

## Safeguarding Statement of Statutory Duty

This policy is available on our Trust website and links are provided to relevant policy and procedure on the individual college/school websites and paper copies are available on request from any of our sites.

We recognise the expertise our staff build by undertaking safeguarding training and managing safeguarding concerns on a daily basis. We invite staff, students, parents and other stakeholders to contribute to and shape this policy and associated safeguarding arrangements in line with the changing needs of young people and what is happening in the areas where our children and young people live.

New statutory guidance on Keeping Children Safe in Education (KCSIE) is in place for 1st September 2021. The statutory legislation regarding safeguarding of young people is the responsibility of all staff at every level therefore we must understand changes in the guidance through working together to safeguard the children and young people in our care. [Keeping children safe in education 2021](#)

The document refers to the Teaching Regulation Agency (TRA), which assumed the professional misconduct functions of the National College for Teaching and Learning (NCTL) on 1<sup>st</sup> April 2018.

The TRA has jurisdiction over educational establishments with safeguarding responsibilities, including via its teacher database pre-recruitment checks. Further details on TRA are included in [Teacher Misconduct: “Discipline Procedures for the teaching professionals” – updated in May 2020](#)

A summary of key emphasis in KCSIE 2021:

1. A school or college’s child protection policy should include a policy and procedures for dealing with peer-on-peer abuse and all staff should be aware of this.
2. All staff should be able to reassure victims of abuse that they are being taken seriously and will be supported. Children and young people should never be made to feel ashamed or that they are creating a problem by reporting abuse, sexual violence or sexual harassment.
3. Guidance updated regarding sharing nude or semi-nude images and videos from UK Council for Internet Safety.
4. Guidance to support all staff in understanding and recognising child criminal and sexual exploitation, highlighting the vulnerability of children involved in criminal exploitation which is not always recognised by adults and professionals. Indicators of exploitation are different for boys and girls. Child sexual exploitation can be a one-off occurrence or happen over time. It

is a form of sexual abuse that includes all children and young people including 16 and 17 year olds.

5. Links added to resources to help staff support children and young people's mental health, including [DfE guidance on mental health and behaviour in schools \(2018\)](#).

6. Guidance on peer-on-peer abuse expanded, emphasising that all staff should understand the importance of challenging inappropriate behaviour between children and young people. Downplaying certain behaviours as "just banter" can lead to a culture that normalises abuse.

7. New information about risk factors that increase the likelihood of involvement in serious violence including: being male, frequent absence or permanent exclusion from school, experiencing maltreatment and involvement in offending.

8. Schools and colleges should provide as much information as possible to help social care assessments consider contexts outside of home and enable a contextual approach to harm.

9. Guidance that child protection records should include: a comprehensive summary of the concern, details of how it was followed up and resolved, a note of action taken, decision reached and outcome.

10. A whole school/college approach to safeguarding is needed which underpins all aspects of process and policy development. Systems for reporting abuse should be well-promoted, easily understood and accessible. Children's wishes and feelings should be taken into account when determining what action to take in the event of a safeguarding concern. They should know that their concerns will be treated seriously and that they can safely express their views.

11. School/college child protection policies should include: their approach to peer-on-peer abuse, reporting systems, procedures, multi-agency safeguarding arrangements and serious violence.

12. Clarification about the powers schools/colleges have to share, hold and use information to identify and tackle abuse and neglect and promote children's welfare.

13. New guidance regarding online safety training for all staff which should be integrated with the school/college's approach to safeguarding. There should be a whole school/college approach to online safety reflected in policies and the curriculum which includes teacher training, the role of the DSL and parental engagement.

14. Links to resources to help teachers teach children and young people about safeguarding including relationships education and online safety.

15. There should be a clear policy on the use of mobile and smart technology which covers how the school/college will manage incidents of sexual harassment via these technologies. Appropriate filters and monitoring systems should be in place and online safety policies should be reviewed annually to keep up with developments, risks and harms. If children are being asked to work from home schools/colleges should follow the advice from the DfE on safeguarding and remote education. (DfE, 2021b)

16. Child protection policies should include the following in respect of peer-on-peer abuse: a statement referring to a zero-tolerance approach to peer-on-peer abuse, the system to report abuse, recognition that no reported cases did not mean it is not happening in the school/college.

17. A section setting out what governors and proprietors should do to ensure children are kept safe if the school/college premises are being used for other activities. If another organisation is providing services or activities, the governing body should ensure that appropriate policies and procedures are in place.

18. Governing bodies of alternative provision should be aware of the complex needs of their pupils and additional risks they may be vulnerable to. The DfE has published two pieces of statutory guidance. (DfE, 2016; 2013)

19. Schools should be familiar with the guidance on elective home education (DfE 2019) and if a parent/carer expresses an intention to educate their child at home agencies should work together to co-ordinate a meeting with parent/carer.

20. The DfE has published guidance to help schools prevent and tackle bullying and support pupils whose mental health problems manifest themselves in behaviour. (DfE, 2018; 2017). Schools/colleges may choose to appoint a mental health lead but this is not mandatory.

21. Further information about safer recruitment has been added relating to pre-appointment and barred list checks and Section 128 directions.

22. Governors should have policies and processes in place to deal with low-level concerns and allegations that do not meet the harm threshold. Staff code of conduct and safeguarding policies should explain this and the importance of sharing concerns. Schools/colleges should create an environment where staff are encouraged to self-refer if they could have been interpreted to have behaved in a way that falls below professional standards. Low level concerns should be reported in writing. Records should be reviewed so that appropriate action can be taken.

23. Information has been added highlighting the difficulty children and young people may have to talk about their abuse. Staff should be vigilant about signs and behaviours or if they receive a report from a friend. Records should be regularly reviewed to identify concerning patterns. Unfounded or false reports may require consideration of whether the child or person who made the allegation requires support.

Safeguarding and promoting the welfare of children/young people is everyone's responsibility. **Everyone** who comes into contact with children/young people and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child-centred. This means that they should consider, at all times, what is in the **best interests** of the child/young person.

No single practitioner can have a full picture of a child/young person's needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

Trust staff are particularly important as they are in a position to identify concerns early, provide help for children/young people, and prevent concerns from escalating.

**All** staff have a responsibility to provide a safe environment in which children/young people can learn and **all** staff should be prepared to identify children/young people who may benefit from early help. Early help means providing support as soon as a problem emerges at any point in a child/young person's life, from foundation years through to the teenage years.

Any Trust member who has a concern about a child/young person's welfare should follow the referral processes set out in the flowchart on page 23 of the Keeping Children Safe in Education 2021 guidance.

Staff should expect to support social workers and other agencies following any referral.

All schools and colleges in the Trust should have a designated safeguarding lead (DSL) who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children's social care.

The designated safeguarding lead (and any deputies) must have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns.

The Teachers' Standards 2012 state that teachers (which includes Head teachers) should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.

All staff should be aware of systems within the Trust which support safeguarding, and these should be explained to them as part of staff induction. This should include:

- the child protection policy;
- the behaviour policy;
- the staff behaviour policy (sometimes called a code of conduct);
- the safeguarding response to children who go missing from education; and
- the role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).

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

**All** staff should be aware of their local early help process and understand their role in it.

**All** staff should be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments.

**All** staff should know what to do if a child/young person tells them he/she is being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level

of confidentiality. This means only involving those who need to be involved, such as the designated safeguarding lead (or a deputy) and children's social care. Staff should never promise a child/young person that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child/young person.

**Any** child/young person may benefit from early help, but all Trust staff should be particularly alert to the potential need for early help for a child/young person who:

- is disabled and has specific additional needs
- has special educational needs (whether or not they have a statutory Education, Health and Care Plan)
- is a young carer
- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home
- is at risk of modern slavery, trafficking or exploitation
- is at risk of being radicalised or exploited
- is in a family circumstance presenting challenges for the child/young person, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing drugs or alcohol themselves
- has returned home to their family from care
- is a privately fostered child/young person.

**All** staff should be aware of indicators of abuse and neglect so that they are able to identify cases of children/young people who may be in need of help or protection. Indicators of abuse and neglect, and examples of safeguarding issues are described in paragraphs 41-51.

Within the Trust the safeguarding leads must follow the advice from the DfE and NSPCC. [Departmental advice What to Do if You Are Worried a Child is Being Abused - Advice for Practitioners](#) provides more information on understanding and identifying abuse and neglect. Examples of potential indicators of abuse and neglect are highlighted throughout the advice and will be particularly helpful for Trust staff.

Staff working with children/young people are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned. When concerned about the welfare of a child/young person, staff should always act in the best interests of the child/young person.

Knowing what to look for is vital to the early identification of abuse and neglect. If staff are unsure, they should always speak to the designated safeguarding lead (or deputy).

If staff have any concerns about a child/young person's welfare, they should act on them immediately. See page 23 for a flow chart setting out the process for staff when they have concerns about a child/young person.

If staff have a concern, they should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).

Options will then include:

- managing any support for the child/young person internally via the school's or college's own pastoral support processes;
- an early help assessment; or
- a referral for statutory services, for example as the child/young person might be in need, is in need or suffering or likely to suffer harm.

The designated safeguarding lead or a deputy should always be available to discuss safeguarding concerns. If in exceptional circumstances, the designated safeguarding lead (or deputy) is not available, this should not delay appropriate action being taken. The matter should be brought to the attention of the CEO however, staff must evidence that they have followed the right process to contact the safeguarding leads or the relevant staff. Staff should consider speaking to a member of the senior leadership team and/or take advice from local children's social care. In these circumstances, any action taken should be shared with the designated safeguarding lead (or deputy) as soon as is practically possible.

Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children/young people safe. They should be mindful that early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. [Information Sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers: updated July 2018](#) supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 and General Data Protection Regulation (GDPR). If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children/young people.

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

Where a child/young person is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and if appropriate the police) is made immediately. Referrals should follow the local referral process.

A child in need is defined under the Children Act 1989 as a child/young person who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child/young person who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children In Need (CIN) may be assessed under section 17 of the Children Act 1989.

Local authorities, with the help of other organisations as appropriate, have a duty to make enquires under section 47 of the Children Act 1989 if they have reasonable cause to suspect

that a child/young person is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child/young person's welfare and must be initiated where there are concerns about maltreatment, including all forms of abuse and neglect, female genital mutilation or other so-called honour-based violence, and extra-familial threats like radicalisation and sexual exploitation.

The online Gov.uk tool [Report Child Abuse to Your Local Council](#) directs to the relevant local children's social care contact number.

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

- the child/young person requires immediate protection and urgent action is required
- the child/young person is in need, and should be assessed under section 17 of the Children Act 1989
- there is reasonable cause to suspect the child/young person is suffering or likely to suffer significant harm, and whether enquiries must be made, and the child/young person assessed under section 47 of the Children Act 1989
- any services are required by the child/young person and family and what type of services
- further specialist assessments are required to help the local authority to decide what further action to take
- to see the child/young person as soon as possible if the decision is taken that the referral requires further assessment.

The referrer should follow up if this information is not forthcoming.

If social workers decide to carry out a statutory assessment, staff should do everything they can to support that assessment (supported by the designated safeguarding lead (or deputy) as required).

If, after a referral, the child/young person's situation does not appear to be improving, the referrer should consider following local escalation procedures to ensure their concerns have been addressed and, most importantly, that the child/young person's situation improves.

Whilst all staff should speak to the designated safeguarding lead (or deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific legal duty on teachers. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the teacher must report this to the police. See Annex A for further details.

All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

It is important for children/young people to receive the right help at the right time to address risks and prevent issues escalating. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action. Examples of poor practice include:

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

If staff have safeguarding concerns, or an allegation is made about another member of staff (including volunteers) posing a risk of harm to children/young people, then:

- this should be referred to the DSL;
- where there are concerns/allegations about the DSL, this should be referred to the CEO/Principal.

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

The Whistleblowing procedures should be deployed for such concerns to be raised with the school's or college's senior leadership team.

Where a staff member feels unable to raise an issue or feels that their genuine concerns are not being addressed by the paid officials, they must raise concerns with the Chair of the Trust Board.

### **Safeguarding policies and procedures**

The Trust Board and LGB ensure that there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare.

This should include:

- Individual schools and colleges having an effective child protection policy. The child protection policy should describe procedures which are in accordance with government guidance and refer to locally agreed multi-agency safeguarding arrangements put in place by the three safeguarding partners. It should be updated annually (as a minimum) and be available publicly either via the school or college website or by other means.
- A staff behaviour policy (sometimes called the code of conduct) which should, amongst other things, include - acceptable use of technologies, staff/pupil relationships and communications including the use of social media.
- Governing bodies and Trustees should put in place appropriate safeguarding responses to children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual abuse or exploitation, and to help prevent the risks of their going missing in future.

- Where reasonably possible, schools and colleges should hold more than one emergency contact number for each child/young person. This goes beyond the legal minimum and is good practice to give the school or college additional options to make contact with a responsible adult when a child/young person missing education is also identified as a welfare and/or safeguarding concern. Further information for schools can be found in the department for education (DfE) [School Attendance Guidance: updated August 2020](#).
- Further information on schools' duties regarding children missing education, including information schools must provide to the local authority when removing a child from the school roll at standard and non-standard transition points can be found in the department for education's statutory guidance: [Children Missing Education: updated September 2016](#).
- Further information for colleges providing education for a child of compulsory school age can be found on the Gov.uk website here: [Full-time-Enrolment of 14 to 16 year olds in Further Education and Sixth Form Colleges](#).
- General information and advice for schools and colleges can be found in the Government's Home Office website document: [Missing Children and Adults - A cross Government Strategy](#)

The above is not intended to be an exhaustive list. These policies and procedures, along with information regarding the role and identity of the designated safeguarding lead (and any deputies), should be provided to all staff on induction.

Governing bodies and Trustees should take a proportionate risk-based approach to the level of information that is provided to temporary staff and volunteers.

Head Teachers and Principals should ensure that the above policies and procedures, adopted by governing bodies and Trustees, and particularly concerning referrals of cases of suspected abuse and neglect, are followed by **all** staff.

### **Multi-agency working**

Schools and colleges have a pivotal role to play in multi-agency safeguarding arrangements. Governing bodies and Trustees should ensure that the school or college contributes to multi-agency working in line with statutory guidance Working Together to Safeguard Children. It is especially important that schools and colleges understand their role in the new safeguarding partner arrangements.

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

The three safeguarding partners should make arrangements to allow all schools (including multi-academy trusts) and colleges in the local area to be fully engaged, involved and included in the new safeguarding arrangements. It is expected that, locally, the three safeguarding partners will name schools and colleges as relevant agencies and will reach their own conclusions on how best to achieve the active engagement of individual institutions in a meaningful way.

If named as a relevant agency, schools and colleges, in the same way as other relevant agencies, are under a statutory duty to co-operate with the published arrangements.

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

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

### **Information sharing**

Information sharing is vital in identifying and tackling all forms of abuse and neglect.

As part of meeting a child/young person's needs, it is important for governing bodies and Trustees to recognise the importance of information sharing between practitioners and local agencies. This should include ensuring arrangements are in place that set out clearly the process and principles for sharing information within the school or college and with the three safeguarding partners, other organisations, agencies and practitioners as required. School and college staff should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children/young people, whether this is when problems are first emerging, or where a child/young person is already known to local authority children's social care.

It is important that governing bodies and Trustees are aware that among other obligations, the Data Protection Act 2018 and the GDPR place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure.

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

Governing bodies and Trustees should ensure relevant staff have due regard to the data protection principles, which allow them to share personal information, as provided for in the Data Protection Act 2018, and the GDPR. Relevant staff should be confident of the processing conditions under the Data Protection Act 2018 and the GDPR which allows them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data'.

Governing bodies and Trustees should ensure that staff who need to share 'special category personal data' are aware that the Data Protection Act 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information. This includes allowing practitioners to share information without consent, if it is not possible to

gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

Further details on information sharing can be found:

- in Chapter one of [Working Together to Safeguard Children](#), which includes a myth-busting guide to information sharing on page 21;
- at [Information Sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers: updated July 2018](#) The seven golden rules for sharing information will be especially useful; and
- at [The Information Commissioner's Office \(ICO\)](#), which includes ICO GDPR FAQs and guidance from the department.

Where children/young people leave the school or college, the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as soon as possible, ensuring secure transit, and confirmation of receipt should be obtained. For schools, this should be transferred separately from the main pupil file. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and SENCOs or the named person with oversight for SEN in a college, are aware as required.

In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any information with the new school or college in advance of a child/young person leaving. For example, information that would allow the new school or college to continue supporting victims of abuse and have that support in place for when the child/young person arrives.

### **Staff training**

Governing bodies and Trustees should ensure that all staff undergo safeguarding and child protection training (including online safety) at induction. The training should be regularly updated. Induction and training should be in line with advice from the local three safeguarding partners.

In addition, all staff should receive regular safeguarding and child protection updates (for example, via email, e-bulletins, staff meetings) as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children/young people effectively.

Governing bodies and Trustees should recognise the expertise staff build by undertaking safeguarding training and managing safeguarding concerns on a daily basis. Opportunity should therefore be provided for staff to contribute to and shape safeguarding arrangements and child protection policy.

### **Online safety**

As schools and colleges increasingly work online, it is essential that children/young people are safeguarded from potentially harmful and inappropriate online material. As such, governing bodies and Trustees should ensure appropriate filters and appropriate monitoring systems are in place. Additional information to support governing bodies and Trustees keep their children/young people safe online is provided in Annex C.

## Opportunities to teach safeguarding

Governing bodies and Trustees should ensure that children/young people are taught about safeguarding, including online safety. Schools should consider this as part of providing a broad and balanced curriculum.

This may include covering relevant issues through Relationships Education and Relationships and Sex Education (formerly known as Sex and Relationship Education), tutorials (in colleges) and/or where delivered, through Personal, Social, Health and Economic (PSHE) education.

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

## Review of Policy

The policy will be reviewed on an annual basis.

Date of Last Approval/Revision	updated January 2022
Review interval (years)	Annually
Approval/review body	Extended Executive Team, Trust Board
Date of next review	September 2022, in line with updated guidance
Public File location	Websites, SharePoint, Staff Handbook

This policy has been subject to an Equality Impact Assessment by: J.Bailey

Author/Reviewer: J.Bailey

SLT/EET: February 2022

Governors/Trustees: March 2022

Could/does the policy or procedure have a negative impact on one or more of the groups of people covered by the protected characteristics of equality? If so, how can this be changed or modified to minimise or justify the impact?

Could/does the policy have the potential to create a positive impact on equality by reducing and removing inequalities and barriers that already exist? If so, how can these be maximised?