Peer abuse & assessment

Peer abuse is the physical, emotional & sexual abuse of a child or young person by their peers, including:

- Bullying (including cyber bullying)
- Sexual violence & sexual harassment
- Up-skirting (photographing genitals or buttocks for sexual gratification and/or victim distress)
- Sexting
- Teen partner abuse
- Physical abuse
- Initiation & hazing rituals & violence
- Cyber-bullying & sexting

Although 'online' bullying can occur at any time & outside of a setting it should still be assessed by your safeguarding team if it involves one of your pupils.

Peer abuse can:

- Be motivated by perceived differences e.g. on grounds of race, religion, gender, sexual orientation, disability or other differences
- Result in significant, long lasting and traumatic isolation, intimidation or violence to the victim.

Children or young people who harm others may have additional or complex needs e.g.:

- Significant disruption in their own lives
- Exposure to domestic abuse or witnessing or suffering abuse
- Educational under-achievement
- Involved in crime

Stopping harm & ensuring immediate safety is the first priority of a setting.

Emotional bullying can sometimes be more damaging than physical harm and should be taken equally seriously.

Multi-agency approach:

All agencies must be aware of their responsibilities to both the victim and the alleged perpetrator. The needs of the victim are paramount.

Separate management & assessment of the victim & alleged perpetrator is essential & should consider the:

- Nature and extent of the abusive behaviour, using expert professional advice if required
- Context of the behaviour including unmet developmental and behavioural needs
- Child or young person's family and social circumstances
- Risk to self and to others, including household, extended family, school, peer group or wider social network

Education settings should:

- Have an ethos where students & staff treat each other with respect and understand how their actions affect others
- Openly discuss any issues that could motivate bullying with staff and students
- Address issues early between pupils which might later provoke conflict
- Develop strategies to help to prevent bullying
- Involve students & parents to ensure they know what to do to prevent & report concerns
- Create an inclusive, safe environment where pupils can openly discuss issues without fear
- Invest in skills to help staff understand the needs of SEND, disabled and lesbian, gay, bisexual and transgender pupils
- Work with the wider community & agencies to tackle issues that occur outside the setting

Your peer abuse policy: should state that per abuse IS abuse and should not be tolerated and include:

- procedures to minimise the risk of peer abuse
- how allegations will be investigated & dealt with
- the different forms this abuse can take
- clarity for parents, students & staff to respond to incidents quickly
- how victims & perpetrators will be assessed & supported
- regular evaluation and updating
- resources to help with particular problems
- staff training to understand all aspects of peer abuse, including sexual violence & harassment, their statutory responsibilities, how to resolve problems, and where to seek support
- easy process for pupils to report all forms of bullying so that they are assured that they will be listened to and incidents acted on
- assurance that disciplinary processes will be applied fairly, consistently & reasonably, taking account of special educational needs, disabilities and vulnerability of students

Staff should discuss all concerns with their Designated Safeguarding Lead/Deputy (DSL/D), who will assess each specific case using this guidance.

The Peer Abuse Risk Assessment guidance below will help the DSL/D to consider all aspects of the incident & decide what further action is needed.

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Peer abuse & assessment

Taking action:

- Always take complaints seriously
- Never ask a student for a written statement, it can interfere with a criminal investigation
- Assess needs of victim and perpetrator
- Consider referral to Police or Social Care
- Contribute to multi-agency assessments
- Convene a risk management meeting
- Record all incidents and all action taken

Sexual violence & harassment:

Incidents are likely to be complex & require difficult professional decisions alongside other agencies.

The DSL/D should:

- Report all concerns about sexual violence to Children's Social Care and/or the Police and complete a risk assessment
- Discuss how the alleged perpetrator will be informed and any next steps with children's social care and/or the police
- Risk assess all reports of sexual harassment and considered if a referral to Children's Social Care or the Police is required
- Record all risk assessments and keep a copy on the individual safeguarding file for the victim and alleged perpetrator
- Regularly review & update the risk assessment with assessments from other professionals
- Liaise with the social worker, police officer or other involved practitioners as required
- The police should advise the setting about the investigation e.g. if alleged perpetrator is 'released under investigation', 'no further action' is taken, they are given bail, cautioned or convicted

Risk assessment & safety planning:

This is the responsibility of the DSL, fulfilling the organisation's 'duty of care' to all people using the setting.

The purpose is to decide whether to re/admit a pupil with concerning behaviour & plan for the safety of the alleged/abuser, their alleged/victim, and others at the setting.

Risk assessment identifies the impact:

- Of alleged/abuser being educated at the setting
- For the alleged/victim if at the setting
- Of the alleged/abuser around other people
- Of using strategies to minimise identified risks

..and helps staff to respond clearly and reduce risks to a manageable level.

Settings should follow 'Information Sharing' in Education policies, procedures & guidance, Safeguarding Sheffield Children website) to ensure sensitive & appropriate communication with other agencies.

All agencies should agree how to communicate with the alleged/victim, alleged/abuser, parents/carers, staff & pupils, whilst ensuring that this does not prejudice any investigation and maintains individual confidentiality.

Process - risk assessments should be:

- recorded and included on the child's safeguarding file (& linked to SEND file if appropriate)
- regularly reviewed e.g. through TAF or other meetings, and updated with any changes

A risk assessment should consider information from all agencies about:

- What the concerning behaviour is
- When & why the alleged/abuser may have behaved this way e.g. warning signs & triggers
- Any cultural context for the behaviour
- Related issues e.g. child exploitation, disability, abuse & neglect, substance/alcohol misuse
- Any language & interpretation needs of the alleged abuser/victim & their families to ensure full understanding of the safeguarding issues
- Age & understanding of alleged/abuser/victim
- Previous education experiences of the alleged/abuser (e.g. relationships, attainment)
- Views of parents/carers/family, their response, anxieties, level of cooperation/compliance
- Alleged/abusers cooperation, responsibility taken, understanding of allegations & victim's viewpoint
- Impact of social media
- Positive and negative friendship groups inside & the setting and in the community
- Mapping others at risk at the setting e.g. people related to concerns e.g. alleged/victim's siblings
- Alleged/abusers capacity to change, resilience, goals, attitudes, opportunities, engagement, participation
- Therapeutic support & other assessments from agencies & whether outcome has been positive
- Training needed to develop staff safeguarding & other skills e.g. behavioural understanding, disability, SEN, Team Teach

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Peer abuse & assessment

Conclusions of DSL/D risk assessment:

Manage internally:

- victim & alleged perpetrator not in need of early help or statutory intervention
- incident can be dealt with through e.g. behaviour policy & pastoral support

Early help:

- victim and/or alleged perpetrator may benefit from early help e.g. to address non-violent harmful sexual behaviour & prevent escalation

Referral to Children's Social Care:

- victim has been harmed, is at risk of harm, or is in immediate danger
- A young perpetrator should also be referred and should be the subject of a child protection conference if considered to be at continuing risk of significant harm
- setting informs parents/carers unless doing so will put child at additional risk
- DSL/D & social workers coordinate support for victim, alleged perpetrator & other children
- Setting actions do not jeopardise a statutory investigation
- If children's social care decide statutory intervention is not appropriate, DSL/D should:
- refer again if they believe child remains at risk of harm
- re-consider early help, specialist & pastoral support

Safety planning:

This considers risk reduction & should include agreed measures & interventions to support the alleged/abuser & alleged/victim effectively e.g.:

- Writing a behaviour management plan, or a MyPlan, EHC Plan, which addresses current and future behaviour, likelihood and impact
- Internal support interventions for situations that the alleged/abuser/victim identifies as difficult
- Assessment of related safeguarding needs e.g. though an FCAF for alleged/abuser/victim
- Discussion & advice for practitioners to develop support for the alleged/abuser/victim
- Referrals for the alleged/abuser/victim e.g. restorative justice, mental health support, Sheffield Safeguarding Hub, Community Youth Team, Speech & Language, Ed. Psychologist
- Support & monitoring arrangements for alleged/abuser/victim and their families
- Frequency of contact between the child and family and supporting agencies
- Agreeing what work will be done by each practitioner
- Process for sharing information with agencies & the family e.g. Team Around the Family or other meetings
- What to do if the child goes missing e.g. monitoring attendance, staff contact
- Searches for weapons/substances/phones (see 'Reasonable Force' in Education policies, procedures & guidance, Safeguarding Sheffield Children website)
- Clarity for the alleged/abuser/victim about un/acceptable behaviour & consequences in and outside the setting

Remember: If child or young person is at risk of or suffering significant harm, immediately ring:

- **Police tel. 999 and/or**
- **Children's Social Care tel. 0114 2734855**

Useful links and resources:

- SCSP Child Protection & Safeguarding Procedures
- Working Together to Safeguard Children, 2018
- Keeping Children Safe in Education, DfE 2019
- Sexual violence and sexual harassment between children in schools and colleges, DfE 2017
- Bullying UK
- Childline (NSPCC) tel.: **0800 1111**
- Stonewall - various resources
- Anti-Bullying Alliance
- Child Exploitation & Online Protection Centre
- Peer Abuse information, NSPCC

There are other related policies available here, e.g. Sexualised Behaviour on the Safeguarding Sheffield Children website:

- Education section, policies, procedures & guidance page
- Professionals & volunteers section, Information & Resources pages

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Photographs, video's & images

Whilst it is important that children & young people have photographs & films of special moments, the increasing use of digital technology presents a number of risks for children, young people and their families, mainly due to the way it is used rather than the technology itself.

Safeguarding issues must be considered when taking & using images of children, young people and staff, e.g. if they have fled from domestic abuse their whereabouts may be revealed to an abusive partner.

Some people simply do not want their images to be publically available.

Steps that must be taken:

- You must get the informed, signed consent of everyone appearing in the photograph, video and image, including staff and the parents and carers of pupils, before it is created
- Young people may be able to give consent themselves if they are considered able to make an 'informed' choice
- If you believe a young person is making an informed choice, always check with your DSL/D to see if there are safeguarding issues that the young people themselves are unaware of or may not have taken into account
- No images of a looked after child should be created or used without prior written & signed consent from their social worker and Local Authority
- Never use full names or other personal details of the subject of any image you use as children may become vulnerable to grooming
- Always be clear about the purpose & audience for the image
- If you use images from another agency, you need to check that agency has obtained informed consent
- Only use secure equipment provided by your setting to take, store and download images – never use your personal devices
- When an image is transferred to your workplace network they should be erased immediately from their initial storage location
- Be careful about using images of children in swimming costumes or other revealing clothing due to the potential for misuse of images
- Always destroy images once consent has expired or the child or young person has left your setting
- Never take images of a child's injury or an audio recording of a disclosure, even if requested by children's social care

CCTV and webcams:

- Are they sited where they may compromise the privacy of individuals, e.g. toilet or changing areas?
- Have you displayed clear signs that they are in operation?

Images:

- Are your display boards seen by the public?
- May be shared online, copied, downloaded, screenshotted, adapted & used inappropriately
- May appear in internet search results
- May be owned by the platform once posted and then licensed for e.g. commercial purposes
- Become a part of a child's public image which may affect them later e.g. job applications
- Have you demonstrated an inclusive approach by including images of people of different ethnicity or disability?
- Have you checked any copyright implications?

All settings need a policy about taking & publishing images during events and activities and what actions you take to keep children safe. This policy must be available & understood by pupils (as appropriate) parents, staff & volunteers.

The press are exempt from the Data Protection Act. If you invite them to your premises or event you need to obtain prior consent from staff, parents and carers involved.

Family members can take photos of their child in school activities. Photos taken for personal use by family members are not covered by the Data Protection Act.

Useful links/resources:

- Data Protection: Gov.uk
- SCSP Child Protection & Safeguarding Procedures: Online Safety
- Education policies, procedures & guidance, Safeguarding Sheffield Children website
- Safeguarding Sheffield Children website: Online Safety
- Searching, screening and confiscation; Advice for Head Teachers, school staff & governing bodies, DfE 2018
- Taking Photo's in Schools, Information Commissioners Office

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Preventing extremism & radicalisation

The 'Prevent' duty:

All education settings must try to prevent children and young people from being drawn into extremism and/or terrorism.

Extremism is defined as:

Opposition to fundamental values, e.g. democracy, law, liberty, respect & tolerance of other faiths & beliefs; that can be used to sow division on the basis of race, faith, denomination; to justify discrimination towards women and girls; persuade others that minorities are inferior etc.

It includes e.g. far right views, animal rights activism and religious fundamentalism.

Protecting students from these risks is similar to protecting them from harm and abuse.

The Prevent programme must not involve any covert activity against people or communities. However, specified authorities may need to share personal information, e.g. to ensure that a student at risk of radicalisation is given appropriate support.

Factors making students vulnerable include:

- Pressure from peers & others or the internet
- Crime against them or involvement in crime
- Anti-social behaviour and bullying
- Family tensions
- Race or other hate crime
- Lack of self-esteem or identity
- Personal or political grievances

Signs to look out for include:

- Isolation
- Fixation on an ideology/belief/subject
- Sense of injustice/grievance
- Subjected to group influence/control
- Seeking identity/meaning/belonging
- 'Them' and 'us' perspective on situations
- Attitudes that justify offending etc.

If you think a student might be at risk:

- Inform your DSL/D immediately
- The DSL/D can assess the needs of the student & family and ensure that they are supported within school & with a 'team around the family' meeting
- Serious or immediate concerns must be referred immediately by the DSL/D to Children's Social Care, & may involve Police, other agencies and the Channel Programme

Education settings should ensure that:

- They are alert to changes in behaviour which may indicate that a student needs help or protection
- They discuss & challenge ideas via the curriculum, debates, outside speakers, etc.
- They have clear procedures in place to assess & protect students at risk
- Designated Safeguarding Leads & Deputies:
  - undertake mandatory 'Workshop for Raising Awareness of Prevent' (WRAP) training
  - provide briefings, awareness, advice and support to staff & volunteers
- Students are safe from terrorist & extremist material when accessing the setting's internet
- They give a **proportionate** response to the risk
- They work with all services, e.g. Youth Justice, Social Care, & Community Youth Teams, to ensure the welfare of students, staff & visitors.

'Prevent' does not:

- Stop students from debating 'risky' issues
- Require staff to intrude unnecessarily into family life
- Override your legal duties of ensuring freedom of speech within legal boundaries

Be careful that you do not stereotype – any group or community can be drawn to extremist ideas & put a child or young person at risk.

'Prevent' Single Point of Contact:

Steve Hill, via Tel: **0114 2734855**

Anyone can report a concern in confidence to:

Police Prevent Team: Tel: **0114 2523217** (8-4PM)

Out of hours: 101, or in an emergency 999

Email: Prevent@southyorks.pnn.police.uk

Useful resources:

- Prevent Duty Guidance, DfE 2019
- Protecting children from radicalisation, DfE 2015
- Keeping Children Safe in Education, DfE 2020
- ACT campaign
- Terrorism Act 2000
- Channel Guidance, HO 2015
- SCSP Child Protection & Safeguarding Procedures

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Private fostering & host families

Around 10,000 children in Britain live in informal fostering arrangements unknown to local authorities. This can make them vulnerable to abuse.

The Children Act 1989 requires parents, professionals & anyone proposing to privately foster a child under 16, to notify the local authority of the arrangement immediately or within 6 weeks.

A private fostering arrangement applies to a child under 16 (or 18 if disabled) who is cared for by someone other than a parent, a person with parental responsibility or close relative, for 28 days or more (including occasional short breaks).

A 'close relative' is a grandparent, brother, sister, aunt or uncle, step-parent, whether of 'full blood' or 'half-blood' or by marriage or civil partnership.

A 'private' foster carer can be:

- Extended family e.g. a cousin or great aunt
- A friend of the family
- The parent of a friend of the child
- Someone unknown to child/young person's family

How is responsibility shared?

- The private foster carer is responsible for providing daily care & promoting/safeguarding their welfare
- Private foster carer's rights come from the voluntary agreement made with the parent
- Responsibility for the child's welfare remains with the person with parental responsibility

Private foster carers may be entitled to support and financial help.

The Sheffield Connected Persons Team will assess the arrangement to see what is in the best interests of the child, including:

- listening to what the child wants
- arranging support for the child and the carer
- helping carer to apply to be a private foster carer
- ensuring cultural, linguistic, religious needs met
- undertake regular visits to see the child & carer
- signpost to other agencies as necessary

If the arrangement is deemed unsuitable, decisions will be made to safeguard the child's welfare.

Why are children in private foster care?

- children from abroad living with extended family
- host families for language schools
- parental ill-health
- parents have moved but student e.g. stays at school to finish their exams
- teenagers estranged from their families
- children brought to the UK for adoption
- children at independent boarding schools placed with host families for holidays
- trafficked children

Host families & 'homestay':

If a parent or student arranges the homestay, this is a separate (not fostering) private arrangement.

If your setting arranges exchange visits in the UK or abroad you must consider the safety of yours & visiting pupils if they are in the home of a family to whom they are not related, even if you engage a company to make those arrangements.

Adults providing the care are engaged in regulated activity and your setting is the regulated activity provider.

UK homestays - you should:

- obtain a DBS enhanced certificate with barred list information for all for students under 16
- consider obtaining a DBS enhanced certificate for students over 16, and
- use professional judgement to assess the suitability of the adults in those families who will care for the student
- A UK homestay of 28 days or more (child under 16, or 18 if disabled) may be a private fostering arrangement & you should notify the local authority.

Homestay abroad - you should:

- liaise with partner schools to agree arrangements to effectively safeguard all students taking part in the exchange
- make parents aware of the arrangement
- consider contacting the foreign embassy or High Commission in the country to discuss what checks are possible
- Provide pupils with contact details for emergencies or if they feel uncomfortable

Useful web links/resources:

- Private Fostering, Sheffield City Council
- The Children (Private Arrangements for Fostering) Regulations 2005
- www.privatefostering.org.uk
- Private fostering: better information, better understanding, Ofsted 2014
- Children Act 1989 Private Fostering, DfE

To notify the **Sheffield Safeguarding Hub** about a possible private fostering arrangement ring:

0114 2734855

For advice about private fostering, ring the:

Connected Persons Team, tel.: 0114 2736489

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Pupil Transitions

Moving between education settings, e.g. early years, between primary school, to a secondary or FE College is a hurdle in every pupil's life.

Friendships & staff change & learning environments, organisations & buildings replaced.

Pupils may also move for other reasons e.g. moving house, a disabled pupil transferring to a special school, fleeing domestic abuse, eviction, family breakdown, debts, changed immigration status, becoming a 'looked after child', needing residential mental health care/education.

They may arrive mid-term, have no friends, fear bullying, and have had previous moves. This can affect their ability to settle & learn & they may need a lot of support.

Where a pupil has safeguarding issues, you will need discussions, meetings, plans and reviews between the Designated Safeguarding Lead/Deputy (DSL/D) and other involved agencies.

All safeguarding information must be clearly & quickly communicated between DSL/D's at the previous and next setting, particularly if this is an unplanned move.

This can be done by:

- **Telephone discussion** – **do not assume** that the previous setting knows where the pupil has moved to – if you know a pupil is starting with you, you **must** ring the previous setting to check if the pupil has any safeguarding needs
- **Face to face meetings** – to allow staff to thoroughly share information about a pupil's background, current situation or future risks
- **Secure electronic transfer** – allowing easy and quick transfer of sensitive information between settings

All discussions (including phone calls) should be recorded on the pupil's individual safeguarding file.

Schools can choose when to admit a pupil as long as this is reasonable.

Transgender pupils may move to a new setting as a fresh start. Information about status is 'sensitive personal data' and explicit consent is required before it can be processed. With consent:

- Identify a staff member in the new setting who will support the transgender student
- Ensure the new setting has prepared for the needs of the student in line with this policy
- For more information see the document **'Transgender Students'** on the Safeguarding Sheffield Children website: Education Setting's Policies, Procedures and Guidance

Top Tips:

- Prepare the pupil for the change if possible
- Maintain routines & consistent responses
- Involve **all** parents, carers and those with parental responsibility unless there is a good reason not to
- Identify support and changed behaviour
- Share initial safeguarding information quickly by phone between the DSL/D at each setting
- Ensure there is a process for appropriately sharing relevant information received after a pupil has left the setting
- Remember, a child is anyone under **18** years

Admission forms should include:

- Pupil's details e.g. name, gender, date of birth
- Name, address & emergency contact number of parents & adults with parental responsibility
- Where the pupil normally resides
- Date of admission
- Details of last education setting attended

A pupil is the responsibility of the education setting from the first day that they **have agreed or have been notified,** that the pupil will attend.

The document: Every Pupil Matters at… provides a useful summary of a pupil's emotional, physical & social development.

A paper or electronic safeguarding file should be created for every pupil who has a Family Common Assessment, 'Child in Need' status and/or safeguarding/child protection concerns.

- Paper files - transfer **only** by signed for/special delivery post or hand-deliver to the named DSL/D or Head, in the first week at the new setting
- If any sensitive information is transferred electronically it must be done safely & securely & meet data protection security transfer requirements.
- The guidance **'Safeguarding Files'** can be found on the Safeguarding Sheffield Children website here: Education Setting's Policies, Procedures and Guidance

Useful links:

- Schools & Childcare, Sheffield City Council
- 'Between the Cracks Report' RSA, 2013
- 'Young Person N' Learning brief

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Reasonable force, searching & screening

Reasonable force describes actions that involve a degree of physical contact with pupils e.g.:

- **Control:** passive or active physical contact
- **Restraint**: hold physically or control
- **Reasonable in the circumstances:** using no more force than needed

Staff should avoid acting in a way that might cause injury, but in extreme cases it may not be possible.

Who can use reasonable force?

- All staff have legal power to use reasonable force
- Anyone the Head has temporarily put in charge of pupils e.g. volunteers or parents

Reasonable force can be used to prevent pupils:

- From hurting themselves or others
- From damaging property
- From causing disorder

The decision is the professional judgement of staff & based on the individual circumstances, e.g. to:

- remove disruptive children from the classroom
- prevent a pupil from disrupting an event, trip, visit
- prevent a pupil leaving class if this would risk safety or lead to disruptive behaviour of others
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight
- restrain a pupil at risk of harming themselves

Unacceptable techniques:

- seated double embrace: forcing pupil to sit & lean forward while monitoring breathing
- double-basket: holding arms across chest
- nose distraction: sharp upward jab under nose

It is unlawful for education settings to use force as a punishment.

Physical contact with pupils is sometimes appropriate e.g.:

- walking together at the setting or on a trip
- comforting a distressed pupil
- first aid
- when a pupil is being congratulated or praised
- demonstrating the use of e.g. musical instrument, exercise or PE/sports coaching

Settings should NOT have a 'no contact' policy; staff have a duty of care to prevent pupil causing harm.

Governors should ensure that staff, volunteers, parents, carers & pupils understand your behaviour policy, use of reasonable force & reasonable adjustments for SEND pupils.

Your behaviour policy should include:

- When you would use reasonable force
- How incidents are recorded
- A list of any items banned under your rules

Settings do not require parental consent to use force on a student.

Managing behaviour:

- Risk-assess all situations of pupil disruption
- Develop behaviour management strategies involving parents and carers
- Brief staff & ensure additional support is available

Clarity can reduce the likelihood of complaints when force has been used properly.

Staff training - the Head should consider:

- The needs of the pupils at the setting
- What staff might be expected to do e.g. control, restraint, search & screen

Telling parents & carers when force is used:

You should inform parents about serious incidents involving the use of force, taking into account the pupil's behaviour, level of risk, degree of force, effect on the pupil or staff & child's age & understanding.

Complaints:

- Thorough, speedy & appropriate investigation
- Suspension must not be automatic
- Follow 'Allegations of Abuse against Teachers and Other Staff" in education policies, procedures & guidance, Safeguarding Sheffield children website
- Support for staff subject to a formal allegation

The statutory Early Years Foundation Stage Framework, DfE 2017 states that you must always record physical interventions used for a child under 5 years old and inform parents and carers on the same day if practicable.

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Reasonable force, searching & screening

Search & seize powers in education settings

Article 8, European Convention on Human Rights says:

- Pupils have the right to expect a reasonable level of personal privacy
- any interference with this right must be justified and proportionate

Screening:

Schools can, without consent, require pupil screening via a walk-through or hand-held metal detector even if they do not suspect they have a weapon.

Health & safety legislation requires a school not to expose pupils or staff to health and safety risks.

- Any member of staff can screen pupils
- If a pupil refuses, the school can refuse to have them at the setting but give them 'unauthorised' absence rather than exclusion
- Screening without physical contact is **not** subject to the same conditions as search without consent

Power to search pupils:

- Staff can search pupils with their informed consent for any item
- Schools do not require formal written consent from the pupil, verbally agreement is sufficient
- School behaviour policies & communications should make clear what items are banned
- If staff suspect a pupil has a banned item, they can instruct them to turn out their pockets or bag
- If a pupil refuses to co-operate schools can apply an appropriate disciplinary penalty

Searching without consent:

Heads & authorised staff have a statutory power to search pupils or their possessions without consent if they suspect they are carrying "prohibited items' e.g.:

- Knives, weapons, fireworks
- alcohol & illegal drugs
- items stolen or used for offence, injury, damage
- tobacco and cigarette papers
- pornographic images

Who can search a pupil?

- staff & witnesses of the same sex as the pupil

…..unless there is a risk of serious harm if you do not search immediately and it is not reasonable to summon other staff.

Who is authorised to search?

- Heads decide who to authorise & this does not have to be in writing
- Heads can only require **security** staff to undertake a search
- Staff can be authorised to search for some items but not others
- If the security guard is not employed by the school the person witnessing the search should be a permanent member of staff

Authorised staff (without reasonable force) can:

- Only search for items banned in the rules
- Only search without consent on the premises or where they have lawful control of the pupil
- seize, confiscate, retain, and dispose of items considered harmful or detrimental to discipline

Confiscation:

Staff can seize any prohibited item found as a result of a search and seize any item they consider harmful or detrimental to school discipline.

Offensive weapons, drugs, pornographic images & stolen items must be passed to the police.

Staff who find an electronic device that is prohibited or has or could be used to commit an offence, cause personal injury, damage property, disrupt teaching or break the school rules can:

- Examine any data on the device
- Delete data unless giving it to the police
- Data relating to an offence should not be deleted

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

For further information:

- Use of reasonable force, DfE 2013
- Keeping Children Safe in Education, DfE 2019
- Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)
- Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)
- Searching, screening & confiscation, DfE 2018
- Behaviour and Discipline in Schools, DfE 2016

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Referring your safeguarding concerns

If you are worried about a child, you must:

- Discuss your concerns **verbally** & straight away with the Designated Safeguarding Lead/Deputy (DSL/D)
- Write it down & give (or send securely) to the DSL/D to kept in the pupil's safeguarding file

After the initial discussion the DSL/D will check any information at your setting & with involved agencies.

These checks **must not** delay referral of a pupil who is **suffering or likely to suffer significant harm.**

In all safeguarding situations the setting **must** use a professional interpreter (not a family member) who understands safeguarding issues if the family do not speak or understand English well.

Early help:

Informed parental consent is required to complete & share an early help assessment for a child and family.

If the child & family need early help from another agency, the DSL/D can complete an Early Help Assessment (EHA) part 1.

If there are multiple needs or if the early help has not had a positive outcome, the DSL/D can complete a Family Common Assessment (FCAF) (or MyPlan or Education, Health & Care Plan) with the parents, carers & any practitioners who are already involved.

The DSL/D should organise Team around the Family (TAF) meetings with the family & involved practitioners to discuss, organise & review support.

The EHA1 & FCAF can be sent **securely** to MAST for further discussion and to help coordinate support.

Child protection concerns:

The DSL/D will refer a child that is 'suffering or likely to suffer significant harm' **immediately** by ringing and speaking to:

- the allocated social worker or their manager, or
- the Sheffield Safeguarding Hub, tel. 2734855 If there is no allocated social worker

Consent is **not** required for referrals of significant harm, but you should inform parents if safe to do so.

The Sheffield Safeguarding Hub:

- will collect information from involved agencies and decide what further action is required
- does not take calls 'for information only' - record such information on your child protection file

DSL/Ds should follow up their referral in writing on a Multi-Agency Confirmation Form (MACF) within 24 hours, and send via the AnyComms system

The Hub **must** acknowledge receipt of the MACF within 72 hours and feedback on the outcome.

If you haven't been told the outcome by the Safeguarding Hub within 3 days, always follow it up.

Referral checklist:

Have the child's education & safeguarding information with you & call from a place where you won't be interrupted or overheard.

Explain your concern & give information about:

The child/young person:

- Name, address, date of birth
- Presentation, hygiene, home environment
- Academic ability and achievement
- Attendance, punctuality, how long on roll
- Behaviour, response to rules & boundaries
- Relationships, bullying, discrimination
- Child/young person's view about their home life
- Health issues, learning difficulties/needs

The family:

- Who has parental responsibility for the pupil?
- Who do they live with?
- Does anyone involved have special needs?
- Who accompanies the pupil to school events?
- Other significant friends or relatives
- Parenting concerns such as domestic abuse, mental health, substance misuse
- Care, safety, guidance, protection, support
- Family history, functioning
- Environment, housing, finance, unemployment, social & community integration

Previous support:

- Support tried, currently offering, what works?
- Other services involved with the child/family
- Previous education settings attended
- Previous/current assessments

Useful resources:

- Sheffield referral processes are described in the Thresholds of Need Guidance at: www.safeguardingsheffieldchildren.org/sscb
- Contact details for Sheffield Children's Social Care are here: Safeguarding Sheffield children website
- If necessary, anyone can refer a child to the **Sheffield Safeguarding Hub, tel. 2734855**
- For the full Sheffield Children Safeguarding Partnership (SCSP) guidance, go to: Making a Referral following the Identification of Child Safety and Welfare Concerns

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Referring your safeguarding concerns

Safeguarding concerns - flow chart for education settings

Someone raises concerns about a child or young person at your setting:

- Concern passed on **verbally** to the DSL/D (in person or by phone) straight away
- Concern **then** written down & given/sent securely to DSL/D for safeguarding file

↓

DSL/D should collect information by:

- Reviewing the child or young person's safeguarding file
- Contact involved practitioners to discuss

These checks are important but should not delay the referral of a child or young person under 18 years old who is suffering or likely to suffer significant harm

↓

Is the child or young person **suffering or likely to suffer significant harm?**

↓

YES…

↓

Discuss with parents/carers?

- Consent preferable
- Tell parents or carers about concerns & referral
- Don't discuss with parents or carers if anyone at risk
- If can't contact parents or carers **DON'T WAIT** to refer as may increase risk

↓

Immediately:

- Discuss with allocated social worker or their manager
- If not allocated, refer to the **Hub tel. 2734855**
- Within 24 hours, securely send **MACF** to the Hub
- If Hub hasn't informed you in writing of outcome within 72 hours, **follow up**

↓

Not sure…

↓

Consult:

Sheffield Thresholds of Need Guidance, and:

↓

Discuss:

with Sheffield Safeguarding Hub on 0114 2734855

↓

NO but needs support…

↓

- Discuss support needs with parents/carers
- Explain EHA process & seek consent

↓

Early Help Assessment:

- EHA1 single issue
- FCAF multiple issues
- Discuss at TAF Meeting
- Send securely to MAST for discussion

↓

If complex needs identified or no positive outcome from early help:

- Family may need multi-agency, intensive support
- If not already done, complete FCAF (or equivalent) with parents/carers & involved practitioners
- Send securely to MAST for consideration
- **If child at risk of significant harm refer to Safeguarding Hub**

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Safeguarding files & access requests

Documenting safeguarding concerns is vital to the effective safeguarding of children and young people.

Safeguarding records are kept for many years & must be fully understood even after they have left your education setting.

All documents should:

- Be factual, evidenced, concise, complete, accurate and objective
- Include full names, dates, role/relationship to student
- Be securely stored (physically or electronically)

A safeguarding file should be set up for each student when a safeguarding concern is identified.

The file should be in date order & have a:

- Front sheet with basic details of the student
- Chronology of the contents
- Record of all discussions (including phone calls) and meetings relating to the student and their family
- Copy of any other documents e.g. assessments, minutes of conferences, core groups etc.

Each file record should include:

- Date and time of:
  - writing the record
  - when an incident and/or concern began
- Details of your concerns, what gave rise to them, and any discussions about this (including with Designated Safeguarding Lead/Deputy)
- All actions you have taken
- The extent and nature of any involvement by other professionals, and their full details

Storage:

- All individual hardcopy safeguarding files should be stored in a locked cabinet
- Access to child protection information is only via the Head Teacher, Designated Safeguarding Lead or Deputy (DSL or DSD)
- Early Help information retained should be securely archived until 25 years after last action
- Child protection information retained should be securely archived at least until the subject is 85 years old (currently indefinitely until further direction from the Independent Inquiry into Child Sexual Abuse)

E-storage:

- **Always seek specialist advice**
- Encryption of files is strongly advised
- If using password protection, ensure Head & DSL/D's all have password, but do not share wider
- Passwords should use a standard formula that is strong and memorable
- If using 'restricted access' folders, check if they can be over-ridden by your IT technicians
- Tightly manage access & permissions, disable promptly when staff leave or change role
- Check archived e-files don't have digital continuity or password protection limitations & that retention is set appropriately
- If using cloud software storage ensure it is secure, subject to UK law & meets all data protection requirements & handling standards

Sharing information:

Appropriate information must be shared by the DSL/D or Head with relevant staff & other education settings.

This must be done in a timely manner to respond effectively to the child or young person's needs.

Your setting should have a process for sharing information about a pupil after they have left.

Transferring files:

- All safeguarding files must be securely transferred **immediately,** in person or by signed for/special delivery, to the DSL/D of the new setting (including 16+ provisions)
- Always get a receipt for any file that is passed to another setting
- You may need to keep copies of significant documents for future use, e.g. documents that originated from your agency
- If the new establishment is out of city consider if a copy of the whole file should be retained
- Any copying of documents must be subject to personal & sensitive data processing conditions and current retention/archiving requirements
- E-transfers **must** be secure, e.g. encrypted, for **both** the sending and receiving IT systems
- Documents may be copied to the file of another child **only** if appropriate
- All DSL's receiving files must **not** dispose of any of the original contents

All safeguarding files must be professionally written & respectful.
People may request access to these files or they may be used for e.g. court, case reviews, etc.
DSL/D's should regularly audit files to ensure standards are maintained.

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Safeguarding files & access requests

If a parent requests access to their child's safeguarding file, this is a 'Subject Access Request' and you MUST seek Human Resources & legal advice from your organisation. General guidance below:

Advice in relation to the release of a safeguarding chronology or file to e.g. a Parent:

A request for safeguarding information is a 'Subject Access Request' & the Information Commissioners Office, Rights of Access webpage can advise you about the requirements to release information.

Subject Access Requests (SAR's):

The revised legislation places a duty on a data controller (e.g. the education setting) to respond to a request for personal data (SAR) within one month. The right of access to personal data belongs to the person the data is about (e.g. the child). However, as the child is a minor, their parents can be provided with the personal data if the child does not have the maturity/ability to understand it, or if the child does have maturity/ability and gives express permission for it to be released to the parents.

This would be a decision for the setting to make and being mindful of any sanctions that may be imposed by the Information Commissioner's Officer for releasing personal data in breach of these principles.

Education settings should:

- acknowledge receipt of the correspondence
- confirm that this is considered a subject access request under the General Data Protection Regulation
- explain that as the information relates to the child being subject to or at risk of child abuse/ill-treatment you are lawfully permitted to refuse to release such information to parents where considered necessary

In most cases, subject access requests would be dealt with in the following way:

- Send a holding response to acknowledge receipt of the correspondence confirming that a full response will be provided within one month of receipt of the request (or up to a further two months if the request is deemed to be complex)
- Confirm to parents that not all of the information requested may be retained by the setting and that you will confirm which of their questions need to be directed to the Local Authority or other agencies
- Provided free of charge. However, a "reasonable fee" can be charged for further copies of the same information and when a request is manifestly unfounded/excessive or repetitive.

Preparing for subject access requests (SAR):

- ✓ We can recognise a SAR and we understand when the right of access applies
- ✓ We have a policy for how to record SAR's we receive verbally
- ✓ We understand when we can refuse a SAR
- ✓ We are aware of the information we need to provide to individuals when we do so
- ✓ We understand the nature of the supplementary information we need to provide in response to a SAR

Complying with subject access requests:

- ✓ We have a process to ensure that we respond to a SAR without undue delay & within one month of receipt
- ✓ We are aware of the circumstances of when we can extend the time limit to respond to a SAR
- ✓ We understand the particular emphasis on using clear, plain language if we disclose information to a child
- ✓ We understand what we need to consider if a SAR includes information about others

If you require assistance in preparing information for release to pupils or parents following receipt of a SAR, please contact The Governance Team quickly for advice:

The Governance Team, Legal Services, Sheffield City Council
Email: legalservicesgovernance@sheffield.gov.uk

Any Sheffield school/college can contact the Governance Team for advice – there will be a charge unless they have a traded service package with Legal Services. Alternatively you can contact your HR Advisor.

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Safer Recruitment

Education settings must create a safe culture, including the use of recruitment procedures that help deter, reject or identify people who might harm children & young people.

Checks are required for any individual that is working (paid or unpaid) at the setting.

Governing bodies & proprietors must make reasonable decisions about the suitability of prospective employees based on Disclosure & Barring Service (DBS) checks, barred list & prohibition checks, identity verification, references, interview information etc.

When appointing staff, settings must:

- Verify candidate's identity, mental & physical fitness, right to work in UK, & qualifications
- Ask for written information about previous & current employment, scrutinise references and resolve concerns satisfactorily
- Get a DBS check with barred list information
- Request Childcare Disqualification Declaration (Childcare (Disqualification) Regulations 09) where relevant
- Check they are not subject to a prohibition order (if a teacher) or section 128 direction (if managing independent, academy, free school; or governor of a maintained school)
- Use the DBS Update Service only with consent

DBS checks should be obtained before appointment. If this isn't possible, ensure that barred list & all other checks are completed & employee is supervised whilst DBS check is completed.

It is an offence to allow a barred person to work in regulated activity.

Use the **Single Central Record** for all:

- **School** staff (including supply) and volunteers (including Governors) in regular contact with children/young people in the setting
- **College** staff & volunteers providing education to or in regular contact with someone under 18
- Members of the proprietor body in independent, free schools & academies

You do not have to keep a copy of an employee's DBS certificate.

If you do, you need the consent of the employee and to comply with Handling of DBS certificate information, July 2018

ID checking guidelines apply to all applications for standard or enhanced checks. **Contact your HR provider for more information.**

Agency & third party staff: you must obtain written notification from the agency that they have carried out all required checks on an individual & a photograph to confirm that this is the same person who is presenting at the setting.

Trainee/student teachers: you must ensure that all necessary checks (including an enhanced DBS certificate & barred list check) are carried out if you are the employer; if fee-funded, you should obtain written confirmation that the initial teacher-training provider has carried out the required checks.

Overseas staff: must have the same checks as other staff, and you must make further necessary checks to consider relevant events outside the UK.

Alternative Education providers: you should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment

What is regulated activity?

You are in 'regulated activity' if through directly or contracted, paid or unpaid work you regularly (e.g. once a week or more, or on four or more days in a 30 day period, or overnight), dependent on activity:

- Are unsupervised and responsible for teaching, training, care or supervision of students; or
- Work in a 'specified place' (includes schools & colleges) with the opportunity for contact with children and young people under 18 years old (unless you are a supervised volunteer – see below); or
- Drive a vehicle only for children; or
- Provide advice & guidance wholly or mainly on children's well-being

Regulated activity also includes:

- Personal care e.g. helping a pupil, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing
- Health care provided by or under the direction of a health care professional

Settings **must** make a referral to the DBS for anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where the harm test (that they may harm or put at risk of harm a child or vulnerable adult) is satisfied, & the individual:

- Has been convicted or cautioned for a relevant offence or there is reason to believe they have committed a listed relevant offence, and
- If they have been removed from paid or unpaid work in regulated activity, or would have been removed had they not left

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Safer Recruitment

All volunteers and governors:

- Who are engaged in 'regulated activity' must have enhanced DBS and barred list checks
- Who are not engaged in 'regulated activity', but may regularly come into contact with children should have an enhanced DBS check not including barred list information (required for maintained school governors)
- Can work pending receipt of a DBS certificate as long as they have been risk assessed and are not left unsupervised with a student
- Cannot teach or care for a pupil unsupervised, without an enhanced DBS, barred list checks and, where relevant, a childcare disqualification declaration

In addition, a section 128 check must also be made for governors, as well as proprietors of independent schools, academies, free schools and alternative provision academies

Supervised volunteers & governors are **not** considered to be in regulated activity, but their supervision **must:**

- be properly checked
- be regular, day to day & ongoing, whatever the volunteer period
- protect pupils & reflect:
  - their ages, vulnerability, group size
  - number of workers & volunteers involved, their child contact & level of supervision

Settings need to use their experience & judgement to complete a **risk assessment** for:

- The nature of the work with children
- What the setting formally or informally knows about the volunteer
- Whether the volunteer has other employment or voluntary activities where referees can advise on suitability, and
- Whether the role is eligible for an enhanced DBS check

Contractors:

- **Must** have appropriate DBS checks if engaging in regulated activity or in regular contact with children
- Without checks who have contact with children **must** be supervised, and **must not** engage in regulated activity
- Identity should always be checked on arrival

If the contractor is self-employed & cannot obtain a DBS check the school or college should consider doing this on their behalf.

Family or other visitors:

Settings cannot request DBS or barred list checks for relatives or community members, but should use professional judgment about escorting them on site. They should not be left unsupervised with children other than their own.

Host families:

Arrangements for pupils under 18 to have learning experiences including short term care & accommodation by a family to whom they are not related, could amount to regulated activity and/or 'private fostering'.

The setting that is making the host arrangement is the regulated activity provider and should request a DBS Certificate with barred list check.

Host families abroad cannot be DBS checked but settings should work with partner settings abroad to understand and agree arrangements. Settings can contact the foreign embassy or High Commission of the country & find out if similar checks can be done.

Work experience:

A barred list check should be requested from the employer if the person supervising or working with the young person is in regulated activity and the young person is under 16 years.

If the young person is 16 years old or over & on work experience in a 'specified place' (e.g. school) the work experience provider should consider obtaining an enhanced DBS check for them.

Proprietors of independent schools, academies, free schools or alternative provision academies:

The Secretary of State will confirm the identity & complete an enhanced DBS & other appropriate checks on an individual before they become:

- the proprietor of or chair of a body of people which is the proprietor of an independent school, or
- the chair of the governing body of a non-maintained special school.

Contact your Human Resources provider for more information and/or follow these links:

- Disclosure and Barring Service
- DBS Barring Referral guidance
- Keeping Children Safe in Education, DfE 2020
- Disqualification under the Childcare Act 2006
- Guidance for safer working practice - education settings and Covid19 addendum

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Sexualised Behaviour

Many practitioners, parents & carers find it difficult to distinguish between normal and problematic sexual behaviour of children. We are often faced with cultural, gender, political & legal issues whilst considering safety. This guidance helps us understand healthy sexual behaviour & assess and respond appropriately.

Age-appropriate sexual play and behaviour:

0 – 5 Years

- Highly influenced by family environment
- Playing games about relationships
- Curiosity: nakedness, body parts, genitals

5 – 9 Years

- Peer contact significantly increases
- touching own/ curious about others genitals
- Curious about sex & relationships
- Become more inhibited, body privacy
- Uses swearing/slang words for body parts

9 – 13 Years

- Solitary masturbation, need for privacy
- Developing use of sexual humour & language
- Increased peer interaction and experimentation
- Interest in popular culture & online media

13-17 Years

- Sexually explicit conversations & jokes
- Interest in erotica/pornography on & offline
- Consensual non/sexual relationships with peers on & offline

Sexualised behaviour in children is different from adults & requires different assessment & treatment. Generally there are 3 types:

1. Reactive Sexual Behaviour:

- Spontaneous/impulsive, environment trigger?
- Something witnessed or experienced
- Overwhelmed, what did experience mean?
- High risk of engaging others if no disclosure
- Real event from internet, DVD or similar

2. Sexualised Behaviour:

- Characterised as sad, lonely, empty
- Coping with negative/unpleasant emotions?
- Possible severe physical/emotional neglect?
- Gravitate to others with similar experiences – mutual, inappropriate sexual behaviour

3. Coercive Sexual Behaviour:

- Exposure to severe and long term abuse
- Mimics aggressive adult sexual behaviour

Healthy sexual behaviour is:

- Appropriate to the age and/or developmental stage of the student
- Possessing characteristics of mutuality, choice, exploration and possibly fun
- Evidencing no intent to cause harm
- Being in balance with other aspects of the student's life & development

Factors influencing sexual behaviours:

- Lack of sex/relationship information, privacy, rules, consequences & boundaries, support
- Boredom, loneliness, anxiety, confusion, depression, attention/relationship needs, tension
- Family/carer conflict
- Abuse, sexual exploitation and/or trafficking
- Anger, retaliation
- Communication difficulties
- Excitement, exploration, curiosity, arousal etc.
- Gender issues
- Copying behaviour e.g. on the internet or TV

Key implications for practice:

- Children are **not** mini adult sex offenders
- Students should be accountable for their actions **and** be supported with their experiences
- Focus on young person's living environment as much as on individual treatment plans
- Students who have abused others may be less amenable to therapy/treatment & require high degree of risk management

Useful resources:

- Sexualised Behaviour Guidance, Safeguarding Sheffield Children website
- Sexual Behaviour Traffic Light Tool, Brook
- Sexual behaviour in children, NSPCC
- Keeping Children Safe in Education, DfE 2020 (part 5)
- SCSP Education Policies: 'Peer Abuse'

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Sexualised Behaviour

Steps to consider: (Brook Sexual Behaviours Traffic Light Tool): **(these tools MUST be used alongside assessment of family context & developmental ability)**

1. Communicating concerns to child & parents in calm, clear, non-judgemental, factual way
2. Describing behaviour, how people might feel, what is 'appropriate'
3. Being clear that the behaviour should not re-occur or escalate
4. Preventative rules/boundaries
5. If another student was focus:
   a) reassure them, not their fault
   b) tell an adult if repeated
   c) discuss their support needs
   d) tell them you will inform parents
   e) consider confidentiality
6. Record/track behaviour, issues, incidents
7. Monitor, observe, support child:
   a) & interactions with others
   b) Discuss impact of behaviour, feelings, friendship, interests
   c) encourage them to develop an internal motivation to stop
   d) consider restrictions & rules e.g. secluding child for safety
8. Discuss with Designated Safeguarding Lead/Deputy (DSL/D), decide **if appropriate** who promptly talks to parent
9. DSL/D will do/consider:
   a) FCAF (Family Common Assessment) with parents or carers
   b) safety plan for setting
   c) involving agencies including Children's Social Care
   d) 'team around family' (TAF) meeting to discuss support
10. If there is a risk of significant harm to the child, young person, or others the DSL/D will refer to **Sheffield Safeguarding Hub, tel. 0114 2734855, before** any/further discussion with parents

GREEN Light Behaviour: safe, healthy sexual development:

- Between children of similar age or developmental ability
- Reflects curiosity, experimentation, consensual activities and positive choices
- 'Normal' but inappropriate in education setting

Action:

- Follow steps 1-7
- Reassure parents & child there is no concern or need for further discipline
- Ask parents to reinforce 'message' at home

AMBER Light Behaviour: not safe healthy development:

- Age or developmental differences
- Activity type, frequency, duration or context

Action:

- Inform DSL/D **immediately**
- Follow Steps 1 to 9
- Meet parents & discuss where behaviour may have come from, that this does not necessarily mean their child has been abused, the school response to the behaviour
- Do not meet with parents until step 8 is completed

RED Light Behaviour: outside safe healthy development:

- Is coercive, secret, compulsive, threatening
- Requires action from setting & other agencies

Action:

- Inform DSL/D **immediately**
- Follow Steps 1 to 10
- Do not meet with parents until step 8 is completed

Dealing with persistent masturbation is one of the most common issues that education staff ask advice about:

- Staff should discuss their observations with the DSL/D
- DSL/D should talk to child's parents/carers, as there may be a medical association e.g. a rash

Strategies:

- **Initially:** Describe the behaviour to the child, how people might feel about it, what is 'appropriate'; then consider:
- **Cueing:** agree a simple word or visual cue that you can say or show when the child is masturbating
- **Redirection:** note when the behaviour occurs (reaction to stress?), provide an alternative activity or distraction
- **Positive reinforcement:** a chart or visual cue when child is behaving appropriately, e.g. star chart or 'thumbs up

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Special Education Needs & Disability (SEND)

Identifying pupils with SEND:

A pupil has Special Educational Needs if their learning difficulty/disability requires special educational provision different from or additional to that normally available.

Many safeguarding issues may overlap with a pupil's SEND needs.

Education settings should:

- Assess and respond quickly to each pupil's current skills & level of attainment on entry
- Build on information from previous settings and key stages
- Consider whether a pupil has a disability under the Equality Act 2010 & what reasonable adjustments are needed
- Listen to, understand & address pupils, parents & carers knowledge & concerns
- Assess pupils with emotional and/or behaviour issues for undiagnosed learning or communication difficulties or mental health issues
- If housing, family or other issues are present, consider a multi-agency approach using a Family Common Assessment.
- Consider whether bullying, bereavement etc. are having an impact on well-being
- Look carefully at all aspects of a child or young person's performance to establish whether lack of progress is due to limitations in their command of English rather than having special needs

There are four broad areas of need which help settings to plan & review the support provided:

- Communication and interaction
- Cognition and learning
- Social, emotion and mental health difficulties
- Sensory and/or physical needs

Your SEND policy must be set out in clear, straightforward language & easily accessible by young people and parents.

Schools should publish information on their websites about:

- The implementation of their SEND policy
- The names of staff in school for pupils, parents or carers to talk to if they have concerns

Improving outcomes - settings should:

- Support pupils with SEND, whether or not they have an EHC plan
- Designate a SENDCo to co-ordinate provision & liaise with parents & carers
- Ensure that pupils with SEND can take part in all activities at the setting
- Follow the statutory guidance 'Supporting pupils with medical conditions at school'
- Understand & follow the Equality Act 2010 including reasonable adjustments, providing aids & services, & preventing disadvantage
- Prevent discrimination, promote equality of opportunity and foster good relations
- Ensure a member of the governing body has specific oversight of SEND arrangements
- Regularly review & record the use of SEND expertise & resources to improve provision
- Involve parents & carers in decisions to obtain specialist advice about support & intervention
- Consider a range of support, equipment, strategies & interventions to support progress

Principles in practice include:

- Taking all views into account
- Consider whether parental vulnerabilities affect their understanding of the child's needs
- Enabling everyone to take part in decisions
- Working with all agencies to provide support
- Identifying need
- High quality provision to meet those needs
- Inclusive practices & removing barriers
- Helping pupils to prepare for adulthood

Chapter 1,SEND Code of Practice: 0 to 25 years

Safeguarding training:

SENDCos are welcome to attend the Sheffield Children Safeguarding Partnership 'Advanced' level safeguarding training for education settings. Follow the link above.

SEND pupils in alternative provision:

Where the education of a SEND pupil is with an Alternative Provider it must follow the pupil's EHC plan. If no plan is in place the provider should employ an appropriate response to their needs.

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Special Education Needs & Disability (SEND)

Working Together:

Local authorities have a duty to ensure, & partners have a duty to co-operate with, the provision of good quality & well integrated services from educational, training, health & social care agencies to promote wellbeing for children & young people with Special Education Needs and Disabilities (SEND).

This requires close co-operation between all partners to research, plan, commission & review services.

Schools will contribute to the educational provision described in the Sheffield's SEND Local Offer and take part in wider strategic planning for education in the local area.

Education, Health & Care Needs Assessment:

If an education setting has a pupil with significant needs requiring immediate specialist assessment & intervention which the setting is unable to provide, it can make a request for an EHC Needs Assessment from the Local Authority.

Education settings must:

- Co-operate in carrying out the assessment & the development & review of an EHC plan
- Admit a young person to the school & provide educational support if specified in the plan

Follow links for more information on: EHC Needs Assessment and changes to the law on EHC needs assessments and plans due to COVID-19.

Preparing for adulthood - all pupils should be:

- Supported to prepare for adult life & achieve employment, independent living, health & community participation
- Included in all activities, social groups, friendship networks & community activities, particularly when transferring from one phase or setting to another.

Looked after children (LAC):

- Around 70% of looked after children have some form of SEND, and it is likely that a significant proportion of them will have an EHC plan.
- All education settings must appoint a LAC Designated Teacher who works closely with the SENDCo to ensure that the implications are fully understood by relevant school staff.

Local authorities must promote the educational achievement of LAC/previously LAC children wherever they are placed and appoint a Virtual School Head (VSH) to lead a team which tracks their progress.

The right to make decisions:

At the end of the academic year in which they turn 16, young people have some rights to make requests & decisions independently of their parents/carers (Children and Families Act 2014).

Parents & carers can continue to support young people or act on their behalf with the agreement of the young person (dependent on mental capacity).

In most situations parents & carers will remain closely involved particularly where there are concerns about a pupil's behaviour or welfare & in discussions about the young person's studies.

Although the Children & Families Act 2014 transfers some rights directly to young people from the end of compulsory school age, this does not necessitate any change to a school's safeguarding or welfare policy.

Military Service children:

The Children's Education Advisory Service (CEAS) provides advice to Service parents, educational settings & local authorities about SEND issues.

Children may face difficulties that are unique to the nature of their serving parent's employment, e.g.:

- Relocating more often & sometimes at short notice needing transitions to be well managed to avoid delays in assessing & meeting needs
- Deployment to operational arenas resulting in anxiety, dips in educational performance and/or emotional difficulties.

Education settings should ensure that:

- The impact of their policies, administrative processes and patterns of provision do not disadvantage such children
- All SEND & safeguarding records transfer quickly between education settings in the UK and overseas, to enable effective planning
- All reviews explicitly consider Service-related issues
- Access to assessments, interventions & provision is determined on the nature, severity & complexity of the needs presented and not to the amount of time left in a particular school
- They consider how the Service Pupils' Premium is used to improve SEND provision
- The Ministry of Defence is developing an Education Overseas Supportability (EOS) form to replace the Pupil Information Profile for military service children

Chapter 10, Children & young people in specific circumstances, SEND Code of Practice. 0 to 25 years

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Staff Safeguarding Supervision

Working together to safeguard children, DFE 2018 (p 57 & 58) says that:

- Designated professional roles should always be explicitly defined in job descriptions
- Professionals should have sufficient time, funding, supervision & support to fulfil their safeguarding responsibilities effectively
- Professionals should have regular reviews of their own practice to ensure they improve over time

Effective supervision:

- Provides support, coaching & training for the practitioner & promotes the interests of children
- Should foster a culture of mutual support, teamwork & continuous improvement
- Encourages the confidential discussion of sensitive issues
- Regular one-to-one meetings that support professionals to reflect critically on the impact of their decisions
- Should be a safe environment where trust and confidentiality are maintained (as appropriate)
- Promotes equal opportunities and anti-discriminatory practice

Supervision should provide opportunities to:

- Discuss issues
- Identify solutions
- Receive coaching to improve their professional effectiveness

The purpose, venue, timing, specific responsibilities, recording, sickness arrangements, complaints & reviewing processes should be agreed by both parties in a 'supervision agreement'.

Frequency:

Supervision should be at least every 8 weeks and reflect:

- The level of experience & competence (not necessarily length of service) of staff
- Particular circumstances e.g. difficult work, risk, personal & performance issues, levels of stress

Changes to supervision should be by agreement between the two parties and be clearly recorded.

Agency and temporary staff should receive supervision in the same way as permanent staff.

The four main functions of supervision are:

Management:

- Quality of performance
- Discussion of relevant policies & procedures
- Safeguarding roles and responsibilities
- Development and monitoring of workload

Learning and Development:

- Identifying learning style and barriers, development needs and learning opportunities
- Giving and receiving constructive feedback
- Reflective practice through case discussion

Personal Support:

- Clarifying boundaries
- Allowing staff to express their feelings about the impact of their safeguarding work
- Monitoring their health
- Obtaining appropriate health support when appropriate

Mediation:

- ensuring that staff, the setting, the agency and other organisations are working together effectively
- dealing sensitively with concerns
- consulting and briefing staff on changes and developments that affect their area of work
- advocating between worker or team and other parts of the agency or with outside agencies

Who needs supervision?

- Supervision should be offered to all staff whose work brings them into contact with children, young people and their families
- Whilst the main focus may be on the safeguarding team members, other staff will need support either on an ongoing or specific basis
- Staff should be made aware that supervision is available if they want it and to contact the Designated Safeguarding Lead to discuss further

Providers must put appropriate arrangements in place for the supervision of staff who have contact with children and families.

Early years foundation stage statutory framework (EYFS) 2020 (including coronavirus updates)

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Staff Safeguarding Supervision

A written record of supervision:

This is the supervisor's responsibility & should:

- Allow an issue to be revisited at a later date and still be understood
- Record all decisions, the reasons for them, agreed actions, who will take responsibility and the timescale for carrying out these actions
- Be typed where possible
- Be signed and dated by both parties
- Be copied to the supervisee
- Be access restricted

If there is disagreement about the content of the record this should be recorded by both parties.

If a student is discussed, a summary of the discussion & agreed actions & timescales must be put in the student's safeguarding file.

Supervision records are the property of the commissioning organisation, not the individual.

Supervisors may need to discuss the content of supervision sessions with e.g. their line manager; this should always be with the knowledge of the supervisee.

When a supervisee leaves the organisation the records should be retained for two years after the member of staff has left and then shredded.

Where a member of staff transfers to another section or supervisor within the organisation their records should be passed onto the new supervisor.

Who should provide formal supervision?

One of the purposes of safeguarding supervision is to provide specialist guidance and advice in relation to safeguarding and child protection matters.

This means that the person providing supervision needs to be fully trained and experienced in safeguarding children as well as being trained in providing supervision itself.

This may mean that an education setting will need to use the supervision skills of people outside the setting, either across other areas of the organisation, or from private or independent organisations.

If this is the case for your setting you must ensure that the supervisor follows appropriate confidentiality and data security processes.

Types of supervision:

There are 4 broad types of supervision; the type your staff need will depend on regularity and purpose. Your safeguarding team will benefit from all 4 types.

One to one supervision:

- The most common supervision method
- In private, pre-arranged time & agreed agenda
- Having the same supervisor develops trust, openness and honesty and confidentiality

However, other methods can complement, rather than replace, one to one supervision.

Group supervision:

- A group of staff involved in the same task, meeting together with supervisor to discuss work issues
- May be done a regular team meeting or as a separate session to look at specific issues

Unplanned or "ad-hoc" supervision:

- Allows staff to discuss, obtain a decision or gain permission to do something quickly
- Staff who work closely with their supervisor may communicate daily but will still need regular one to one supervision

Peer supervision:

- A systematic approach where colleagues discuss professional issues & key topics with one another
- Should result in solutions that are helpful to the person who presented his or her problem

It may be necessary to supplement supervision for staff who are experiencing trauma, e.g. where they have been involved in providing information for a court case or Serious Case Review or coming to terms with serious injury or death of a child or young person.

In these situations staff may need extra support from their line manager, the setting's safeguarding team and Occupational Health.

Useful resources:

- Working together to safeguard children, DFE 2018
- Maintaining a Safe Culture: Supervision, section 4.2, SCSP Child Protection and Safeguarding Procedures Manual

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Substance misuse

Parental substance misuse:

Some parents & carers who drink problematically, use drugs or misuse prescribed medication can still provide a safe, secure and supportive family environment for children.

However for some families, drug and/or alcohol misuse can become the central focus of the adults' lives, feelings and social behaviour, and has the potential to impact negatively on a child at every age from conception to adulthood.

Adults who misuse drugs and/or alcohol may face multiple problems e.g.:

- homelessness
- accommodation or financial problems
- difficult relationships
- domestic abuse
- mental health issues
- lack of effective social support systems
- issues relating to criminal activities
- poor health

Assessment of the impact of these stresses on the child is as important as assessing the drug and/or alcohol misuse itself.

Working with families with substance misuse:

- Child focused not substance focused
- How can services support parents/carers to meet the child's needs?
- What is the parent/carer concerned about, what help do they want?
- What can you offer, where can you signpost them to?
- What are the family strengths & weaknesses?
- Work closely with all agencies involved
- Ensure plans are realistic and child focused
- Address any barriers to accessing services

Multi-agency work and reviewing:

Assessments should be:

- completed jointly by the family & involved agencies
- consider each individual's changing needs
- evaluate the progress & effectiveness of intervention
- regularly & flexibly reviewed

All actions should be documented and shared with the family and agencies.

Risk factors:

- Parents/carers misuse substances together
- Parent/carer misusing substances with their prescribed medication
- Pregnant mother misusing substances
- Substance misuse occurring at home
- Home used by other substance misusers
- Family not engaging with services
- Parent/carer believing that their substance misuse doesn't affect their children
- The absence of extended family support
- Inappropriate child care arrangements
- Child exposed to substance use
- Dangers of drug using equipment & ingestion
- Domestic abuse &/or parental mental ill-health

Impacts:

- Inconsistent parenting, boundaries, disruption of routines, not meeting child's needs
- Child has poor emotional development & inappropriate caring responsibilities
- Normalising of substance misuse & criminality
- Poor education attendance and attainment
- Secrecy, stigma, shame & poor relationships

Risks & impacts have a cumulative effect i.e. the more there are, the higher the concern.

Protective factors:

- Parent/carer recognises impact, wants change
- Safeguards are in place at home for the child
- Family demonstrates real engagement with services, support and treatment
- Family have good support networks
- Wider family aware of substance misuse issues & providing support
- Child has a close positive bond with a trusted adult
- One parent/carer provides consistency, attention, support and routine
- Child engages in activities & peer friendships
- Child develops age-appropriate independence, confidence & self-esteem
- Child regularly attends at an education setting

If child protection concerns are identified you must ring The Sheffield Safeguarding Hub tel. 0114 2734855 immediately.

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Substance misuse

Young people who misuse substances:

Drugs & alcohol often play a role in the lives of young people through curiosity, experimentation, recreational or problematic use.

Not every young person develops problems; not all experimentation leads to continued use or misuse.

However for some, substance misuse can contribute to:

- Poor mental health and emotional wellbeing
- Issues at school, college or work
- Breakdown of family and peer relationships
- Engaging in further risky behaviours

Vulnerable young people include those who:

- are involved in anti-social behaviour or the criminal justice system
- are or were 'Looked After' by the local authority
- are excluded from mainstream education
- go missing from education, home or care
- are homeless
- are being sexually or criminally exploited
- have family members who misuse substances

All young people should receive good education, information and advice about substance use & early support and specialist help where necessary.

If child protection concerns are identified where a young person is using substances, seek advice from The Corner Young People's Drug and Alcohol Service tel. 0114 2752051 as well as referring to Children's Social Care immediately.

The **Sheffield Young People & Substance Misuse Screening Toolkit** is available from The Corner (above) and should be used if:

- A young person asks for advice or information about or tells you they are using drugs, alcohol, glues, gases, aerosols or novel psychoactive substances (previously known as 'legal highs')
- A substance misuse related incident occurs, e.g. possession of drugs or young person intoxicated
- A young person is in a vulnerable group above
- Substance misuse is identified in the home
- You have other concerns that the young person might be involved in substance misuse
- A Family Common Assessment Framework (FCAF) raises concerns about substance use

Risk indicators:

Substance misuse by a young person does not necessarily put them at risk of significant harm, but you should consider:

- The child's age, substances used, amounts, method of use
- If the use is becoming chaotic or risky
- If criminal behaviour, radicalisation &/or gang are involved
- If any exploitation or coercion is present
- If an adult is facilitating the substance use
- If the young person is caring for another child while under the influence of substances

The analysis of **Serious Case Reviews** in England & Wales between 2014 & 17 shows that:

- The frequency of parental substance misuse (36%) was much higher than in the general population, where 2-3% of children are thought to be living with parents who misuse substances
- The frequency of 11-17 year olds misusing substances was also higher: 24% for alcohol, 29% for drug misuse
- **Prompt and effective intervention is vital where substance misuse is known or suspected.**

Useful links:

- Safeguarding Children Living in Families with Drug and/or Alcohol Misuse Protocol
- Sheffield Alcohol Support Service (SASS)
- Sheffield Health and Social Care Services (alcohol, opiate and non-opiate services)
- Sheffield Children Safeguarding Partnership Drug and Alcohol Misuse information
- National Organisation for Foetal Alcohol Syndrome UK – Teachers Toolkit
- FASD Network UK - Resources
- Sheffield Children Safeguarding Partnership FASD Learning Brief
- SEAP Alcohol Screening Tool
- Drinkaware
- Know the Score
- Drugs and me
- Sheffield Young Carers

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Safeguarding Children in Education Training Pathway

All staff in Early Years and Foundation Stage school settings should follow this training pathway

LAC Designated Teacher role training is through LAC Virtual School, tel. 0114 203 7790 or email virtualschool@sheffield.gov.uk

The Alternative Education Providers (SCC) training pathway is available here: SCC Alternative Education Providers Training

All staff with regular child contact:	Head, Principal, Governor, Senior Leadership Team (SLT):	Pastoral & support staff working with pupils outside classroom:	Online-Safety Coordinators (must be a DSL/D as well):	Designated Safeguarding Lead & Deputy (DSL/D) and any other staff with a significant safeguarding or child protection role:
• Safeguarding Induction from DSL/D And: • Safeguarding Children in Education E-learning And: • Basic/Whole-School Safeguarding Children in Education Training (3 yearly from SCSP)	• Training for all staff who have regular contact with children And: • Governors Safeguarding Training And: • Safer Recruitment Training from Learn Sheffield, tel. 0114 2507417 Or: • Online Safer Recruitment Training	• Training for all staff who have regular contact with children And: • Working Together: promoting well-being & keeping children safe training And: • E-Learning courses for specific safeguarding issues	• Training for all staff who have regular contact with children And: • Online-Safety: a Whole School Approach And: • Annual Online-Safety Refresher And: • Training for Designated Safeguarding Leads/Deputies	• Training for all staff who have regular contact with children • Training for all pastoral & support staff And: • Advanced Initial Safeguarding Children in Education • Advanced Refresher SCIE (annually) • Safeguarding Under-5s in Schools (primary settings) And the following required multi-agency training: • Prevent (WRAP) via bookings@learnsheffield.co.uk • Conferences & Core Groups (SCSP) • Signs of Safety (SCSP) • Other briefings as required And: • There is also a varied programme of SCSP lunchtime seminars, briefings and masterclasses available

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Under 5's in schools

The Statutory Framework for the Early Years Foundation Stage, 2017, is mandatory for all schools with pupils under 5 years old.

It includes four guiding principles:

- Every child is unique
- Children learn through positive relationships
- Children develop in enabling environments
- Children learn and develop differently

The safeguarding and welfare requirements in this framework cover the steps that providers must take to keep children safe & promote their welfare.

The safeguarding and welfare requirements are given legal force by regulations made under Section 39(1) (b) of the Childcare Act 2006.

Schools are not required to have separate policies to cover EYFS requirements if they are already met through an existing policy.

Safeguarding & child protection - schools must:

- Be alert to any concerns about a child at home, in their community, wider family or elsewhere
- Identify a Designated Safeguarding Lead (DSL) from the leadership team & one or more Designated Safeguarding Deputies (DSD)
- Ensure that the DSL/D attend training provided by the Sheffield Children Safeguarding Partnership (SCSP) through the Local Authority Quality Assurance and Involvement Service (QAIS), to undertake their responsibilities to:
  - Liaise with & refer to Children's Social Care and Police
  - Support, advise and guide staff
- Train **all** staff about safeguarding children (as above through QAIS)
- Ensure the suitability of their staff and volunteers to work with children
- Follow the Government's statutory guidance:
  - Working Together to Safeguard Children, DfE 18
  - Keeping Children Safe in Education, DfE 2020
  - Prevent duty guidance for England and Wales, HO 19

Outings – schools must:

- Ensure children are kept safe while on outings
- Ensure that driver & vehicles in which children are being transported are adequately insured.

Suitable people – schools must:

- Ensure that people looking after children are suitable to fulfil the requirements of their role
- Ensure that only people whose suitability has been checked have regular contact with children
- Undertake an enhanced Disclosure & Barring Service (DBS) check for anyone aged 16 or over and working with children
- Tell staff that they are expected to disclose any:
  - Convictions
  - Court orders
  - Reprimands and warnings
- Not allow people whose suitability has not been checked work unsupervised with children
- Record all information on the single central record about:
  - Qualifications
  - Identity checks
  - Vetting processes
  - DBS checks
- Meet their responsibilities under the Safeguarding Vulnerable Groups Act 2006
- Make a referral to DBS if staff dismissed (or would have been, had they not left first) because they harmed/put a child at risk of harm

Staff taking medication or other substances – schools must ensure that:

- Staff are not under the influence of alcohol or any other substance which may affect their ability to care for children
- Staff who are taking medication which may affect child care, seek medical advice
- Any staff medication on the premises is securely stored and out of reach of children at all times
- They complete a risk assessment if necessary

Risk Assessments – schools must:

- Rake all reasonable steps to ensure staff and children in their care are not exposed to risks
- Assess all risks and hazards which may arise
- Demonstrate the steps to be taken to remove, minimise and manage all risks and hazards
- Include adult:child ratios in risk assessment
- Record & make available all risk assessments

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Under 5's in schools

Qualifications, training, support, skills - schools must ensure:

- All staff receive induction training to understand their roles and responsibilities, including:
  - emergency evacuation procedures
  - safeguarding & child protection
  - the provider's equality policy
  - health and safety issues
- Safeguarding supervision & support for staff who have contact with children & their families
- Management and staff have the required qualifications and experience
- At least one trained paediatric first aider at setting with children & on outings*
- Level 2/3 newly qualified staff must have a paediatric first aid certificate to be included in staff:child ratios*
- The number of children, staff, & the premises layout is considered to ensure a paediatric first aider is able to respond quickly to emergencies
- Staff understand English well enough to ensure the well-being of children in their care
- Each child has an identified 'key person'
- Children are adequately supervised
- Appropriate child to staff ratios are in place*
- *(subject to temporary Covid19 disapplication's)

Information for parents and carers - schools must make the following available:

- How EYFS is being delivered and how parents and carers can access more information
- Range & type of activities/experiences for children, daily routines, how parents/carers can share learning at home
- How children with special educational needs and disabilities are supported
- What food and drinks are provided for children
- Details of all policies & procedures including uncollected children or a child going missing
- Staffing, including the name of their child's key person and their role
- Emergency phone number of setting

Further advice & support for practitioners:

- **Early Help Advice:** 0114 2037485
- **Child Protection Advice & Referral:** 0114 2734855

Health: Medicines – schools must:

- Promote good health of all children at setting
- Prevent the spread of infection
- Have policy & procedure for:
  - responding to ill or infectious children
  - written parental/carer permission to administer medicines
- Only give medicines containing aspirin if prescribed by a doctor
- Provide staff training where administration of medicine requires medical/technical knowledge
- Record in writing & inform parents & carers as soon as possible when medicine is administered.

Food and drink – schools must:

- Request and act on a child's dietary and health requirements, prior to admission
- Ensure healthy, balanced & nutritious meals, snacks, drinks
- fresh drinking water is available and accessible
- Provide suitable facilities and trained staff for the hygienic preparation of food.

Accident or injury – schools must ensure:

- Adequately stocked & accessible first aid box
- Written record of accidents, injuries & treatment and inform parents & carers as soon as possible
- Notify local child protection agencies of serious accidents, injury or death of a child in their care
- Act on any advice from those agencies.

Managing behaviour - schools must:

- Manage children's behaviour appropriately
- Ensure that no person threatens or gives corporal punishment to a child
- Only use physical intervention to avert danger or manage behaviour if absolutely necessary
- Keep a record of any physical intervention and inform parents & carers as soon as practicable
- Not use or threaten any punishment which could adversely affect a child's well-being.

Further safeguarding information is on the Safeguarding Sheffield Children website in the:

- Early Years and Childcare section
- Schools & other education settings section

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Under 5's in schools

Premises, environment & equipment:

Safety – schools must:

- Ensure premises are fit for purpose, suitable for age of children & the activities provided
- Comply with all health and safety legislation
- Take reasonable steps to ensure the complete safety of everyone on the premises
- Have an emergency evacuation procedure
- Have appropriate fire detection and control equipment which is in working order
- Ensure that fire doors & exits are clearly identifiable, free of obstruction & easily opened

Premises - schools must ensure:

- Suitable hygienic changing facilities for changing any children who are in nappies
- Adequate supply of spare clothes & any other necessary items is always available
- Area where staff, parents/carers can talk confidentially
- Children don't leave premises unsupervised
- Children only released into care of individuals notified to the provider by parents and carers
- An agreed procedure for checking visitor identity
- Unauthorised persons do not enter premises
- They have public liability insurance

Information about children – schools must record the following information for each child:

- Full name and date of birth
- Name and address of every parent and carer for the child who is known to the provider
- Information about any other person who has parental responsibility for the child
- Who the child normally lives with
- 2 emergency contact numbers where possible

Inspections – schools must:

- Notify parents and carers if they become aware that they are to be inspected by Ofsted
- After an inspection by Ofsted supply a copy of the Ofsted report to parents and carers

Special Educational Needs & Disability (SEND):

- All schools, colleges and early years' providers must have arrangements in place to support children with special educational needs or who are disabled.
- All schools, colleges and early years providers must have regard to the SEND Code of Practice
- Mainstream schools must identify a member of staff to act as a Special Educational Needs & Disabilities Coordinator (SENDCo)

Information & records - schools must:

- Obtain, maintain & share records/information to safely & efficiently manage the setting & meet children's needs
- Share information regularly with parents, carers & between providers, as appropriate
- Include parents & carers' views in records
- Make records easily accessible and available
- Ensure confidential information about staff & children are held securely & only accessible to those who have a right to see them
- Be aware of their responsibilities under current Data Protection legislation and where relevant, the Freedom of Information Act 2000
- Ensure that all staff understand:
  - protecting the privacy of children
  - legal requirement that children's information is treated confidentiality
- Parents & carers are given access to all records about their child, unless exemptions apply under current Data Protection legislation
- Records relating to individual children must be retained in line with SCSP requirements

Complaints – schools must:

- Have a written complaints procedure
- Keep a written record of outcomes
- Investigate all written complaints re EYFS compliance
- Notify complainants of investigation outcomes within 28 days of receiving the complaint
- Make record of complaints available to Ofsted
- Make Ofsted contact details available

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Whistleblowing

Whistleblowing is when someone sincerely raises concerns either within the organisation they work for or externally.

These concerns usually relate to misconduct or malpractice in the past or now or something they fear may happen in the future.

The Public Interest Disclosure Act 1998 protects workers from any detriment from their employer (e.g. bullying or termination of contract) if they disclose information that they reasonably believe is in the public interest and relates to:

- a criminal offence
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health & safety of an individual
- damage to the environment
- information concerning the above that has been or is likely to be deliberately concealed

All settings need a clear whistleblowing policy that is known to all, includes how to escalate concerns & has a clear procedure for allegations against persons working with the setting.

The organisational culture at your setting should:

- Encourage a safe environment that welcomes the raising of concerns about poor or unsafe practices, resolution of conflict & building trust
- Understand the benefit of addressing issues
- Support staff to reflect about their practice
- Respond to concerns quickly, proportionately, fairly and without reprisal
- Value regular staff learning and training

Whistleblowing is different from other concerns:

- A **grievance** is when an employee has a dispute about their employment & it is dealt with by their organisations' internal procedures
- A **complaint** is usually about someone being poorly treated and seeking redress or justice

Ofsted has some limited powers to deal with complaints e.g. about settings that it regulates such as childcare providers and children's homes. Ofsted does not regulate schools and colleges.

In the case of maintained schools Ofsted can consider complaints relating to standards of education, pupil achievement, pupil needs not being met and poor management practice.

If you are concerned about any organisation's practice when safeguarding children or vulnerable adults:

- Raise your concern internally, e.g. with your senior leadership team
- If you feel unable to do this (e.g. your concern relates to them), raise your concern with one of the specified people in your organisation's whistleblowing policy
- If you have raised your concern but feel that the matter has not been dealt with appropriately, your whistleblowing policy should tell you how to escalate that concern

If you are worried about how to raise a concern:

- Seek independent advice e.g. through your trade union and/or professional body
- Contact the NSPCC, Ofsted or Secretary of State for Education as appropriate (see below)

In some circumstances your identity can be kept confidential, but this is not always appropriate as it may limit an investigation.

Anonymous allegations must be taken seriously, but information about a child or vulnerable adult being at risk must be passed to Social Care to be investigated and any anonymity may be lost.

Useful resources:

- NSPCC Whistleblowing Advice Line:
  - tel. 0800 028 0285
  - email: help@nspcc.org.uk
- Secretary of State for Education (whistleblowing & complaints):
  - Tel: 0370 000 2288
  - Website: www.gov.uk/contact-dfe
- Ofsted Whistleblowing (re residential schooling):
  - tel. 0300 1233155
  - email: whistleblowing@ofsted.gov.uk
- 'Whistleblowing procedure for maintained schools', DFE 2014
- Public Interest Disclosure Act information
- Protect Advice Line:
  - tel. 020 3117 2520

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