

Draft Policy to Staff:	September 2018	Agreed by Governors:	TBC – October 2018
Draft Policy to Governors:	September 2018	Review Date:	July 2019

## Rationale

South Shields School is committed to safeguarding and promoting the welfare, both physical and emotional, of every student, inside and outside the school premises. The policy has been drafted to include the updated guidance document from the DFE `Keeping Children Safe in Education`. For the purposes of this Policy and supporting guidance, South Shields School will define safeguarding and protecting the welfare of children as: protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.

### DFE UPDATE DECEMBER 2017 (under consultation)

#### What school and college staff should know and do

##### A child centred and coordinated approach to safeguarding

1. Schools and colleges and their staff are an important part of the wider safeguarding system for children. This system is described in statutory guidance Working together to safeguard children.
2. 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, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the **best interests** of the child.
3. No single professional can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, **everyone** who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.
4. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as: protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.
5. Children includes everyone under the age of 18.

### The role of school and college staff

6. School and college staff are particularly important as they are in a position to identify concerns early, provide help for children, and prevent concerns from escalating.
7. **All** school and college staff have a responsibility to provide a safe environment in which children can learn.
8. Every school and college should have a designated safeguarding lead who will provide support to staff members to carry out their safeguarding duties and who will liaise closely with other services such as children's social care.
9. **All** school and college staff should be prepared to identify children who may benefit from early help.<sup>3</sup> 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
10. **Any staff member** who has a concern about a child's welfare should follow the referral processes set out in paragraphs 21-27. Staff may be required to support social workers and other agencies following any referral.
11. The Teachers' Standards 2012 state that teachers, including headteachers, should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.

### What school and college staff need to know

12. **All** staff members should be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction. This should include:
  - the child protection policy;
  - the staff behaviour policy (sometimes called a code of conduct); and
  - the role of the designated safeguarding lead.

Copies of policies and a copy of Part one of this document (Keeping children safe in education) should be provided to staff at induction.

13. **All** staff members should receive appropriate safeguarding and child protection training which is regularly updated. In addition all staff members should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

14. **All** staff should be 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.
15. **All** staff should be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989<sup>5</sup> that may follow a referral, along with the role they might be expected to play in such assessments.<sup>6</sup>
16. **All** staff should know what to do if a child tells them he/she is being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality whilst at the same time liaising with relevant professionals such as the designated safeguarding lead and children's social care. Staff should never promise a child that they will not tell anyone about an allegation, as this may ultimately not be in the best interests of the child.

#### **What school and college staff should look out for**

17. **All** school and college staff members should be aware of the types of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Types of abuse and neglect, and examples of safeguarding issues are described in the keeping children safe in education dfe doc.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550511/Keeping\\_children\\_safe\\_in\\_education.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf)

18. 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 signs of abuse and neglect are highlighted throughout the advice and will be particularly helpful for school and college staff. The NSPCC website also provides useful additional information on types of abuse and what to look out for.
19. 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 members should always act in the **best** interests of the child.
20. 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.

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

21. If staff members have any **concerns** about a child (as opposed to a child being in immediate danger) they will need to decide what action to take. Where possible, there should be a conversation with the designated safeguarding lead to agree a course of action, although any staff member can make a referral to children's social care. Other options could include referral to specialist services or early help services and should be made in accordance with the referral threshold set by the Local Safeguarding Children Board.

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

30. It is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and Serious Case Reviews have repeatedly shown the dangers of failing to take effective action. Poor practice includes: 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; sharing information too slowly; and a lack of challenge to those who appear not to be taking action.

### **What school should do if they have concerns about another staff member**

31. If staff members have concerns about another staff member, then this should be referred to the headteacher or principal. Where there are concerns about the headteacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school as appropriate. In the event of allegations of abuse being made against the headteacher, where the headteacher is also the sole proprietor of an independent school, allegations should be reported directly to the designated officer(s) at the local authority. Staff may consider discussing any concerns with the school's designated safeguarding lead and make any referral via them. Full details can be found in Part four of this guidance.

**What school staff should do if they have concerns about safeguarding practices within the school.**

32. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school or college's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.
33. Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, should be in place for such concerns to be raised with the school or college's senior leadership team.
34. Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be 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

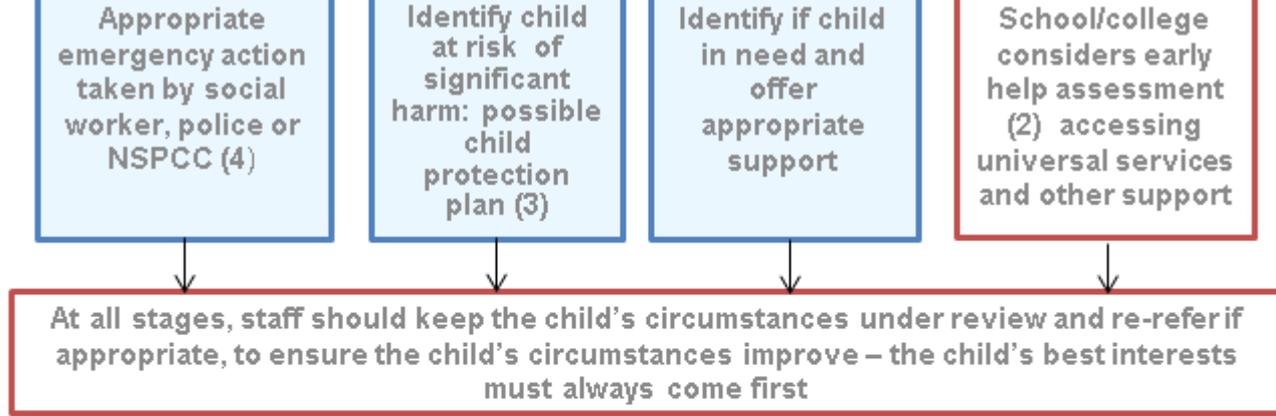
**South Shields School Keeping Children Safe in Education Key Principles**

- Safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their part.
- A child centered approach: for services to be effective they should be based on a clear understanding of the needs and views of children.

**Aims**

- To provide a safe environment for all students where they can learn
- To provide effective transition arrangements for all vulnerable students
- To identify safe working practices for all staff
- To quickly identify, take appropriate action and support students who are suffering or likely to suffer maltreatment
- Work in partnership with primary feeder schools and other agencies to promote safeguarding of all youngsters at the college
- To identify key roles and responsibilities
- To carry out regular Health and Safety checks and risk assessments on the premises
- To ensure all departments carry out risk assessments

- To keep a Single Central Record (SCR) of staff who regularly work on the college site or with students off site documenting their DBS checks in accordance with the latest 'keeping children safe in education guidance'
- To regularly remind all staff of their duties under Child Safeguarding to ensure they fully understand safe working practices
- To ensure Child Safeguarding training is given to all NQTs & PGCE students and any new staff and volunteers
- To ensure supervision rotas are in place and regularly monitored for students entering and leaving the college, break and lunchtime
- To ensure all staff receive appropriate training, which is regularly updated, on Child Safeguarding issues so they are aware of their duties and responsibilities and can identify potential signs that a student may be suffering from abuse or maltreatment
- To identify key staff within each of the year groups to be responsible for monitoring and implementing the care and guidance of particular cohort of youngsters
- To identify and display around college and on the website a variety of routes that students can use to report any incidents where they feel they have been maltreated
- To establish safe havens for vulnerable youngsters at key times during the college day
- To ensure key staff are trained in writing and managing CAFs to support vulnerable students
- To ensure key staff are given priority to attend all case conferences and PEP meetings
- To have a senior member of staff designated as the Child Safeguarding Officer
- To review and update school policies that supports the safeguarding of students such as: Anti-bullying, Attendance, Equal Opportunities & Racial Equality, Smoking, Drugs & Medication, Admissions, LAC, Young Carers, Behaviour, Healthy Schools, Sick Children, SEN, Disability Inclusion Policy, Fire Evacuation, Disability Equality Scheme and the School Complaints Policy.
- To be aware of the new reporting requirements with regards to Female Genital Mutilation (FGM).
- To be aware of the new reporting guidance with regards to Forced Marriage.
- To protect children from risk of radicalisation.
- To employ and adhere to the Prevent guidance.
- To ensure staff understand how to make a referral to the Channel Programme.



## Statement of intent

Our statement of intent is published on the school website and on reception.

South Shields School is committed to safeguarding and promoting the welfare, both physical and emotional, of every pupil, inside and outside of the school premises.

This Policy sets out a clear and consistent framework for delivering this promise, in line with safeguarding legislation and statutory guidance.

It will be achieved by:

- Creating a culture of safe recruitment by adopting procedures that help deter, reject or identify people who might pose a risk to children.
- Educating pupils on how to keep safe and to recognise behaviour that is unacceptable.
- Identifying and making provision for any child that has been subject to abuse.
- Ensuring that members of the governing body, the Headteacher and staff members understand their responsibilities, under safeguarding legislation and statutory guidance, to be alert to the signs of child abuse and to refer concerns to the designated safeguarding lead.
- Ensuring that the Headteacher and any new staff members and volunteers are only appointed when all the appropriate checks have been satisfactorily completed.
- Ensuring every interview takes into account Safeguarding of Children

## The schools designated safeguarding lead is: Mrs J Mitchell

In the absence of the designated safeguarding lead, child protection matters will be dealt with by: Deputy Safeguarding Leads Miss A Kelly and Miss H George.

## **Categories of Abuse**

### **Neglect**

The persistent or severe neglect of a child or the failure to protect a child from exposure to any kind of danger including: cold or starvation, or extreme failure to carry out important aspects of care resulting in significant impairment of the child's health or development

### **Physical Injury**

Actual or likely physical injury to a child or failure to prevent physical injury or suffering to a child including deliberate poisoning, suffocation and Munchausen's Syndrome by Proxy.

### **Emotional Abuse**

Actual or likely adverse effect on the emotional and behavioural development of a child caused by persistent or severe emotional ill-treatment, rejection or bullying.

### **Sexual Abuse**

Actual or likely sexual exploitation of a child or adolescent. The child may be dependent and / or developmentally immature.

## **Legal framework**

This Policy will have consideration for and be in compliance with the following legislation and statutory guidance:

- Children's Act 1989
- Education Act 2002
- Education (Health Standards) (England) Regulations 2003
- Children's Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007
- School Staffing (England) Regulations 2009
- Education (Independent School Standards) (England) Regulations 2010
- Equality Act 2010
- Education (Non-Maintained Special Schools) (England) Regulations 2011
- Protection of Freedoms Act 2012
- Working Together to Safeguard Children 2015
- Keeping Children Safe in Education 2015
- The Anti-social Behaviour, Crime and Policing Act 2014 specifically legislation around Forced Marriage
- Keeping Children Safe in Education September 2018

**Related School Policies and guidance:**

- Health and Safety Policy ( including managing medication in school and use of School mini bus)
- Safer Recruitment; South Tyneside Council Policy
- Equality and Diversity Policy
- Attendance Policy
- Behaviour Policy
- Acceptable Use Policy
- Complaints Policy

**Impact of the Policy**

The impact of this policy will be measured by the School governors behaviour and safety group who will receive termly reports on child protection, attendance, behaviour, racial and homophobic incidents, misuse of ICT and accidents. Complaints with regard to safeguarding will also be received and monitored by the Behaviour and Safety Governors termly.

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## Roles and responsibilities

### 3.1. The Governing body has a duty to:

- Ensure that the school complies with its duties under the above child protection and safeguarding legislation.
- Ensure that the policies, procedures and training in the school are effective and comply with the law at all times.
- Ensure that the school contributes to inter-agency working in line with the statutory guidance 'Working Together to Safeguard Children 2015'.
- Ensure that the school's safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures established by the Local Safeguarding Children Board (LSCB).
- Comply with its obligations under section 14B of the Children's Act 2004 to supply the LSCB with information to fulfil its functions.
- Ensure that a member of the governing body is nominated to liaise with the local authority and/or partner agencies on issues of child protection and in the event of allegations of abuse made against the Headteacher or other governor.
- Ensure that there is an effective Child Protection Policy in place together with a Staff Behaviour Policy/Code of Conduct.
- Appoint a member of staff from the school leadership team (SLT) to the role of designated safeguarding lead as an explicit part of the role-holder's job description.
- There should always be cover for the designated safeguarding lead.
- Consider how children may be taught about safeguarding, including online, and through teaching and learning opportunities, as part of providing a broad and balanced curriculum.
- Prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required and ensuring volunteers are appropriately supervised.
- Ensure that at least one person on any appointment panel has undertaken safer recruitment training.
- Ensure that there are procedures in place to handle allegations against members of staff or volunteers.
- Ensure that there are procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed

due to safeguarding concerns, or would have been had they not resigned. This is a legal duty.

- Ensure that there are procedures in place to handle allegations against other children.
- Ensure that the child's wishes or feelings are taken into account when determining what action to take and what services to provide to protect individual children through ensuring there are systems in place for children to express their views and give feedback.
- Appoint a designated teacher to promote the educational achievement of 'looked after children' and to ensure that this person has undergone appropriate training.
- Ensure that staff members have the skills, knowledge and understanding necessary to keeping 'looked after children' safe, particularly with regard to the child's legal status, contact details and care arrangements.
- Put in place appropriate safeguarding responses to children who go missing from school, particularly on repeat occasions, to help identify any risk of abuse and neglect, including sexual abuse or exploitation and prevent the risks of their disappearance in future.

#### **The Headteacher has a duty to:**

- Safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.
- Ensure that the policies and procedures adopted by the governing body, particularly concerning referrals of cases of suspected abuse and neglect, are followed by staff members.

#### **The designated safeguarding lead has a duty to:**

- Refer all cases of suspected abuse to the local authority children's social care, the local authority designated officer (LADO) for child protection concerns, the DBS, and the police in cases where a crime has been committed.
- Liaise with the Headteacher to inform him/her of safeguarding issues, especially ongoing enquiries under section 47 of the Children's Act 1989 and police investigations.
- Act as a source of support, advice and expertise to staff members on matters of safeguarding and when deciding whether to make a referral by liaising with relevant agencies.
- Understand the assessment process for providing early help and intervention.
- 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.

## Keeping Children Safe in Education Policy

- Ensure each member of staff has access to and understands the school's Child Protection Policy and procedures, especially new and part-time staff members.
- Be alert to the specific needs of children in need, including those with special educational needs and/or disabilities and young carers.
- Be able to keep detailed, accurate and secure records of concerns and referrals.
- Obtain access to resources and attend any relevant or refresher training courses.
- Encourage among all staff members, a culture of listening to children and taking account of their wishes and feelings; in any measures the school may put in place to protect them.
- The designated safeguarding lead will ensure staff are updated on legislation in regards to Forced Marriage. The policy will be reviewed and procedures implemented. DSL is trained via the eLearning training FMU. Further information and clarification. <https://www.gov.uk/government/publications/what-is-a-forced-marriage>
- Ensure the school's Child Protection Policy is reviewed annually and the procedures and implementation are updated and reviewed regularly, and work with the governing body regarding this duty.
- Ensure the school's Child Protection Policy is available publically and parents are aware of the fact that referrals regarding suspected abuse or neglect may be made and the role of the school in this.
- Link with the local LSCB to make sure that staff members are aware of the training opportunities available and the latest local policies on safeguarding.
- Ensure that the pupil's child protection file is copied when transferring to a new school.

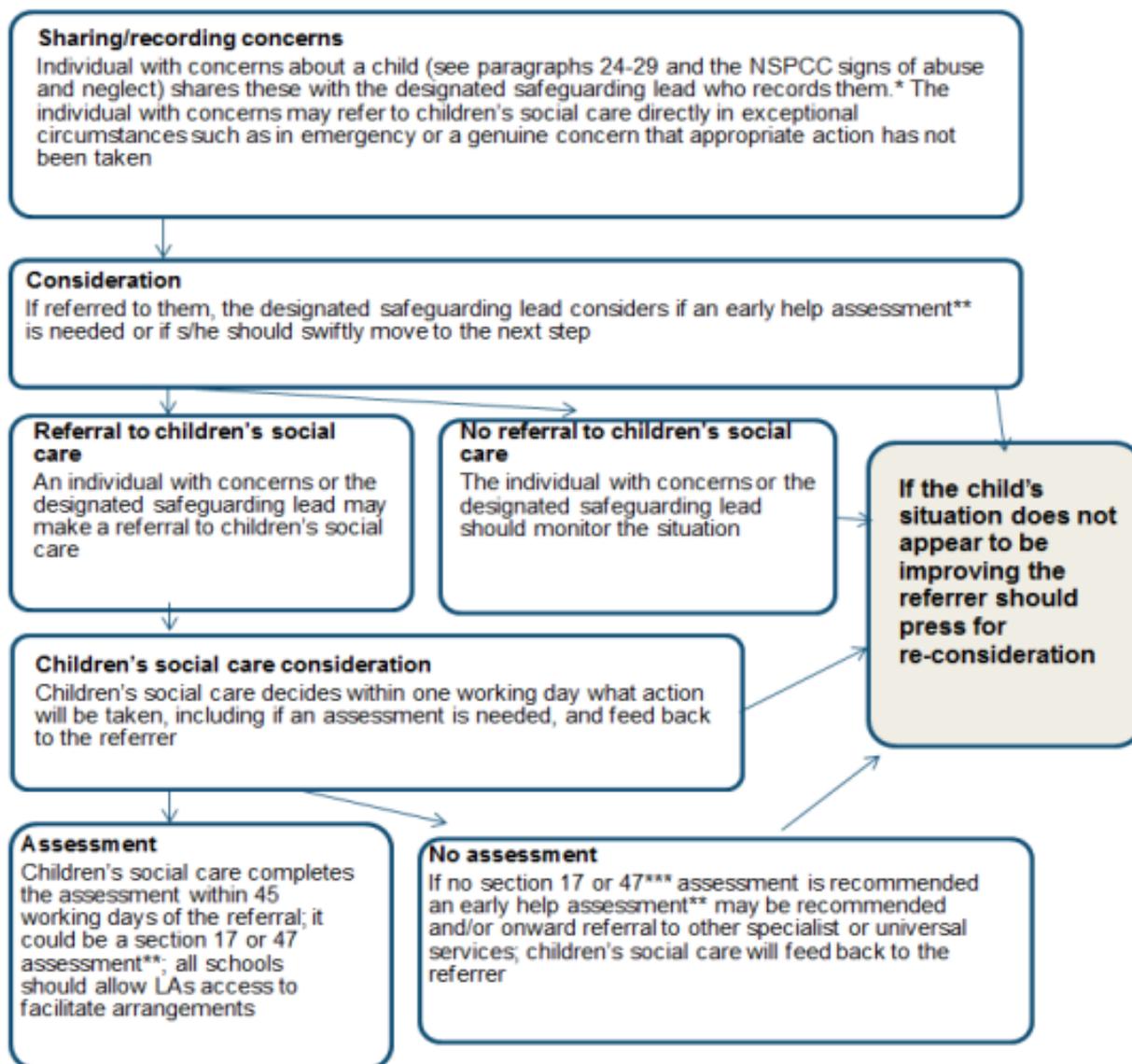
### **Other staff members should:**

- Safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.
- Provide a safe environment in which children can learn.
- Identify children who may be in need of extra help or who are suffering, or likely to suffer, significant harm.
- Take appropriate action, working with other services as required.
- Support social workers to take decisions about individual children, in collaboration with the designated safeguarding lead.
- Always act in the interests of the child when concerned about the child's welfare.

## Keeping Children Safe in Education Policy

Action when a child has suffered or is likely to suffer harm:

This diagram illustrates what action should be taken and who should take it where there are concerns about a child. If, at any point, there is a risk of immediate serious harm to a child a referral should be made to children’s social care immediately. Anybody can make a referral.



### **Safer recruitment**

The school has bought into the local authority service level agreement for safer recruitment. The Local Authority (LA) oversee the work of the school and ensure that all safer recruitment checks have been carried out. An enhanced DBS check with barred list information will be undertaken for all staff members engaged in regulated activity. A person will be considered to be in 'regulated activity' if, as a result of their work, they:

- Will be responsible on a daily basis, for the care or supervision of children.
- Regularly work in the school at times when children are on school premises.
- Regularly come into contact with children under 18 years of age.

### **The governing body will assess the suitability of prospective employees by:**

- Verifying the candidate's identity, preferably from current photographic ID and proof of address except where, for exceptional reasons, none is available.
- Obtaining a certificate for an enhanced DBS check with barred list information where the person will be engaged in regulated activity.
- Obtaining a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available.
- Checking that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State for Education, using the Employer Access Online service.
- Verifying the candidate's mental and physical fitness to undertake their working responsibilities, including asking relevant questions about disability and health to establish whether they have the physical and mental capacity for the specific role.
- Verifying the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then the school will follow the advice set out on the GOV.UK website.
- If the person has lived or worked outside the UK, making any further checks that the school considers appropriate.
- Verifying professional experience and qualifications, as appropriate.

Further details on school and local policy on safe recruitment can be found in the policies section on the school website.

### **Training**

- Staff members will be made aware of systems and policies within their school which support safeguarding during their HR inductions.
- The designated safeguarding lead should undergo updated child protection training every two years.
- The Headteacher and all staff members should undergo child protection training which is updated regularly, in line with LSCB advice.

### **Reporting**

- Staff members should raise any concerns that they may have about a child with the school's designated safeguarding lead, including situations of abuse which may involve other staff members.
- The safeguarding lead will decide whether to make a referral to children's social care, but any staff member can refer their concerns to children's social care directly.
- The referrer shall press children's social care for re-consideration if the decision was taken not to undergo an early help assessment and the child's situation does not improve.
- The early help assessment should be undertaken by a lead professional who could be a teacher, special educational needs co-ordinator (SENCO), general practitioner (GP), family support worker, and/or health visitor.
- An inter-agency assessment will be undertaken where a child and family could benefit from co-ordinated support from more than one agency. These assessments should identify what help the child and family require in preventing needs escalating to a point where intervention would be needed.
- A child will immediately be referred to children's social care if there is a risk of immediate serious harm to a child.

### **Caring for Looked After Children**

South Shields School acknowledge that we have a responsibility for the safety of all students and that looked after students in particular may require special support. Our Designated Teacher for LAC Miss A Kelly.

This guidance document has been developed in consultation with South Tyneside Council Looked after Children and Care Leavers.

The aims of the school are to:

- ensure that school policies and procedures are followed for LAC as for all children
- ensure that all LAC have access to a broad and balanced curriculum
- provide a differentiated curriculum appropriate to the individual's needs and ability
- ensure that LAC pupils take as full a part as possible in all school activities
- ensure that carers and social workers of LAC pupils are kept fully informed of their child's progress and attainment
- ensure that LAC pupils are involved, where practicable, in decisions affecting their future provision.

### **Who are Looked after Children?**

Under the Children Act 1989, a child is looked after by a local authority if he or she is in their care or provided with accommodation for more than 24 hours by the authority. They fall into four main groups:

- Children who are accommodated under a voluntary agreement with their parents
- Children who are the subjects of a care order or interim care order
- Children who are the subjects of emergency orders for their protection
- Children who are compulsorily accommodated – this includes children remanded to the local authority or subject to a criminal justice supervision order with a residence requirement

The term 'in care' refers only to children who are subject to a care order by the courts under section 31 of the Children Act 1989 - they may live with foster carers, in a Children's home, in a residential school, with relatives or with parents under supervision. Children who are cared for on a voluntary basis are 'accommodated' by the local authority under section 20 of the Children Act – they may live in foster care, in a Children's home or in a residential school. All these groups are said to be 'Looked After Children' - LAC. They may be looked after by our local authority or may be in the care of another authority but living in ours.

### **Admissions**

The Governing Body endorses council policy. The Council, as the Admission Authority for Community and Voluntary Controlled Schools, believes that admissions criteria should not discriminate against LAC pupils. Due to care placement changes, LAC may enter school mid-term. It is vital that we give them a positive welcome. If necessary we may offer additional support and pre entry visits to help the new pupil settle.

### **Inclusion**

This child protection and safeguarding policy recognises that all pupils are entitled to a balanced, broadly based curriculum. It reinforces the need for teaching that is fully inclusive. The Governing Body will ensure the school makes appropriate provision for all LAC pupils.

### **Allocation of resources**

The Governing Body will ensure that the school allocates resources to support appropriate provision for LAC, meeting the objectives set out in this policy.

### **Monitoring the progress of LAC**

The social worker for the LAC should initiate a Personal Education Plan – PEP - within 20 days of joining the school, or of entering care, and ensure that the young person is actively involved. It is vital that the school assesses each LAC's attainment on entry to ensure continuity of learning. The school will monitor and track the achievement and attainment of all pupils at regular intervals. LAC will require their PEP to be reviewed, according to their needs, as initiated by the reviewing office or social worker, and the young person's views should be sought by the Designated Teacher and noted on the PEP.

### **Record Keeping**

The Designated Teacher will know who are all the LAC in school and will have access to their relevant contact details including parents, carers and social worker. The Designated Teacher will also know about any LAC from other authorities. It is important that the school flags LAC status appropriately in the school's information systems so that information is readily available as required.

### **Staff Development**

We encourage staff to attend courses that help them to acquire the skills needed to support LAC. Part of the Designated Teacher's role is to develop awareness of issues associated with LAC.

### **Partnership with parents/carers and care workers**

At school we firmly believe in developing a strong partnership with parents/carers and care workers to enable LAC to achieve their potential. Review meetings are an opportunity to further this partnership working.

### **Links with external agencies/organisations**

We also recognise the important contribution that external support services make in supporting LAC. Colleagues from the following support services may be involved with individual LAC:

- LAC teams
- Educational psychologists and others from Local Authority SEN services
- Medical officers
- School nurses
- CAMHS
- Young Persons Lead
- Social care worker/ Community care worker/ Residential child care worker
- Youth Offending Service
- School age parents' officer.

### **The Designated Teacher will:**

- Be an advocate for LAC within school
- Give regard to the impact of relevant decisions for LAC on both the LAC and the rest of the school community
- Know who are all the LAC in school, including those in the care of other authorities, and ensure the availability of all relevant details from school record-keeping systems as required
- Attend relevant training about LAC
- Act as the key liaison professional for other agencies and carers in relation to LAC, seeking advice from the LAC team when appropriate.
- Ensure that LAC receive a positive welcome on entering school, especially mid-year and, if necessary, offer additional support and a pre-entry visit to help the new pupil settle.

## Keeping Children Safe in Education Policy

- Ensure that all LAC have an appropriate PEP that is completed within 20 days of joining the school or of entering care and ensure that the young person contributes to the plan
- Keep PEPs and other records up to date and review PEPs at transfer and at six monthly intervals
- Convene an urgent multi-agency meeting if a LAC is experiencing difficulties or is at risk of exclusion
- Ensure confidentiality on individual children, sharing confidential and personal
- Information on a need to know basis, bearing in mind the wishes of the individual pupil
- Act as the key adviser for staff and governors on issues relevant to LAC
- Ensure that care and school liaison is effective including invitations to meetings and other school events
- Actively encourage and promote out of hours learning and extracurricular activities for LAC
- Ensure a speedy transfer of information, records and coursework, where appropriate, when a LAC transfers to another educational placement
- Contribute information to LAC reviews when required
- Report to the Governing body on LAC in the school and inform of relevant policy and practice development

Agree with the social worker the appropriate people to invite to parents' evenings etc., prepare reports for Governors' meetings to include:

- The number of LAC on roll and the confirmation that they have a Personal Education
- Plan – PEP.
- Their attendance compared to other pupils.
- Their attainment (GCSEs) compared to other pupils.
- The number, if any, of fixed term and permanent exclusions.
- The destinations of pupils who leave the school.
- Attend governor meetings as appropriate – such as the admission, disciplinary and exclusion of LAC.
- Arrange a mentor or befriender (adult and /or pupil) to whom the young person can talk, possibly through the learning mentor scheme or through Connexions, particularly when the pupil is new to school

- Ensure that any Special Educational Needs are addressed in conjunction with the SENCO and in accordance with the Code of Practice for SEN. LAC are six to eight times more likely to have a statement of Special Educational Needs than the general school population.

**South Shields School to set good practice in that all school staff will:**

- Follow school procedures.
- Keep the Designated Teacher informed about a LAC's progress.
- Have high expectations of the educational and personal achievements of LAC.
- Positively promote the raising of a LAC's self-esteem.
- Ensure any LAC is supported sensitively and that confidentiality is maintained.
- Be familiar with the school's policy and guidance on LAC and respond appropriately to requests for information to support PEPs and review meetings.
- Liaise with the Designated Teachers where a LAC is experiencing difficulties
- Give only official exclusions and only use exclusions in line with the school's exclusion policy, and relevant national guidance, being mindful to the difficulties this may create in the care placement
- Contribute to regular liaison with social care colleagues and other appropriate professionals and keep carers fully informed at all times
- Keep appropriate records, confidentially as necessary, and make these available to other professionals/ parents/carers/pupil as appropriate
- Make extra copies of reports available when required.

**Good practice suggests that the Governing Body will:**

- Ensure that the admission criteria and practice prioritises LAC according to the DFE Admissions Code of Practice
- Ensure all governors are fully aware of the legal requirements and guidance for LAC
- Ensure there is a Designated Teacher for LAC
- Liaise with the Headteacher, Designated Teacher and all other staff to ensure the needs of LAC are met
- Nominate a governor with responsibility for LAC who links with the Designated Teacher
- Receive regular reports from the Designated Teacher.

**Ensure that the school's policies and procedures give LAC equal access in respect of:**

- Admission to school
- National Curriculum and examinations, both academic and vocational out of school learning and extracurricular activities
- Work experience and careers guidance.
- Annually review the effective implementation of the school policy for LAC.
- Ensure that the Designated Teacher is invited to the exclusion meetings of LAC.

**The Local Authority will support South Shields School and:**

- Lead the drive to improve educational and social care standards for LAC
- Ensure that the education for this group is as good as that provided for every other pupil in South Shields
- Ensure that LAC receive a full time education in a mainstream setting wherever possible
- Ensure that every LAC has a school to go to within 20 days of coming into care or of South Tyneside from another authority
- Make sure that each LAC has a PEP according to national guidance
- Ensure that every school has a Designated Teacher for LAC and that these teachers receive appropriate information, support and training
- Provide alternative educational provision where appropriate
- Ensure that appropriate support is provided whenever possible
- Work with others to provide smooth transitions at the end of the each key stage and at any mid-phase transfer
- Identify a designated officer who has responsibility for championing the education of LAC
- Be vigilant and proactive in identifying the special educational needs of LAC and work collaboratively with other services and agencies to meet those needs.

Local Authority contact numbers for the Education of LAC is: 0191 4273490 (The Place)

## Use of Force

This guidance has been constructed using Use of Reasonable Force 2013 advice. It presents guidelines for staff with regard to use of force to control or restrain all or any students and also identifies the schools response in situations where staff have used force.

The guidance is written with the understanding that staff have always been able to use reasonable force when defending themselves against attack or when intervening in any emergency.

## Situations in which Staff may use Physical Intervention to Control or Restrain Pupils

In all circumstances involving the use of force it is only appropriate “for reasonable force” to be used. There exists no legal definition of “reasonable force”, however, all staff should be aware that force should only be used in specific circumstances and that the degree to which force is used will always depend on the age of the students, the understanding of students and the sex of students and that the degree of force used must always be in proportion to the circumstances of the incidents.

In summary, force may be used ONLY where

- There is a certain type of incident as defined in section see below
- The use of force is reasonable in the circumstances
- The degree of force is reasonable; that is, the force is proportionate

### In the following situations it may be appropriate for a member of staff to use reasonable force when:

- A student attacks a member or staff or another student (self-defence)
- A student attacks a fellow student / students are fighting
- A student is engaged in or about to commit deliberate damage or vandalism to property
- A student is causing or is at risk of causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
- A student is running on a corridor or stairway in a way that might cause an accident or injury to themselves or to others – particularly likely to be the case in crowded areas with smaller children
- A student absconds from a class or tries to leave the school at an unauthorised time (NB. This will only apply if the student’s leaving might itself lead to a risk of injury, property damage or serious disruption)

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- A student is behaving in a way that is seriously disrupting a lesson, a school event or educational visit
- A student is behaving in a way that is seriously compromising good order and discipline,
- A student persistently refuses to obey an order to leave the classroom
- A student is behaving in a way that is seriously disrupting the lesson, if they are kept there. Assistance should be sought in such circumstances
- In all situations staff should take a calm and measured approach. Initial intervention should always be without force. Any physical intervention must follow other appropriate actions.

### **The Use of Force is Reasonable**

There is no legal definition of when it is reasonable to use force. It will always depend on all the circumstances of the case.

The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. If the particular circumstances do not warrant the use of physical force, any use of force will be unlawful. Where a situation can be resolved without force, force should not be used. The use of force must normally be a last resort. Though decisions will often need to be made quickly, a number of considerations should be borne in mind when deciding whether the use of force is reasonable in a particular situation.

- The greater the potential for harm (i.e. injury, property damage or disruption) without physical intervention, the more likely that force is justified
- The less likely that the situation can be resolved by means other than the use of force, the more likely that force is justified
- The more risky the resolution of the situation by means other than physical intervention, the more likely that force is justified

### **Avoiding the Use of Force**

Physical intervention should never be used as a substitute for good behavioural management in accordance with the school's Behavioural Policy. All teachers need to develop strategies and techniques for dealing with difficult students and situations which they should use to diffuse and calm a situation.

In non-urgent situations, staff should always try and deal with a situation through other strategies before using force. Their actions should be aimed at reducing the likelihood of situations arising where force might be needed.

As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

Staff should always communicate with the student calmly, and in a non-threatening manner. Staff should never give the impression that they have lost their temper, or are acting out of anger and frustration, or to punish the student.

### **Recording Incidents**

It is important that there is a detailed, contemporaneous, written report made of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. Immediately following any such incident, the member of staff concerned should tell the Headteacher and child protection officer and provide a written report as soon as possible afterwards. A form can be obtained from Mrs J Mitchell. The report should include:

- The name(s) of the student(s) involved, and when and where the incident took place
- Details of whether any of the students involved were vulnerable for SEN, medical or social reasons
- The name(s) of the member of staff (s) directly involved
- The name of any other staff or students who witnessed the incident
- The reason that force was necessary (e.g. to prevent injury to a student or member of staff)
- How the incident began and progressed, including details of the student's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation (including warnings that force might be used), the type of force used, the degree of force used, and for how long
- The student's response and the outcome of the incident
- Details of any injuries suffered and any medical attention sought
- Details of any distress suffered by any party, and whether any post-incident support was provided
- Details of further disciplinary action against students involved
- Details of any damage to property
- When parents were informed, and what views they expressed (see below)
- Whether information about the incident has been shared with staff or external agencies (e.g. the police)
- Whether any complaints have been lodged

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### Reporting to Parents/Carers

The head of year will decide whether it is appropriate or not to inform parents/carers of any specific incident. On making this decision any such report to parents/carers must be in writing and a copy of the communication will be given to the member of staff involved with the specific incident.

NB: The existence of this policy does not limit a parent/carer's right to complain about the use of physical force. All staff should be aware of the legal position under which they operate should physical force be used against a student. In extreme circumstances parents/carers may well wish to take civil action or pursue a criminal prosecution.

### Safeguarding students when on work experience

- Only students from Year 10 upwards may be supported with the opportunity of a work placement
- Extended placements are subject to regular monitoring visits in order to further safeguard students. The frequency of the visits is dependent on the occupational risk rating of the placement provider
- Extended placements should be discussed with the Young Persons Lead
- Guidance in relation to Safeguarding has been taken from DCSF documentation; Safeguarding Children and safer recruitment in education' 2006 (in force from 01/01/07), 'Work Experience and the Law', 'What to do if you're worried a child is being abused' (2015), "Work Related Learning – and the Law" and "Extended Work Experience and Child Protection: Safeguarding Children in Education – Supplementary DFE Guidance for Work Experience Organisers"
- It is acknowledged that additional safeguards may be required where: the child may be vulnerable; where the nature of the business means that the child is likely to be or will be alone with an adult for a substantial part of the placement; where the placement has a residential component
- Parental/carer consent required before placements go ahead (placement details sheet sent home for information)
- The approved EV procedure and documentation adopted for educational visits is also adopted for students going out on work experience. All work experience placements have to be approved by the SLT member responsible
- Any student who organises a placement outside of the local area and requires accommodation other than the family home – parental permission / consent sought for any chaperone arrangements organized by parents / carers. The School will have details of any chaperone arrangements in place

- All providers of work experience placements sign a Connexions Work Experience Agreement that outlines information on safeguarding of children and protocols to be followed in the event of a disclosure and / or concerns about a young person on work experience
- TWEBLO Assessors conduct a Health and Safety visit to all providers of placements (workplaces) in the region. During the visit the Health, Safety and Welfare arrangements to be covered during induction are outlined
- TWEBLO agree an Information to Parents form with the placement provider which details any relevant hazards and controls measures put in place for the young person
- TWEBLO ask the placement providers to endorse the “Safeguarding Statement of Principles for Work Experience Placement Providers”, which was endorsed by Lead Child Protection Officers in each Local Authority in Tyne and Wear. A copy is left with the Placement Provider
- In the event of any concerns arising, relating to safeguarding of students on work experience the designated person responsible for safeguarding in college the Child Protection Officer will be notified and local agreed procedures will be followed
- Placement providers are advised by TWEBLO to ensure that students are supervised in the workplace at all times
- In the event of a provider notifying the work experience co-ordinator of a student not attending the placement – parents / carers are contacted by college staff to ascertain reason for absence and ensure safety / wellbeing of student
- Care Plans copied to employers / providers of placements outlining medical conditions and any medications taken
- All employers / providers informed of students with medical conditions including those without care plans
- All students receive IAG related to health and safety on placement in PD lessons, Vocational lessons and also special assembly delivered by work experience co-ordinator immediately before commencement of placement
- Students do not carry out tasks that involve personal care of children, elderly or other vulnerable groups
- In the event of an emergency all employers / providers have contact details of the work experience co-ordinator
- Students placed in occupational areas where PPE is required, are informed before the placement via the work experience co-ordinator and via placement detail sheets that also outline the nature of the tasks involved during the placement

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- Students receive support following the placement to evaluate the work experience and report any incidences relating to health and safety
- MITAC is registered under the terms of the Data Protection Act and there are published policies that outline adherence. The client is Connexions Hub Services in Tyne and Wear. All staff handling student data have been DBS checked.

### Guidance for professionals on Forced Marriage

- A forced marriage is where one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used. It is an appalling and indefensible practice and is recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights.
- Definitions For the purpose of this guidance, the following definitions are used:
- 'Adult' is defined as a person aged 18 years or over. Child, children and young people. As defined in the Children Acts 1989 and 2004, child means a person who has not reached their 18th birthday. This includes young people aged 16 and 17 who are living independently; their status and entitlement to services and protection under the Children Act 1989 is not altered by the fact that they are living independently.
- Child in need. Children who are defined as being "in need" under s.17 Children Act 1989, are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development, or their health or development will be significantly impaired, without the provision of services (s.17 (10) Children Act 1989), plus those who are disabled. Local authorities have a duty to safeguard and promote the welfare of children in need.
- Domestic violence and abuse The cross-government definition of domestic violence and abuse is: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been intimate partners or family members, regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; emotional abuse.
- Forced marriage. A forced marriage is a marriage in which one or both spouses do not consent to the marriage but are coerced into it. Duress can include physical, psychological, financial, sexual and emotional pressure. In the cases of some vulnerable adults who lack the capacity to consent, coercion is not required for a marriage to be forced.
- Honour-based violence. The terms "honour crime" or "honour-based violence" or "izzat" embrace a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and murder where the person is being punished by their

family or their community. They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour. In transgressing this correct code of behaviour, the person shows that they have not been properly controlled to conform by their family and this is to the “shame” or “dishonour” of the family. It can be distinguished from other forms of abuse, as it is often committed with some degree of approval and/or collusion from family and/ community members. Victims will have multiple perpetrators not only in the UK; HBV can be a trigger for a forced marriage.

- Where a school has grounds to suspect cases of forced marriage, the designated officer should immediately contact Local Authority Children’s Social Care, any agreement to inform the family should only be done where it will not place the child at increased risk. This decision will be made in conjunction between the school and the Local Authority Children’s Social Care team. In cases of forced marriage families may deny that the child or young person is being forced to marry and they may expedite any travel arrangements and bring forward the marriage.
- Staff suspecting cases of forced marriage must immediately report to the Lead Designated Officer in the school. Where that person is unavailable the headteacher should be informed.
- All staff will be trained to understand the danger of involving the family and community in cases of forced marriage.
- Recognise that they should not approach or involve families if forced marriage is suspected.
- Understand that family group conferences are not normally appropriate in cases of forced marriage because it will often place the child or young person at greater risk of harm.
- Full guidance is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/322310/HMG\\_Statutory\\_Guidance\\_publication\\_180614\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322310/HMG_Statutory_Guidance_publication_180614_Final.pdf)

## Guidance for professionals on Female Genital Mutilation

### What is FGM?

FGM is a procedure where the female genital organs are injured or changed and there is no medical reason for this. It is frequently a very traumatic and violent act for the victim and can cause harm in many ways. The practice can cause severe pain and there may be immediate and/or long-term health consequences, including mental health problems, difficulties in childbirth, causing danger to the child and mother; and/or death.

The age at which FGM is carried out varies enormously according to the community. The procedure may be carried out shortly after birth, during childhood or adolescence, just before marriage or during a woman's first pregnancy.

See link for further information on forms of FGM

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/512906/Multi\\_Agency\\_Statutory\\_Guidance\\_on\\_FGM\\_-\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/512906/Multi_Agency_Statutory_Guidance_on_FGM_-_FINAL.pdf)

Key Points:

FGM is illegal in England and Wales under the Female Genital Mutilation Act 2003.

As amended by the Serious Crime Act 2015, the Female Genital Mutilation Act 2003 now includes:

- An offence of failing to protect a girl from the risk of FGM;
- Extra-territorial jurisdiction over offences of FGM committed abroad by UK nationals and those habitually (as well as permanently) resident in the UK;
- Lifelong anonymity for victims of FGM;
- FGM Protection Orders which can be used to protect girls at risk; and
- A mandatory reporting duty which requires specified professionals to report known cases of FGM in under 18s to the police.
- Not a religious practice
- Occurs mostly to girls aged from 5 – 8 years old; but up to around 15
- Criminal offence in UK since 1985
- Offence since 2003 to take girls abroad
- Criminal penalties include up to 14 years in prison

**Reasons for this cultural practice include:**

- Cultural identity – An initiation into womanhood
- Gender Identity – Moving from girl to woman – enhancing femininity
- Sexual control – reduce the woman's desire for sex
- Hygiene/cleanliness – un mutilated women are regarded as unclean

**Risk Factors include:**

- Low level of integration into UK society
- mother or sister who has undergone FGM
- girls who are withdrawn from PSHE
- a visiting female elder from the country of origin
- being taken on a long holiday to the family's country of origin
- talk about a 'special' event or procedure to 'become a woman'

**High Risk Time**

This procedure often takes place in the summer, as the recovery period after FGM can be 6 to 9 weeks. Schools should be alert to the possibility of FGM as a reason why a girl in a high risk group is absent from school or where the family request an 'authorised absence' for just before or just after the summer school holidays.

Although, it is difficult to identify girls before FGM takes place, where girls from these high risk groups return from a long period of absence with symptoms of FGM, advice should be sought from the police or social services.

**Post-FGM Symptoms include:**

- difficulty walking, sitting or standing
- spend longer than normal in the bathroom or toilet
- unusual behaviour after a lengthy absence
- reluctance to undergo normal medical examinations
- asking for help, but may not be explicit about the problem due to embarrassment or fear.

Longer Term problems include:

- difficulties urinating or incontinence
- frequent or chronic vaginal, pelvic or urinary infections
- menstrual problems
- kidney damage and possible failure
- cysts and abscesses
- pain when having sex
- infertility
- complications during pregnancy and childbirth
- emotional and mental health problems

**(Remember: this is not an exhaustive list of indicators.)**

If any of these indicators are identified professionals will need to consider what action to take. If unsure what action to take, professionals should discuss with their named/designated safeguarding lead.

### **Online Training Programme**

The Home Office has created a free online learning package to help professionals across all disciplines understand FGM and help them identify and assist girls who are at risk.- FGM e-Learning

Section 5B of the 2003 Act<sup>33</sup> introduces a mandatory reporting duty which requires regulated health and social care professionals and teachers in England and Wales to report 'known' cases of FGM in under 18s which they identify in the course of their professional work to the police.

The duty applies to all regulated professionals (as defined in section 5B(2)(a), (11) and (12) of the 2003 Act) working within health or social care, and teachers.

The legislation requires regulated health and social care professionals and teachers in England and Wales to make a report to the police where, in the course of their professional duties, they either:

- are informed by a girl under 18 that an act of FGM has been carried out on her; or

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- observe physical signs which appear to show that an act of FGM has been carried out on a girl under 18 and they have no reason to believe that the act was necessary for the girl's physical or mental health or for purposes connected with labour or birth.

Reports under the duty should be made as soon as possible after a case is discovered, and best practice is for reports to be made by the close of the next working day. In order to allow for exceptional cases, a maximum timeframe of one month from when the discovery is made<sup>37</sup> applies for making reports. However, the expectation is that reports will be made much sooner than this.

A longer timeframe than the next working day may be appropriate in exceptional cases where, for example, a professional has concerns that a report to the police is likely to result in an immediate safeguarding risk to the child (or another child, e.g. a sibling) and considers that consultation with colleagues or other agencies is necessary prior to the report being made.

Cases of failure to comply with the duty will be dealt with in accordance with the existing performance procedures in place for each profession. FGM is child abuse, and employers and the professional regulators are expected to pay due regard to the seriousness of breaches of the duty.

### **Awareness and Training**

Training should enable all staff to discharge their safeguarding duties with regard to FGM, as for any other form of abuse. Training on FGM could include the following:

- an overview of FGM (what it is, when and where it is performed);
- the UK law on FGM and child protection;
- the potential consequences of FGM;
- what to do when FGM is suspected or has been performed; and
- the role of different professionals and the importance of multi-agency working.
- Where a school has grounds to suspect cases of FGM, the designated officer should immediately contact Local Authority Children's Social Care, any agreement to inform the family should only be done where it will not place the child at increased risk. This decision will be made in conjunction between the Police, Local Authority Children's Social Care team and School designated lead. Staff suspecting cases of forced marriage must immediately report to the Lead Designated Officer in the school. Where that person is unavailable the headteacher should be informed.

Local Safeguarding Children Boards (in England) and Safeguarding Children Boards (in Wales) are responsible for monitoring and evaluating the effectiveness of single agency and inter-agency training on safeguarding and promoting the welfare of children provided within their area<sup>41</sup>. This is in line with their function to develop policies and procedures in relation to training of those persons who work with children or in services affecting the safety and welfare of children. Such policies and procedures may include specific training in relation to FGM.

Safeguarding Children and Young people: roles and competences for health care staff, provides a competence-based framework to set out the minimum training requirements for healthcare professionals in the UK to enable them to recognise child maltreatment and to take effective action as appropriate to their role. Knowledge of and the ability to recognise signs of FGM are included at all levels of competence.

### **Peer on peer abuse**

Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals.

### **Sexual violence and sexual harassment between children in schools and colleges**

Context 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.

All 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”; and

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- 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.

Any incidents of peer on peer abuse should be reported immediately to the DSL.

Governors should monitor the incidents of peer on peer abuse regularly through the behaviour and safeguarding committee.

### What is Sexual violence and sexual harassment?

#### Sexual violence

It is important that school and college 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 2003/105 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.

**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

#### Defining 'sexting'.

Whilst professionals refer to the issue as 'sexting' there is no clear definition of 'sexting'. Many professionals consider sexting to be 'sending or posting sexually suggestive images, including nude or semi-nude photographs, via mobiles or over the Internet.' Yet when young people are asked 'What does sexting mean to you?' they are more likely to interpret sexting

as 'writing and sharing explicit messages with people they know'. Similarly, many parents think of sexting as flirty or sexual text messages rather than images.

This advice only covers the sharing of sexual imagery by young people. Creating and sharing sexual photos and videos of under-18s is illegal and therefore causes the greatest complexity for schools and other agencies when responding. It also presents a range of risks which need careful management.

On this basis the phrase 'youth produced sexual imagery' is used instead of 'sexting.' In DFE guidance. This is to ensure clarity about the issues this advice addresses.

'Youth produced sexual imagery' best describes the practice because:

- 'Youth produced' includes young people sharing images that they, or another young person, have created of themselves.
- 'Sexual' is clearer than 'indecent.' A judgement of whether something is 'decent' is both a value judgement and dependent on context.
- 'Imagery' covers both still photos and moving videos (and this is what is meant by reference to imagery throughout the document).

<http://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

<https://www.gov.uk/government/publications/searching-screeningand-confiscation> 4

The types of incidents included under the guidance:

- A person under the age of 18 creates and shares sexual imagery of themselves with a peer under the age of 18
- A person under the age of 18 shares sexual imagery created by another person under the age of 18 with a peer under the age of 18 or an adult
- A person under the age of 18 is in possession of sexual imagery created by another person under the age of 18

(Distribution by young people under the age of 18, of adult pornography or exchanging sexual texts which don't contain imagery is not under the same category. This is still however an offence.)

Sharing photos and videos online is part of daily life for many people, enabling them to share their experiences, connect with friends and record their lives.

Photos and videos can be shared as text messages, email, posted on social media or increasingly via mobile messaging apps, such as Snapchat, WhatsApp or Facebook Messenger.

90% of 16-24 year olds and 69% of 12-15 year olds own a smartphone, giving them the ability to quickly and easily create and share photos and videos.

This increase in the speed and ease of sharing imagery has brought concerns about young people producing and sharing sexual imagery of themselves. This can expose them to risks, particularly if the imagery is shared further, including embarrassment, bullying and increased vulnerability to sexual exploitation. Producing and sharing sexual images of under 18s is also illegal.

Although the production of such imagery will likely take place outside of school and college, these issues often manifest in schools, colleges and organisations working with children and young people. Schools, colleges and other organisations need to be able to respond swiftly and confidently to ensure that children are safeguarded, supported and educated.

### **The law**

Much of the complexity in responding to youth produced sexual imagery is due to its legal status. Making, possessing and distributing any imagery of someone under 18 which is 'indecent' is illegal. This includes imagery of yourself if you are under 18.

The relevant legislation is contained in the Protection of Children Act 1978 (England and Wales) as amended in the Sexual Offences Act 2003 (England and Wales).

Specifically:

- It is an offence to possess, distribute, show and make indecent images of children.
- The Sexual Offences Act 2003 (England and Wales) defines a child, for the purposes of indecent images, as anyone under the age of 18.

'Indecent' is not defined in legislation. When cases are prosecuted, the question of whether any photograph of a child is indecent is for a jury, magistrate or District Judge to decide based on what is the recognised standard of propriety. For most purposes, if imagery contains a naked young person, a topless girl, and/ or displays genitals or sex acts, including masturbation, then it will be considered indecent. Indecent images may also include overtly sexual images of young people in their underwear

When an incident involving youth produced sexual imagery comes to a school or college's attention:

- The incident should be referred to the DSL as soon as possible
- The DSL should hold an initial review meeting with appropriate school staff
- There should be subsequent interviews with the young people involved (if appropriate)
- Parents should be informed at an early stage and involved in the process unless there is good reason to believe that involving parents would put the young person at risk of harm
- At any point in the process if there is a concern a young person has been harmed or is at risk of harm a referral should be made to children's social care and/or the police immediately.

### **Disclosure**

Disclosures about youth produced sexual imagery can happen in a variety of ways. The young person affected may inform a class teacher, the DSL in school, or any member of the school or college staff. They may report through an existing reporting structure, or a friend or parent may inform someone in school or college, or inform the police directly.

All members of staff (including non teaching) should be made aware of how to recognise and refer any disclosures of incidents involving youth produced sexual imagery. This should be covered within staff training and within the school or college's child protection policy. Annex F contains a training exercise which may be used to highlight the issues for staff.

Any direct disclosure by a young person should be taken very seriously. A young person who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure in school is a last resort and they may have already tried to resolve the issue themselves.

### **Initial review meeting**

The initial review meeting should consider the initial evidence and aim to establish:

- Whether there is an immediate risk to a young person or young people
- If a referral should be made to the police and/or children's social care
- If it is necessary to view the imagery in order to safeguard the young person – in most cases, imagery should not be viewed
- What further information is required to decide on the best response
- Whether the imagery has been shared widely and via what services and/or platforms. This may be unknown.
- Whether immediate action should be taken to delete or remove images from devices or online services

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- Any relevant facts about the young people involved which would influence risk assessment. If there is a need to contact another school, college, setting or individual
- Whether to contact parents or carers of the pupils involved - in most cases parents should be involved

An immediate referral to police and/or children's social care should be made if after the initial review stage if the following has been established.

1. The incident involves an adult
2. There is reason to believe that a young person has been coerced, blackmailed or groomed, or if there are concerns about their capacity to consent (for example owing to special educational needs)
3. What you know about the imagery suggests the content depicts sexual acts which are unusual for the young person's developmental stage, or are violent
4. The imagery involves sexual acts and any pupil in the imagery is under 13
5. You have reason to believe a pupil or pupil is at immediate risk of harm owing to the sharing of the imagery, for example, the young person is presenting as suicidal or self-harming

If none of the above apply then a school may decide to respond to the incident without involving the police or children's social care (a school can choose to escalate the incident at any time if further information/concerns come to light).

The decision to respond to the incident without involving the police or children's social care would be made in cases when the DSL is confident that they have enough information to assess the risks to pupils involved and the risks can be managed within the school's pastoral support and disciplinary framework and if appropriate local network of support.

The decision will be made by the DSL with input from the Headteacher and input from other members of staff if appropriate. The decision should be recorded in line with school policy

### **Informing parents (or carers)**

Parents (or carers) should be informed and involved in the process at an early stage unless informing the parent will put the young person at risk of harm. Any decision not to inform the parents would generally be made in conjunction with other services such as children's social care and/or the police, who would take the lead in deciding when the parents should be informed.

DSLs may work with the young people involved to decide on the best approach for informing parents. In some cases DSLs may work to support the young people to inform their parents themselves

Education Act 2002 Section 175

[www.legislation.gov.uk/ukpga/2002/32/section/175](http://www.legislation.gov.uk/ukpga/2002/32/section/175)

Keeping Children Safe in Education December 2017

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550511/Keeping\\_children\\_safe\\_in\\_education.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf)

Framework for the Assessment of Children and Families

<http://www.safeguardingchildren.co.uk/appendix-4.html>

Children Act 1989/2004

<http://www.legislation.gov.uk/ukpga/2004/31/contents>

Working Together to Safeguard Children DOH (2013)

<http://www.workingtogetheronline.co.uk/documents/Working%20TogetherFINAL.pdf>

Data Protection Act 1998

<http://www.legislation.gov.uk/ukpga/1998/29/contents>

Sexual Offences Act 2003

<http://www.legislation.gov.uk/ukpga/2003/42/contents>

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Safeguarding Vulnerable Groups Act 2006

<http://www.legislation.gov.uk/ukpga/2006/47/contents>

Freedom of Information Act 2000

[http://www.legislation.gov.uk/ukpga/2000/36/pdfs/ukpga\\_20000036\\_en.pdf](http://www.legislation.gov.uk/ukpga/2000/36/pdfs/ukpga_20000036_en.pdf)

Female Genital Mutilation

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/512906/Multi\\_Agency\\_Statutory\\_Guidance\\_on\\_FGM\\_-\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/512906/Multi_Agency_Statutory_Guidance_on_FGM_-_FINAL.pdf)

Sexting

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/551575/6.2439\\_KG\\_NCA\\_Sexting\\_in\\_Schools\\_WEB\\_\\_1\\_.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551575/6.2439_KG_NCA_Sexting_in_Schools_WEB__1_.PDF)

Forced Marriage

<https://www.gov.uk/guidance/forced-marriage>

**Appendix A**

SOUTH SHIELDS SCHOOL

Cause for concern pro forma- A web version of this preform is available on the VLE

**CONFIDENTIAL**

Childs Name:	Date:
Year Group:	
SUMMARY OF INFORMATION:	

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Witnesses:
Source of information:
Who was present at the disclosure meeting?
Signature of person completing report:
Print name:
Any further action recommended

Source of information:

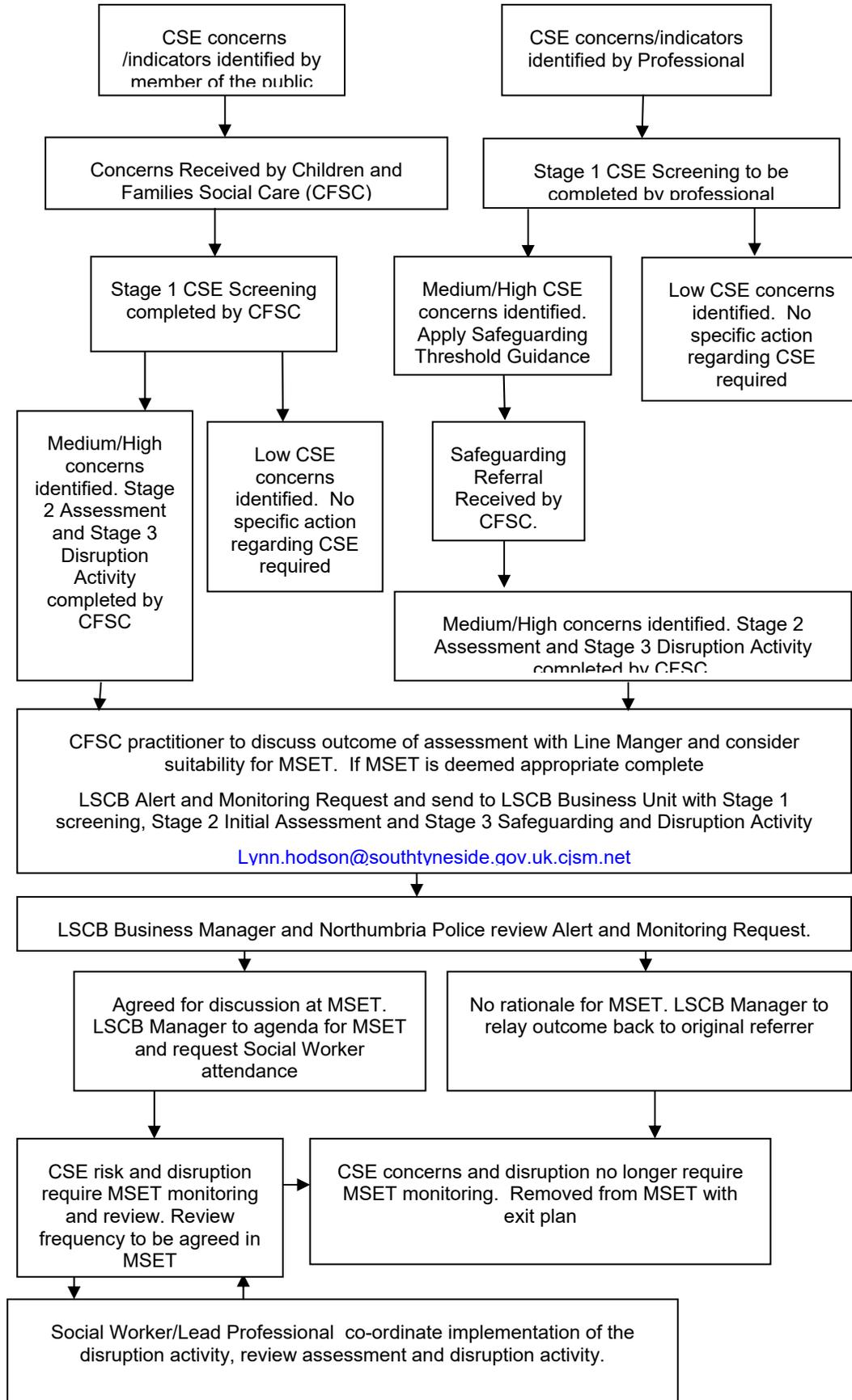
**Appendix B**

SOUTH SHIELDS SCHOOL

**Use of Force**

Date:	Staff Member who was required to use force:
Name of Student:	Details of Incident:
Please identify if there were other students in the location:	
Further Action by Senior Teacher/ follow up:	
Please keep a copy of this form and forward a copy to Mrs J Mitchell.	

Appendix C – Child Sexual Exploitation Flowchart



**Appendix D – Useful web links**

Channel Guidance

<https://www.gov.uk/government/publications/channel-guidance>

Prevent Duty Guidance:

<https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty>

What to do if you are worried a child is being abused

<https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>

Female Genital Mutilation: Multi Agency practice Guidelines

<https://www.gov.uk/government/publications/female-genital-mutilation-guidelines>

Use of reasonable force in schools

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