
- In circumstances such as outings and off-site visits, staff will agree with the trip leader the appropriate use of personal mobile phones in the event of an emergency.
- Where there is a suspicion that the material on a mobile phone may be unsuitable and may constitute evidence relating to a criminal offence, the procedures set out in the school's Safeguarding Children Policy will be followed.
- Staff, pupils or volunteers remain responsible for their own property and will bear the responsibility of any losses.
- Certain members of staff, such as the Headmistress or Maintenance Team, are exempt from the restrictions on the use of mobile phones whilst on duty so that they can be contacted at all times by the school office in case of emergency.
- By arrangement with the Headmistress, a member of staff's personal mobile phone may be designated as the means of communication for specific activities. The use of mobile phones by staff whilst on school duties must respect national legislation and common courtesies. For example, they must not be used whilst driving and should be switched to silent at events and venues where this is expected.

### **Use of personal mobile phones by non-staff**

The School recognises that visitors may wish to have their personal mobile phones with them for use in case of emergency.

However, safeguarding of children within the setting is paramount and it is recognised that personal mobile phones have the potential to be used inappropriately and therefore the following must be observed:

- Mobile phones should only be used away from the children and where possible, off site.
- In circumstances where there is a suspicion that the material on a mobile phone may be unsuitable and provide evidence relating to a criminal offence, the procedures set out in the school's Safeguarding Children Policy will be followed.
- Visitors remain responsible for their own property and will bear the responsibility of any losses.



## **Safeguarding Children Policy: Section J**

### **Sexting Policy**

Most young people today are entirely comfortable with recording their entire lives online – much like other generations used to do in a diary. These days though, this often includes uploading and sharing photos, status messages on what has been happening in their lives or how they are feeling, and texting back and for. While this ‘finger on the pulse, share all’ culture has some benefits, it can also create an environment in which teenagers and young people make impulsive decisions without thinking through the possible consequences.

#### **What is sexting?**

Sexting generally refers to the sending of sexually explicit images via text, email or through social networking sites. For example, this could be a picture of a boy exposing himself or a young woman in a state of undress.

There could be many reasons why young people would want to take these sorts of pictures and send them to someone else. It could be that two young people who are in a relationship want to prove their love or commitment to each other; it could be that someone is looking to start a relationship with someone else or it could be that they simply want to show off.

'Sexting' is the exchange of self-generated sexually explicit images, through mobile picture messages or webcams over the internet. Young people may also call it Cybersex or sending a 'nudie', picture or 'selfie'. 'Sexting' is often seen as flirting by children and young people who feel that it's a part of normal life.

Sexual photographic images of children under 18 are illegal. These are not child pornography pictures as some sites refer to them - they would be classed as child abuse.

#### **Consequences**

While sending sexually explicit messages or pictures carries enough problems of its own, it can have real consequences if the content is shared with others – either by people forwarding it on using messages or emails or by uploading it onto a social networking site or website. This could result in immediate consequences, possibly within the school environment, or more serious consequences for later in life.

There are many different types of sexting and it is likely that no two cases will be the same. It is necessary to carefully consider each case on its own merit. However, it is important that the school applies a consistent approach when dealing with an incident to help protect young people and the school. For this reason the Designated Safeguarding Lead (or Deputy DSL in the absence of the DSL) needs to be informed of any 'sexting' incidents. The range of contributory factors in each case also needs to be considered in order to determine an appropriate and proportionate response.

#### **Steps to take in the case of an incident**

##### ***Step 1 - Disclosure by a student***

Sexting disclosures should follow the normal safeguarding practices and protocols

A student is likely to be very distressed especially if the image has been circulated widely and if they do not know who has shared it, seen it or where it has ended up. They will need pastoral support during the disclosure and after the event. They may even need immediate protection or a referral to police or social services; parents should be informed as soon as possible (police advice permitting).

The following questions will help decide upon the best course of action:

- Is the student disclosing about themselves receiving an image, sending an image or sharing an image?
- What sort of image is it? Is it potentially illegal or is it inappropriate?
- Are the school child protection and safeguarding policies and practices being followed?
- For this reason a member of the Safeguarding team should be involved as soon as possible.
- How widely has the image been shared and is the device in their possession?
- Is it a school device or a personal device?
- Does the student need immediate support and/or protection?
- Are there other students and/or young people involved?
- Do they know where the image has ended up?

In line with the school's Behaviour Policy and Exclusion Policy it may be necessary to temporarily exclude a pupil (or pupils) from the school pending an investigation into the circumstances surrounding the sexting and the impact of the sexting on members of the school community. This would also give the school the time to ascertain how widespread the sexting has been shared.

### ***Step 2- Searching a device – what are the rules?***

A device can be examined, confiscated and securely stored if there is reason to believe it contains indecent images or extreme pornography.

When searching a mobile device the following conditions should apply:

- The action is in accordance with the school's policies regarding Safeguarding and Searching and Confiscation.
- The search is conducted either by the senior member of staff authorised by the Headmistress or a person authorised by her and one other person.
- A member of the safeguarding team should normally be present.
- The search should normally be conducted by a member of the same gender as the person being searched. However, if the image being searched for is likely to be of a different gender to the person 'in possession' then the device should only be viewed by a member of the same gender as the person whose image it is.

If any illegal images of a young person are found the Safeguarding Team will discuss this with the Police.

The Association of Chief Police Officers (ACPO) advise that as a general rule it will almost always be proportionate to refer any incident involving 'aggravated' sharing of images to the Police, whereas purely 'experimental' conduct may proportionately dealt with without such referral, most particularly if it involves the young person sharing images of themselves.

'Experimental conduct' commonly refers to that shared between two individuals (e.g. girlfriend and boyfriend) with no intention to publish the images further. Coercion is not a feature of such conduct, neither are requests for images sent from one person to multiple other young persons.

Any conduct involving, or possibly involving, the knowledge or participation of adults should always be referred to the police. If an 'experimental' incident is not referred to the Police, the reasons for this should be recorded in the school's 'Safeguarding Incidents Log'.

Always put the young person first. Do not search the device if this will cause additional stress to the student/person whose image has been distributed. Instead rely on the description by the young person, secure the advice and contact the Police.

*Never:*

- Print out any material for evidence.
- Move any material from one storage device to another.
- Search a mobile device even in response to an allegation or disclosure if this is likely to cause additional stress to the student/young person UNLESS there is clear evidence to suggest not to do so would impede a police inquiry.

*Always:*

- Inform and involve the Local Authority Designated Officer, who will ensure that the Designated Safeguarding Lead is able to take any necessary strategic decisions.
- Record the incident.
- Act in accordance with school safeguarding search and confiscation policies and procedures.

If there is an indecent image of a child on a website or a social networking site then the Safeguarding Team will report the image to the site hosting it. Under normal circumstances the team would follow the reporting procedures on the respective website; however, in the case of a sexting incident involving a child or young person where it may be felt that they may be at risk of abuse then the team will report the incident directly to CEOP <https://www.ceop.police.uk/ceop-report> so that law enforcement can make an assessment, expedite the case with the relevant provider and ensure that appropriate action is taken to safeguard the child.

**Step 3 - What to do and not do with the image**

If the image has been shared across a personal mobile device:

*Always:*

- Confiscate and secure the device(s). Close down or switch the device off as soon as possible. This may prevent anyone removing evidence 'remotely'.

*Never:*

- View the image unless there is a clear reason to do so or view it without an additional adult present (this additional person does not need to view the image and certainly should not do so if they are of a different gender to the person whose image has been shared). The viewing of an image should only be done to establish that there has been an incident which requires further action.
- Send, share or save the image anywhere.
- Allow students to do any of the above.

If the image has been shared across a school network, a website or a social network:

*Always:*

- Block the network to all users and isolate the image.

*Never:*

- Send or print the image.
- Move the material from one place to another.
- View the image outside of the protocols in the school's safeguarding and child protection policies and procedures.

**Step 4 - Who should deal with the incident?**

Often, the first port of call for a student is a class teacher. Regardless of who the initial disclosure is made to, she/he must act in accordance with the school safeguarding policy, ensuring that the DSL or Assistant DSL are involved in dealing with the incident.

The Designated Safeguarding Lead should always record the incident. There may be instances where the image needs to be viewed and this should be done in accordance with protocols.

**Step 5 - Deciding on a response**

There may be many reasons why a student has engaged in sexting – it may be a romantic/sexual exploration scenario or it may be due to coercion.

It is important to remember that it won't always be appropriate to inform the police; this will depend on the nature of the incident (see Appendix 1 for definitions). However, as a school it is important that incidents are consistently recorded. It may also be necessary to assist the young person in removing the image from a website or elsewhere.

If indecent images of a young person are found:

- Act in accordance with the Safeguarding Policy i.e. inform the DSL.
- Store the device securely.
- The DSL may need to carry out a risk assessment in relation to the young person.
- The DSL will make a referral if needed.
- The DSL may need to contact the police (if appropriate). Referrals may be made to Social Care or the Multi-Agency Team (MAT), but where a crime may be thought to have taken place the police are the first port of call. Young persons who have engaged in 'experimental sexting' which is contained between two persons will be referred to MAT for support and guidance. Those who are felt to be victims of 'sexting' will also be referred to MAT at a point where the police feel that this will not impede an investigation.
- The DSL will put the necessary safeguards in place for the student, e.g. they may need counselling support or immediate protection.
- Inform parents and/or carers about the incident and how it is being managed.

### **Step 6 - Containment and Prevention**

The young persons involved in 'sexting' may be left feeling sensitive and vulnerable for sometime. They will require monitoring and support. Where cases of 'sexting' becomes widespread or there is thought to be the possibility of contagion then the school will reinforce the need for safer 'online' behaviour using a variety of resources.

The DSL may need to inform the school's police liaison officer, who will be able to give more specific advice about the legalities of the situation and removal of the image(s). The image(s) should not be forwarded to or saved on another device. However, the image(s) should not be deleted until local police have agreed to it.

- In line with safeguarding procedures and with the agreement of local police, the school will ask all of the young people in possession of the image to delete it.
- If the image has been forwarded outside the school environment the school/police may contact the appropriate people and request that they follow the same steps.
- If the image has been uploaded to any website or social networking site, the school/police will contact the provider of the service to have it removed. All reputable social networking and content hosting sites will have robust terms of service under which the distribution of illegal materials is strictly forbidden.
- If the school/police are unable to contact the providers of the websites hosting the image, they will report them to the Internet Watch Foundation at [www.iwf.org.uk](http://www.iwf.org.uk).
- If the above steps do not resolve the situation, CEOP may be contacted at [www.clickceop.police.uk](http://www.clickceop.police.uk).
- The parents of young people involved should be notified of the situation.
- The DSL or Deputy DSL will discuss the "digital footprint" of the images and any images like it with the young people involved.
- The school may also consider in-house counselling for the young people concerned, particularly if they were depicted in the image.

Other staff may need to be informed of incidents and should be prepared to act if the issue is continued or referred to by other students. The school, its students and parents should be on high alert, challenging behaviour and ensuring that the victim is well cared for and protected. The students' parents should usually be told what has happened so that they can keep a watchful eye over the young person especially when they are online at home.

Creating a supportive environment for students in relation to the incident is very important. Preventative educational programmes on sexting can be found on CEOP's advice-giving website <https://www.thinkuknow.co.uk/> and the South West Grid for learning have developed advice for young people at <https://swgfl.org.uk/resources/so-you-got-naked-online/>.



## The Legal Position

It is important to be aware that young people involved in sharing sexual videos and pictures may be committing a criminal offence. Specifically, crimes involving indecent photographs (including pseudo images) of a person under 18 years of age fall under Section 1 of the Protection of Children Act 1978 and Section 160 Criminal Justice Act 1988.

Under this legislation it is a crime to:

- take an indecent photograph or allow an indecent photograph to be taken;
- make an indecent photograph (this includes downloading or opening an image that has been sent by email;
- distribute or show such an image;
- possess with the intention of distributing images;
- advertise; and
- possess such images

While any decision to charge individuals for such offences is a matter for the Crown Prosecution Service, it is unlikely to be considered in the public interest to prosecute children. However, children need to be aware that they may be breaking the law. Although unlikely to be prosecuted, children and young people who send or possess images may be visited by police and on some occasions media equipment could be removed. This is more likely if they have distributed images.

The decision to criminalise children and young people for sending these kinds of images is a little unclear and may depend on local strategies. However, the current Association of Chief Police Officers (ACPO) position is that:

*'ACPO does not support the prosecution or criminalisation of children for taking indecent images of themselves and sharing them. Being prosecuted through the criminal justice system is likely to be upsetting and distressing for children especially if they are convicted and punished. The label of sex offender that would be applied to a child or young person convicted of such offences is regrettable, unjust and clearly detrimental to their future health and wellbeing.'*

However, there are cases in which children and young people have been convicted and sent to prison. The important thing to remember is that whilst, as a school, we will want to consider the implications of reporting an incident over to the police, it is not our responsibility to make decisions about the seriousness of the matter; that responsibility lies with the Police and the CPS hence the requirement for the school to refer.

In summary sexting is classed as illegal as it constitutes sharing and/or possessing an indecent image of a child.

## Advice for Parents regarding Sexting (from the NSPCC)

If you find out that your child has been 'sexting', they are likely to be anxious about talking to you. Try to give yourself time to process this information and remember your child will be closely watching your reactions.

- Try to remain calm and supportive - try not to shout or make your child feel like it is their fault.
- Reassure your child that they are not alone.
- Listen and offer support – if there is a problem your child will be feeling bad and needs your help, support and advice, not criticism.
- Don't ask questions like "why have you done it", as your child will feel embarrassed and guilty.
- Ask your child what they want to happen – this will depend on the situation but take immediate steps where possible; and reassure your child that the issue will be addressed even if you need a little time to work out the best course of action for the long term.
- Agree a set of actions to address the issue, such as reporting the abuse or getting additional counselling.
- If you have a trusted friend it may be helpful to discuss this with them.
- Call the NSPCC helpline to talk to one of our trained counsellors.
- Tell your child they can phone ChildLine for additional support.

#### Top tips for preventing Sexting (NSPCC):

- Talk to your child about sexting and the consequences - don't wait for something to happen. It is better to talk about these issues before something happens.
- Stress to your child that once they have sent an image or posted it online, they no longer have control of it and it could end up anywhere. Ask how they would feel if their parents or family saw what they had sent.
- Peer pressure can be a formidable force so make sure your child knows that you understand that they could be pushed into sending something. Talk to them about making positive decisions and be sure they understand that no matter how great the pressure becomes, the potential social humiliation could be a hundred times worse.
- Make sure your child understands that they are responsible for their actions. This includes what they choose to do if they receive a sexually explicit photo. Have them understand that if they do receive one, they need to delete it immediately. Tell them that if they do send it on, they're distributing pornography - and that they could get into trouble with the police.

#### Further Advice

<http://www2.kirklees.gov.uk/childrenandfamilies/learning/documents/subjects/Esafety/Policy-guidance/Sexting-Self-generated-Images-and-responding-to-incidents/Sexting-Booklet.pdf>



## **Safeguarding Children Policy: Section K**

### **The Prevent Policy**

#### **Policy Statement**

The aim of the Prevent Policy is to create and maintain a safe, healthy and supportive learning and working environment for our pupils, staff and visitors. We recognise that extremism and exposure to extremist materials and influences can lead to poor outcomes for pupils. Failing to challenge extremist views is failing to protect our pupils from potential harm and so the Prevent agenda will be addressed as a safeguarding concern.

The Prevent Policy applies to everyone working at or attending the school. It confers responsibilities on the Principal, school staff, pupils, agency staff and volunteers, contractors, visitors, consultants and those working under self-employed arrangements.

The school has adopted the Prevent Duty 2015 in accordance with legislative requirements. However, we will endeavour to incorporate the relevant duties so as not to:

- Stifle legitimate discussions, debate or student engagement activities in the local community;
- Stereotype, label or single out individuals based on their origins, ethnicity, faith and beliefs or any other characteristics protected under the Equality Act 2010.

#### **Purpose**

All schools are subject to a duty under section 26 of the Counter- Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism”. This duty is known as the Prevent Duty.

We aim to encourage working towards a society with a common vision and sense of belonging by all - a society in which the diversity of people’s backgrounds and circumstances is appreciated and valued, a society in which similar life opportunities are available to all, and a society in which strong and positive relationships exist and continue to be developed in the workplace, in schools and in the wider community.

The purpose of this policy is to:

- Ensure an awareness of Prevent within the school.
- Provide a clear framework to structure and inform our response to safeguarding concerns, including a supportive referral process for those who may be susceptible to the measures of extremism.
- Embed British Values into the curriculum and ways of working.
- Recognise current practice that contributes to the Prevent agenda and identify areas for improvement.

In order to fulfil the Prevent Duty 2015, it is essential that staff are able to identify children who may be vulnerable to radicalisation, and know what to do when they are identified. Protecting children from the risk of radicalisation should be seen as part of the school’s wider safeguarding duties, and is similar in nature to protecting children from other harms (eg drugs, gangs, neglect etc), whether these come from within their family or are the product of outside influences.

#### **Preventing Radicalisation**

Children are vulnerable to extremist ideology and radicalisation. Similar to protecting children from other forms of harms and abuse, protecting children from this risk should be a part of a school’s safeguarding approach. The definitions used here are:

- **Extremism** is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces.
- **Radicalisation** refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

- **Terrorism** is an action that endangers or causes serious violence to a person/people; causes serious damage to property; or seriously interferes or disrupts an electronic system. The use or threat **must** be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause.

There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media or the internet) and settings (such as within the home).

However, it is possible to protect vulnerable people from extremist ideology and intervene to prevent those at risk of radicalisation being radicalised. As with other safeguarding risks, staff should be alert to changes in children's behaviour, which could indicate that they may be in need of help or protection. Staff should use their judgement in identifying children who might be at risk of radicalisation and act proportionately which may include the designated safeguarding lead (or deputy) making a Prevent referral.

### National Guidance and Strategies

Prevent is one of four strands of the Government's counter terrorism strategy – CONTEST. The UK currently faces a range of terrorist threats. Terrorist groups who pose a threat to the UK seek to radicalise and recruit people to their cause. Early intervention is at the heart of Prevent in diverting people away from being drawn into terrorist activity through radicalisation.

The National Prevent Strategy objectives are:

Ideology:	To respond to the ideological challenge of terrorism and the threat we face from those promoting it.
Individuals:	To prevent people from being drawn into terrorism and ensure they are given appropriate support.
Institutions:	To work with sectors and institutions where there are risks of radicalisation to address.

Prevent happens before any criminal activity takes place by recognising, supporting and protecting people who might be susceptible to radicalisation. The national Prevent Duty confers mandatory duties and responsibilities on a range of public organisations and seeks to:

- Respond to the ideological challenge of terrorism and aspects of extremism, and the threat we face from those who promote these views.
- Provide practical help to prevent people from being drawn into terrorism and violent extremism and ensure they are given appropriate advice and support.
- Work with a wide range of sectors where there are risks of radicalisation which needs to be addressed, including education, criminal justice, faith, the internet and health.

The Government has created a system of 'threat levels' that represents the likelihood of a terrorist attack in the near future. The current threat level from international terrorism in the UK is severe, which means that a terrorist attack is highly likely.

### Objectives

Our Prevent Policy has five key objectives:

1. To promote and reinforce shared values, including British Values (including democracy, the rule of law, individual and mutual respect and tolerance of different faiths and beliefs); to create space for free and open debate; and to listen and support the learner voice.
2. To breakdown segregation among different student communities including by supporting inter-faith and inter-cultural dialogue and understanding; and to engage all pupils in playing a full and active role in wider engagement in society.
3. To ensure student safety and that the school is free from bullying, harassment and discrimination.
4. To provide support for pupils who may be at risk of radicalisation, and appropriate sources of advice and guidance.
5. To ensure that pupils and staff are aware of their roles and responsibilities in preventing violent and non-violent extremism.

## Definitions

The following are commonly agreed definitions within the Prevent agenda:

- An **ideology** is a set of beliefs.
- **Radicalisation** is the process by which a person comes to support terrorism and forms of extremism that may lead to terrorism.
- **Safeguarding** is the process of protecting vulnerable people, whether from crime, other forms of abuse or from being drawn into terrorism-related activity.
- **Terrorism** is an action that endangers or causes serious violence, damage or disruption and is intended to influence the government or to intimidate the public and is made with the intention of advancing a political, religious or ideological.
- **Vulnerability** describes factors and characteristics associated with being susceptible to radicalisation.
- **Extremism** is vocal or active opposition to fundamental **British Values**, including democracy, the rule of law, Individual and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.

## Aims

### Leadership and Values

To create and maintain a school ethos that upholds core values of shared responsibility and wellbeing for all pupils, staff and visitors whilst promoting respect, equality and diversity and understanding. This will be achieved through:

- Promoting core values of respect, equality and diversity, democratic society, learner voice and participation.
- Building understanding of the issues and confidence to deal with them through staff training, tutorials, awareness campaigns and community engagement activities.
- Deepening engagement with local communities and faith groups.

### Teaching and Learning

To provide a curriculum that promotes British Values, knowledge, skills and understanding, to build the resilience of pupils by undermining extremist ideology and supporting the learner voice. This will be achieved through:

- Embedding British Values, equality, diversity and inclusion, wellbeing and community cohesion throughout the curriculum.
- Promoting wider skills development such as social and emotional aspects of learning.
- A curriculum adapted to recognise local needs, challenge extremist narratives and promote universal rights.
- Teaching, learning and assessment strategies that explore controversial issues in a way that promotes critical analysis and pro-social values.
- Use of external programmes or groups to support learning while ensuring that the input supports school goals and values.
- Encouraging active citizenship and learner voice.

### Pupil Support

To ensure that staff take preventative and responsive steps, working with partner professionals, families and communities. This will be achieved through:

- Strong, effective and responsive student support services.
- Developing strong community links and being aware of what is happening in the locality, including within the school's own community.
- Implementing anti-bullying strategies and challenging discriminatory behaviour.
- Recognising factors that may increase risk to a pupil, i.e. vulnerability, disadvantage or hardship, and implementing early risk management strategies.
- Ensuring that pupils and staff know how to access support in school and/or via community partners.
- Supporting pupils with problem solving and repair of harm.
- Supporting 'at risk' pupils through safeguarding and crime prevention processes.
- Focusing on narrowing the attainment gap between the different groups of pupils.
- Working collaboratively to promote support for pupils across all areas of the school, including pupils in off-site provision.

## **Roles and responsibilities**

### *The Managing Principal*

The Managing Principal has a legal responsibility under the Prevent Duty to make sure that staff undergo training in the Prevent Duty. Additionally, he ensures that:

- all staff are aware of when it is appropriate to refer concerns about pupils, learners or colleagues to the Designated Safeguarding Lead.
- all staff exemplify British Values into their values.
- policies and procedures to implement the Prevent Duty are in place and acted on where appropriate.

### *Prevent Lead for the School*

The Headmistress is the Prevent Lead and Designated Safeguarding Lead, with responsibility for ensuring that our Prevent Strategy is implemented across the school and that any concerns are shared with the relevant organisations in order to minimise the risk of our pupils becoming involved with terrorism.

### *Staff*

All staff have a responsibility to:

- create and support an ethos that upholds the school's mission, vision and values including British Values, to create an environment of respect, equality and diversity and inclusion.
- attend Prevent training in order to have the skills to recognise those who may be vulnerable to radicalisation, involved in violent or non-violent extremism, and to know the appropriate action to take if they have concerns.
- report any concerns around extremism or radicalisation via the safeguarding reporting channels.
- report and remove any literature displayed around the school that could cause offense or promote extremist views.
- support the development of staff and student understanding of the issues around extremism and radicalisation through activities such as training, awareness campaigns and tutorials.
- participate in engagement with local communities, schools and external organisations as appropriate.

## **Managing Risks and Responding to Events**

The school will ensure that it monitors risks and is ready to deal appropriately with issues which arise through the following:

- Understanding the nature of threat from violent extremism and how this may impact directly and indirectly on the school.
- Identifying, understanding and managing potential risks within the school from external influences.
- Responding appropriately to events reported via local, national or international news that may impact on students and communities.
- Ensuring plans are in place to minimise the potential for acts of violent or non-violent extremism within the school.
- Ensuring measures are in place to respond appropriately to a threat or incident within the school.
- Continuously developing effective ICT security and responsible user policies.
- Ensuring compliance with related policies.

## **Risk Assessment**

The school assesses the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. It is important that staff understand these risks so that the school can respond in an appropriate and proportionate way. The school is aware of the risk of online radicalisation through the use of social media or the internet.

Staff are trained to be alert to changes in children's behaviour that could indicate that they may be in need of help or protection. Although the Prevent Duty does not require the school to carry out unnecessary intrusion into family life, staff must take action if they observe behaviour of concern.

### **Vulnerability/Risk Indicators**

The following lists are not exhaustive and all or none may be present in individual cases of concern. Nor does it mean that vulnerable young people experiencing these factors are automatically at risk of exploitation for the purposes of extremism. The accepted view is that a complex relationship between the various aspects of an individual's identity determines their vulnerability to extremism.

There is no such thing as a 'typical extremist' and those involved in extremism come from a range of backgrounds and experiences. The following indicators may help to identify factors that suggest a young person or their family may be vulnerable or involved with extremism:

#### *Vulnerability*

Identity Crisis:	Distance from cultural/religious heritage and uncomfortable with their place in the society around them.
Personal Crisis:	Family tensions; sense of isolation; adolescence; low self-esteem; disassociating from existing friendship group and becoming involved with a new and different group of friends; searching for answers to questions about identity, faith and belonging.
Personal Circumstances:	Migration; local community tensions; events affecting country or region of origin; alienation from UK values; having a sense of grievance that is triggered by personal experience of racism or discrimination or aspects of Government policy.
Unmet Aspirations:	Perceptions of injustice; feeling of failure; rejection of civic life.
Criminality:	Experiences of imprisonment; poor resettlement/reintegration, previous involvement with criminal groups.

#### *Access to extremist influences*

- Reason to believe that the young person associates with those known to be involved in extremism.
- Possession or distribution of extremist literature/other media material likely to incite racial/religious hatred or acts of violence.
- Use of closed network groups via electronic media for the purpose of extremist activity.

#### *Experiences, behaviours and influences*

- Experience of peer, social, family or faith group rejection.
- International events in areas of conflict and civil unrest had a personal impact on the young person resulting in a noticeable change in behaviour.
- Verbal or written support of terrorist attacks.
- First-hand experience of racial or religious hate crime.
- Extended periods of travel to international locations known to be associated with extremism.
- Evidence of fraudulent identity/use of documents to support this.
- Experience of disadvantage, discrimination or social exclusion.
- History of criminal activity.
- Pending a decision on their immigration/national status.

#### *More critical risk factors include:*

- Being in contact with extremist recruiters.
- Articulating support for extremist causes or leaders.
- Accessing extremist websites, especially those with a social networking element.
- Possessing extremist literature.
- Justifying the use of violence to solve societal issues.
- Joining extremist organisations.
- Significant changes to appearance/behaviour.

## Referral and Intervention

Any identified concerns as the result of observed behaviour or reports of conversations to suggest that the young person supports terrorism and/or extremism, must be reported to the Designated Safeguarding Lead immediately.

Some concerns may have a security dimension to them and so liaison with the Police may form an early part of an investigation. The Police will carry out an initial assessment and, if appropriate, set up a multiagency meeting to agree actions for supporting the individual.

If a referral needs to be carried out, the contact details on Page 9 should be used in addition to:

101 – non-emergency police number

020 7340 7264 or [counter-extremism@education.gsi.gov.uk](mailto:counter-extremism@education.gsi.gov.uk) – Department for Education dedicated helpline

It may be necessary to make a referral to the Channel programme. Anybody can make a referral – not just the Designated Safeguarding Lead.

## Channel

Channel is a voluntary, confidential support programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. Prevent referrals may be passed to a multi-agency Channel panel, which will discuss the individual referred to determine whether they are vulnerable to being drawn into terrorism and consider the appropriate support required. A representative from the school may be asked to attend the Channel panel to help with this assessment. An individual's engagement with the programme is entirely voluntary at all stages.

Guidance on Channel is available at: [Channel guidance](#).

## Additional support

The department has published further advice for schools on the [Prevent duty](#). The advice is intended to complement the Prevent guidance and signposts to other sources of advice and support.

The Home Office has developed three e-learning modules:

- [Prevent awareness e-learning](#) offers an introduction to the Prevent duty.
- [Prevent referrals e-learning](#) supports staff to make Prevent referrals that are **robust, informed** and with **good intention**.
- [Channel awareness e-learning](#) is aimed at staff who may be asked to contribute to or sit on a multi-agency Channel panel.

[Educate Against Hate](#), is a government website designed to support school teachers and leaders to help them safeguard their students from radicalisation and extremism. The platform provides free information and resources to help school staff identify and address the risks, as well as build resilience to radicalisation.

For advice specific to further education, the Education and Training Foundation (ETF) hosts the [Prevent for FE and Training](#). This hosts a range of free, sector specific resources to support further education settings comply with the Prevent duty. This includes the Prevent Awareness e-learning, which offers an introduction to the duty, and the Prevent Referral e-learning, which is designed to support staff to make robust, informed and proportionate referrals.

## Links to other policies

This policy should be used in conjunction with the following policies and procedures:

- |                                |                          |
|--------------------------------|--------------------------|
| • Safeguarding Children Policy | • Behaviour Policy       |
| • Equal Opportunities Policy   | • Whistleblowing Policy  |
| • Health and Safety Policy     | • Data Protection Policy |
| • Anti-Bullying Policy         | • Use of ICT Policy      |





## **Safeguarding Children Policy: Section L**

### **Staff Code of Conduct**

#### **Introduction**

A Code of Conduct is designed to give clear guidance on the standards of behaviour all staff are expected to observe. School staff working with and around children are in a unique position of influence and must adhere to behaviour that sets a good example and acts as a role model to children of all ages.

#### **Underpinning Principles**

- The welfare of the child is paramount
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivations and intentions.
- Staff should work and be seen to work in an open and transparent way
- Staff should discuss and/or take advice promptly from their line manager or a member of the Senior Leadership Team over any incident which may give rise to concern.
- Records should be made of any such incident and of decisions made or actions agreed.
- Staff should apply the same professional standards regardless of gender or sexuality.
- All staff should know that the Headmistress is the designated person for Child Protection and be familiar with the School's Safeguarding Policy.

#### **Duty of Care**

All staff, whether paid or voluntary, have a duty to keep young people safe and protect them from physical and emotional harm. This duty is in part exercised through the development of respectful, caring and professional relationships between staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgement.

Staff are accountable for the way in which they exercise authority, manage risk, use resources and protect pupils from discrimination and avoidable harm. There are legitimate high expectations about the nature of the professional involvement of staff in the lives of children. When individuals accept a role that involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers have a duty of care towards their employees which requires them to provide a safe working environment for staff and guidance about safe working practices.

#### **Setting an Example**

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of pupils. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, pupils and the public in general. An individual's behaviour, either in or out of the workplace, should not compromise her/his position within the work setting or bring the school or the Oak-Tree Group into disrepute.

All staff who work in schools provide a role model for behaviour and conduct which can be copied by pupils. All staff must, therefore, demonstrate high standards of conduct in order to encourage our pupils to do the same.

#### **Power and Positions of Trust**

All adults working with students in education settings are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people; staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

### **Guidelines for Staff**

Staff should always maintain appropriate professionalism and wherever possible, they should avoid behaviour which might be misinterpreted by others, and report and record any incident with this potential. They have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of the pupils. They should adopt high standards of personal conduct in order to maintain that confidence.

Staff need to ensure that their behaviour does not inadvertently lay them open to allegations of abuse. They need to treat all pupils with respect and try, as far as possible, not to be alone with a child or young person. Where this is not possible, for example, in an instrumental music lesson, or sports coaching lesson, it is good practice to ensure that others are within earshot. Where possible, a gap or barrier should be maintained between teacher and child at all times.

### **Conduct Outside Work**

Staff must not engage in conduct outside work which could seriously damage the reputation and standing of the school, the Oak-Tree Group or the employee's own reputation or the reputation of other members of the school community. In particular, criminal offences that involve violence or possession or use of illegal drugs or sexual misconduct are likely to be regarded as unacceptable.

Staff may undertake work outside school, either paid or voluntary, provided that it does not conflict with the interests of the school nor be to a level which may contravene the working time regulations or affect an individual's work performance. Employees must notify the Group Managing Principal in advance of engaging in other outside paid work or activities.

### **Confidentiality**

Members of staff may have access to confidential information about pupils in order to undertake their every day responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a child or his/her family for their own, or others' advantage.

Confidential information about pupils should never be used casually in conversation or shared with any person other than on a need to know basis. In circumstances where the pupil's identity does not need to be disclosed the information should be used anonymously. **Confidential information about pupils must be held securely. Confidential information about pupils must not be held off the school site other than on security protected school equipment.**

There are some circumstances in which a member of staff may be expected to share information about a pupil, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated child protection responsibilities. If a member of staff is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff.

Adults need to be aware that although it is important to listen to and support pupils, they must not promise confidentiality or request pupils to do the same under any circumstances. Additionally concerns and allegations about adults should be treated as confidential and passed to a senior leader without delay.

### **Private Meetings with Pupils**

Staff should be aware that private meetings with individual pupils may give rise to concern. There will be occasions where a one to one meeting is necessary but such interviews should be conducted in a room with visual access or with the door open and another pupil or adult should be present or nearby. Where such conditions cannot apply, staff should ensure that another adult knows that the interview is taking place. Meetings with pupils away from the School premises should only be arranged with the specific approval of the Headmistress.

## **Social Contact**

Staff should not establish or seek to establish social contact with pupils for the purpose of securing a friendship or to pursue or strengthen a relationship. If a young person seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise his/her professional judgment in making a response and be aware that such social contact in person, by phone or on the internet could be misconstrued and may place the member of staff in a very vulnerable position.

Staff must not give their personal details such as home/mobile phone number, home/e-mail address to pupils or parents unless it has been agreed in advance with the Headmistress. No child should be in, or invited into, the home of an adult who works with them unless the reason for this has been firmly established and agreed with parents and senior leaders or the home has been designated by the organisation or regulatory body as a work place e.g. childminders, foster carers.

## **Social Networking Sites and Online Gaming**

Staff may use social networking sites for personal use. However, the school requires that profile and photos of the member of staff are 'locked down' as private so that pupils or parents do not have access to personal data or images. Staff should not request or use any means of personal contact with pupils via text messaging, instant messaging or similar. There should be no contact with pupils through social networking websites in accordance with the School Safeguarding Policy and Use of ICT Policy.

Staff must deny current or recent pupils access to their profiles so they do not put themselves in a vulnerable position. Staff should be aware that they leave themselves open to a charge of professional misconduct if images of a member of staff in a compromising situation are made available on a public profile by anyone.

If a pupil does gain access to the profile of a member of staff by fraudulent means (impersonation or hacking) the Headmistress should be informed immediately. Where relationships exist between staff and those who are also parents at the school, or personal friends who are parents at the school, social networking is acceptable but caution must be exercised so that professional standards are maintained and staff do not compromise themselves or the school.

As soon as a member of staff becomes aware that they are in an online game with a pupil of the school, the member of staff should cease to play against that pupil and should not enter any games containing that player as part of the group. Under no circumstances should staff seek out pupils and/or share their own gamer tags/ID with pupils, or use school equipment to play online games.

Staff should also avoid contact with parents through these means, unless it has been agreed in advance by the Headmistress or Group Managing Principal.

## **Physical Contact with Pupils**

There are occasions, such as comforting a distressed child, when it is appropriate and proper for staff to have physical contact with pupils. This would normally happen with younger children, but staff must take care to behave professionally and use their professional judgment at all times.

It is acknowledged that some staff are likely to come into physical contact with pupils from time to time in the course of their duties. Examples include:

- Showing a pupil how to use a piece of apparatus or equipment.
- Demonstrating a move or exercise during games or PE.
- Restrain a pupil physically to prevent her from injuring herself or others.

Physical contact should never be secretive, or of the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible, the DSL informed and, if appropriate, a copy placed on the pupil's file.

Any physical contact should be the minimum required for care, instruction or restraint.

### **Physical Education and other activities that require physical contact**

Some staff, for example, those who teach PE and games, or who offer music tuition, will on occasions have to initiate physical contact with pupils in order to support a pupil so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the pupil's agreement.

Staff should consider alternatives where it is anticipated that a pupil might misinterpret any such contact, perhaps involving another member of staff or a less vulnerable student in the demonstration. Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment. Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil.

### **Showers and Changing**

Young people are entitled to respect and privacy when changing clothes or taking a shower. However, there needs to be an appropriate level of supervision in order to safeguard children, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the pupils concerned and sensitive to the potential for embarrassment. Staff need to be vigilant about their own behaviour and be mindful of the needs of the children.

### **Sexual Contact**

Any sexual behaviour with or towards a child or young person is illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether there is consent or not.

All adults working in the school who have contact with pupils are in positions of trust and therefore are prohibited from having a relationship with any pupil regardless of age. It is an offence under section 16 of The Sexual Offences Act 2003 for a person aged 18 or over (eg teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child or young person, and manipulate that relationship so that sexual abuse can take place. Staff and volunteers should be aware that conferring special attention without good reason or favouring a pupil has the potential to be construed as being part of a 'grooming' process, which is a criminal offence. Inappropriate contact does not just involve physical contact but includes inappropriate conversations, both face-to-face and on the telephone, of a sexual nature, sending texts, letters and e-mails of a suggestive nature or taking images of pupils for personal reasons.

### **Gifts from Pupils and Parents**

Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when pupils or parents wish to pass small tokens of appreciation to staff, for example at Christmas or as a thank-you, and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value. Any member of staff concerned about whether they or their colleagues may be at risk of giving or receiving a bribe (financial or otherwise) should contact the Group Managing Principal. Any member of staff receiving gifts or entertainment valued at more than £100 must disclose this to the Group Managing Principal.

Members of staff may not give personal gifts to students. This could be misinterpreted as a gesture either to bribe, or single out the young person. It might be perceived that a 'favour' of some kind is expected in return. Any reward given to a pupil should be consistent with school policy, recorded, and not based on favouritism. It is acceptable for staff to offer prizes of small value in certain tasks or competitions.

### **Infatuations**

Staff need to be aware that it is not uncommon for children to be strongly attracted to a member of staff and/or develop an infatuation. Staff should be aware that such circumstances always carry a high risk of words or actions being misinterpreted and for allegations to be made against staff.

A member of staff who becomes aware that a child may be infatuated with themselves or a colleague should discuss this at the earliest opportunity with a senior colleague so that appropriate action can be taken. In this way, steps can be taken to avoid hurt and distress for all concerned.

### **Behaviour Management**

All pupils have a right to be treated with respect and dignity. Corporal punishment is illegal and this School does not use corporal punishment. Staff should not use force as a form of punishment. They should try to diffuse situations before they escalate. All members of staff should adhere to the School's Behaviour Policy.

### **Physical Intervention**

Any physical restraint is only permissible when a child is in imminent danger of inflicting an injury on himself/herself or on another, and then only as a last resort when all efforts to diffuse the situation have failed. Another member of staff should, if possible, be present to act as a witness. All incidents of the use of physical restraint should be recorded in writing and reported immediately to the Headmistress who will decide what to do next. See Section D of this Safeguarding Policy for more detailed information.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence.

### **One to One Situations**

Staff working in one to one situations with children and young people are more vulnerable to allegations. Teachers and others should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure the safety and security needs of both staff and pupils are met.

Pre-arranged meetings with pupils away from the school premises will not be permitted unless approval is obtained from their parent and the Headmistress.

### **Transporting Children**

It is inadvisable for a teacher to give a lift in a car to a pupil alone. Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting as an escort. If there are exceptional circumstances that make unaccompanied transportation of pupils unavoidable, the journey should be made known to a senior member of staff.

### **Extra-Curricular**

Staff should take particular care when supervising pupils in the less formal atmosphere of an after school activity. This means that parents should be informed about the activity; the member of staff should undertake a risk assessment and ensure that their behaviour remains professional at all times.

Where this involves overnight stays careful consideration needs to be given to sleeping arrangements. Pupils, staff and parents should be informed of these before the start of the trip. All trips need to follow the school's agreed Educational Visits Policy.

### **First Aid**

First Aid arrangements are in line with the School's First Aid Policy. Staff should ensure that their actions cannot be misconstrued when administering first aid and wherever possible another member of staff should be present or aware of the action being taken.

### **Administering Medication**

See the *Sickness and Medication Policy* for detailed information. Staff should ensure that their actions cannot be misconstrued when administering medication and wherever possible another member of staff should be present or aware of the action being taken.

### **Intimate Care**

All children have a right to safety privacy and dignity when contact of an intimate nature is required. For example, assisting with toileting or removing wet/soiled clothing, for children within the Early Years Setting or children with Special Needs. A care plan would be drawn up and agreed with parents if we had a pupil who required intimate care on a regular basis in accordance with our policies set out in the Safeguarding Policy. Children should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable.

### **Relationships between Staff**

The School recognises that relationships may develop between members of staff. Where this happens the members of staff concerned should be aware that the relationship should not interfere with their ability to fulfil their professional duties in accordance with their Contract of Employment. Neither should their actions bring the school into disrepute or affect the smooth running of the school. Staff are reminded that they should behave in a professional manner at all times whilst in school. Overt displays of affections are not appropriate.

### **Curriculum**

Many areas of the curriculum can include or raise subject matter that is sexually explicit or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity.

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to pupils' questions can require careful judgement and staff may wish to take guidance in these circumstances from a senior member of staff.

Care should also be taken to abide by the policy on sex and relationships education and the wishes of parents. Parents have the right to withdraw their children from all or part of any sex education provided (but not from the biological aspects of human growth and reproduction necessary under the science curriculum).

### **Photography, Videos and other Creative Arts**

Many school activities involve recording images. These may be undertaken as part of the curriculum, out of school activities, for publicity, or to celebrate achievement.

Staff need to be aware of the potential for these aspects of teaching to be misused for pornographic or 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken.

### **Staff Dress Code**

A person's dress and appearance are matters of personal choice and self-expression. However staff and volunteers should recognise that they are role models to the children and their choice of dress should uphold the school's expectations for the children. Staff and volunteers must ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct.

Staff should always dress in smart clothes that reflect their professional status (bearing in mind the practicalities of working in the classroom environment). Casual clothes such as shorts, jeans, tracksuit bottoms or trainers are not acceptable (except where staff are involved in sporting activities or outings). Crocs, flip flops and similar footwear should not be worn.

Smart formal clothes should be worn at Parent Meetings and on public occasions such as the School Photo sessions, Church Services, Open Evenings, Drama Productions and Speech Day. Due to the impressionable nature of young children, the Oak-Tree Group would appreciate that tattoos and other body art are covered up whilst in school.

### **Whistleblowing**

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Please refer to the school Whistleblowing Policy for more details.

Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of senior leadership and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

### **Sharing Concerns and Recording Incidents**

All staff should be aware of the school's child protection procedures, including procedures for dealing with allegations against staff. Staff who are the subject of allegations are advised to contact their professional association.

In the event of an incident occurring, which may result in an action being misinterpreted and/or an allegation being made against a member of staff, the relevant information should be clearly and promptly recorded and reported to senior staff. Early discussion with a parent could avoid any misunderstanding. Members of staff should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with students so that appropriate support can be provided or action can be taken.

### **Conduct during the Coronavirus (Covid-19) Pandemic**

The Governing Body expects the whole school community to behave responsibly during the Pandemic and act in a way that protects and minimises the risk to themselves and others and enables maximum attendance by both staff and pupils.

There are strict measures in school, governed by risk assessments and guidelines, which everyone employed by the school is expected to familiarise themselves with, including any updates as they are announced. Any individuals who require clarification of any aspect of the measures/risk assessments must seek clarification from the Group Operations and Health & Safety Manager without delay.

All guidelines and requirements set out in the risk assessments and through reasonable management instruction must be complied with at all times whilst working at the school.

In addition, all individuals employed by the school (including staff, volunteers and third-party workers) are expected to behave responsibly and act in line with current latest Government Regulations and Guidelines on Covid-19 outside of work to protect themselves and others.

This includes:

- Keeping your distance from people outside your household or support bubble.
- Limiting social interactions in line with limits set by the Government.
- Ensuring high levels of hygiene are maintained, particularly regular hand washing.
- Wearing face coverings where required to do so by Government guidelines and regulations, except where exempt.
- Following Government guidance on testing and ensuring that where symptoms are present a test is taken as soon as reasonably practicable and self-isolating, along with any household members, until the outcome is available.
- Notifying the school immediately if you test positive for Covid-19 and self-isolating until the end of the recommended period.

- Co-operating fully with the NHS track and trace service, observing any requirement to self-isolate following contact with an infected person and not returning to school until the recommended period of self-isolation has been completed.
- Continuing to report absence in line with school requirements, including where any absence relates to Covid-19 or the need to self-isolate.
- Not booking holidays to locations that require a period of quarantine on return to the UK and so that will prevent the fulfilment of contractual obligations to attend work.

All individuals working at the school are responsible for ensuring the steps set out above are complied with to meet the following objectives:

- maximising levels of attendance for adults and students.
- enabling the school to maintain high quality provision of education to all students.
- maintaining public confidence in the profession and the school.
- avoiding reputational damage to the school.

The school reserves the right to take appropriate action, including disciplinary action, where these objectives are put at risk by an individual's conduct.





## **Safeguarding Children Policy: Section M**

### **Whistleblowing Policy**

#### **Introduction**

Whistleblowing has been defined as:

*“the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees”.* (Public Concern at Work Guidelines 1997)

Statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 (“PIDA”). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

This policy applies to all school staff including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience in the school.

#### **Aims**

The Governing Body is committed to high standards and will treat whistleblowing as a serious matter. In line with the Governing Body’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

This policy aims to:

- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns.
- Provide members of staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

#### **Safeguard Against Reprisal, Harassment and Victimisation**

The Governing Body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the Governing Body’s staff disciplinary procedures.

#### **Confidentiality**

The Governing Body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

### **Anonymous Allegations**

Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the Governing Body will take the following factors into account:

- The seriousness of the issue raised.
- The credibility of the concern.
- The likelihood of confirming the allegation and obtaining information provided.

### **Untrue and Malicious/Vexatious Allegations**

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Governing Body will consider taking disciplinary action against the member of staff.

### **Allegations Concerning Child Protection Issues**

If a member of staff raises a concern related to a child protection issue, the Designated Safeguarding Lead should urgently consult the LA Officer designated to lead on child protection.

### **Reasons for Whistleblowing**

Staff must acknowledge their individual responsibility to bring matters of concern to the attention of a member of SLT. There should be transparency and accountability in relation to how concerns are received and handled.

Reasons for whistle blowing include:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour
- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent becoming implicated yourself

What stops people from whistle blowing:

- Starting a chain of events which spirals
- Disrupting the work or project
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed

### **How to Raise a Concern**

Concerns should be expressed in writing to the Headmistress as Designated Safeguarding Lead. If the concern involves the Headmistress then the Group Principal should be the first point of contact. It is expected that the person receiving the allegation will become the investigating officer. However it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

## **Response to Whistleblowing**

The matter raised may:

- Need inquiry internally in the school.
- Need to be passed to the Police if it relates to alleged criminal activity.
- Need to be passed to the person in the Head Office who deals with complaints about financial management or financial propriety in schools.
- Need to be referred to the LA Officer designated to lead on safeguarding if there is a concern relating to child protection.

At this stage concerns/allegations are neither accepted nor rejected.

## **The Inquiry Report**

Following completion of the inquiry process the investigating officer will make a written report and if necessary action will be taken. This may result in a trigger for the Disciplinary Procedure to be implemented against the person reported. The whistleblower will also be notified of the outcome. The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.

## **Self-reporting**

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, a member of SLT and/or the Headmistress.



## **Safeguarding Children Policy: Section N**

### **Children Missing Education Policy**

#### **Introduction - overview**

All children, regardless of their circumstances, are entitled to an efficient, full time education that is suitable to their age, ability, aptitude and any special educational needs they may have.

Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and becoming NEET (not in education, employment or training) later in life.

Effective information sharing between parents, schools and local authorities is critical to ensuring that all children of compulsory school age are safe and receiving suitable education.

#### **Local authorities' responsibilities**

- Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children of compulsory school age in their area who are not registered pupils at a school and are not receiving suitable education otherwise.
- The local authority should consult the parents of the child when establishing whether the child is receiving suitable education. Those children identified as not receiving suitable education should be returned to full time education either at a school or in alternative provision. Prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children are safe and receiving suitable education.
- Local authorities should have robust policies and procedures in place to enable them to meet their duty in relation to these children, including that there are effective tracking and enquiry systems in place, and appointing a named person to whom schools and other agencies can make referrals about children who are missing education.
- Some children who are missing from education can be identified and supported back into education quickly; other children who have experienced more complex problems face tougher obstacles to getting back into suitable education.
- Local authorities should have in place arrangements for joint working and information sharing with other local authorities and agencies. Individual local authorities can determine the specific detailed arrangements that work best in their area that not only meet this statutory duty but also enable them to contribute to a range of work aimed at improving outcomes for children. The [Working together to safeguard children](#) statutory guidance provides advice on inter-agency working to safeguard and promote the welfare of children.
- Where there is concern for a child's welfare, this should be referred to local authority children's social care. If there is reason to suspect a crime has been committed, the police should also be involved. Where there is a concern that a child's safety or well-being is at risk, it is essential to take action without delay.
- Local authorities have other duties and powers to support their work on CME. These include:
  - a. Arranging suitable full-time education for permanently excluded pupils from the sixth school day of exclusion.
  - b. Safeguarding children's welfare, and their duty to cooperate with other agencies in improving children's well-being, including protection from harm and neglect.
  - c. Serving notice on parents requiring them to satisfy the local authority that the child is receiving suitable education, when it comes to the local authority's attention that a child might not be receiving such education.

- d. Issuing School Attendance Orders (SAOs) to parents who fail to satisfy the local authority that their child is receiving suitable education, if the local authority deems it is appropriate that the child should attend school.
- e. Prosecuting parents who do not comply with a SAO.
- f. Prosecuting or issuing penalty notices to parents who fail to ensure their school-registered child attends school regularly.
- g. Applying to court for an Education Supervision Order for a child to support them to go to school.

### **Parents' responsibilities**

- Parents have a duty to ensure that their children of compulsory school age are receiving suitable full-time education. Some parents may elect to educate their children at home<sup>12</sup> and may withdraw them from school at any time to do so, unless they are subject to a School Attendance Order.
- Where a parent notifies the school in writing that they are home educating, the school must delete the child's name from the admission register and inform the local authority. However, where parents orally indicate that they intend to withdraw their child to be home educated, the school should consider notifying the local authority at the earliest opportunity.
- Children with Education, Health and Care (EHC) plans or statements of special educational needs (SEN) can be home educated<sup>13</sup>. Where the EHC plan or statement sets out SEN provision that the child should receive at home, the local authority is under a duty to arrange that provision. Where the EHC plan or statement names a school or type of school as the place where the child should receive his or her education but the parent chooses to home educate their child, the local authority must assure itself that the provision being made by the parent is suitable. In such cases, the local authority must review the plan or statement annually to assure itself that the provision set out in it continues to be appropriate and that the child's SEN continue to be met.

### **The School's responsibilities**

- The school enters pupils on the admission register at the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. If a pupil fails to attend on the agreed or notified date, the school undertakes reasonable enquiries to establish the child's whereabouts and consider notifying the local authority at the earliest opportunity.
- The school monitors pupils' attendance through its daily register. The school informs local authorities of the details of pupils who fail to attend regularly or have missed ten school days or more without permission. The school monitors attendance closely to address poor or irregular attendance.
- Where a pupil has not returned to school for ten days after an authorised absence or is absent from school without authorisation for twenty consecutive school days, the pupil can be removed from the admission register when the school and the local authority have failed, after jointly making reasonable enquiries, to establish the whereabouts of the child. This only applies if the school does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or unavoidable cause.
- The school is required to notify the local authority when a pupil's name is to be removed from the admission register at a non-standard transition point under any of the fifteen grounds set out in the regulations as soon as the ground for removal is met.

### **Recording information in the school's admission register**

- It is important that the school's admission register is accurate and kept up to date. The school regularly encourages parents to inform the office of any changes whenever they occur, through using existing communication channels such as regular emails and newsletters. This assists both the school and local authority when making enquiries to locate children missing education.
- Where a parent notifies the school that a pupil will live at another address, the school is required to record in the admission register:
  - a. the full name of the parent with whom the pupil will live;

- b. the new address;
  - c. the date from when it is expected the pupil will live at this address.
- Where a parent of a pupil notifies the school that the pupil is registered at another school or will be attending a different school in future, the school must record in the admission register:
  - a. the name of the new school;
  - b. the date when the pupil first attended or is due to start attending that school.

### **Children at particular risk of missing education**

- **Pupils at risk of harm/neglect**

Children may be missing from education because they are suffering from abuse or neglect. Where this is suspected schools should follow local child protection procedures. However, if a child is in immediate danger or at risk of harm, a referral should be made immediately to children's social care (and the police if appropriate). The Department's statutory guidance [\*Keeping children safe in education\*](#) provides further advice for schools on safeguarding children.

- **Children of Gypsy, Roma and Traveller (GRT) families**

Children from these families can become disengaged from education, particularly during the secondary school phase. It is therefore important that schools inform the local authority when a GRT pupil leaves the school without identifying a new destination school, particularly in the transition from primary to secondary so that they can attempt to facilitate continuity of the child's education. Although many are settled, some GRT families move regularly and their children can be at increased risk of missing education.

- **Children of Service Personnel**

Families of members of the Armed Forces are likely to move frequently – both in the UK and overseas and often at short notice. Schools should contact the MoD Children's Education Advisory Service ([CEAS](#)) on 01980 618244 for advice on making arrangements to ensure continuity of education for those children when the family moves.

- **Missing children and runaways**

Children who go missing or run away from home or care may be in serious danger and are vulnerable to crime, sexual exploitation or abduction as well as missing education.

- **Children and young people supervised by the Youth Justice System**

Children who have offended or are at risk of doing so are also at risk of disengaging from education. Local authority Youth Offending Teams (YOTs) are responsible for supervising those young people (aged 8 to 18).

- **Children who cease to attend a school**

There are many reasons why a child stops attending a school. It could be because the parent chooses to home educate their child. However, where the reason for a child who has stopped attending a school is not known, the local authority should investigate the case and satisfy itself that the child is receiving suitable education.