

Safeguarding News

Autumn Term 2018

Foreword

Dear Colleagues

Welcome back and I hope you had a restful break.

This edition is largely dedicated to new guidance published over the summer:

- [Keeping Children Safe in Education 2018](#)
- [Working Together to Safeguard Children 2018](#)

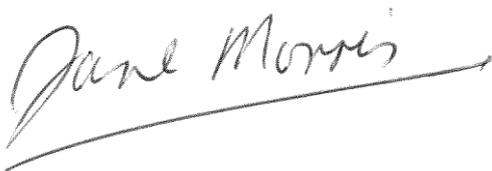
The new guidance is very comprehensive; clarifying best practice and updates that support us to better protect vulnerable children and young people. Please ensure that all staff members have read Keeping Children Safe in Education 2018 Part 1, and for those working directly with pupils, Annex A.

I have highlighted in this newsletter the elements that have changed from the previous guidance and for quick reference I have quoted the direct text and identified the paragraph within KCSIE or Working Together for your reference.

I have adapted [The School Bus model Child Protection Policy](#) to be Barnet specific. Please use this document to supplement your own policy and be mindful that the new guidance is clear in that schools must develop individual policies that reflect the challenges with regards to the school's environment and the needs of their pupils.

The Safeguarding Handbook for education staff will be available to access soon. This will be available on the Working With Children in Barnet site and will allow easy access to guidance, local support services, forms and templates. This handbook has been developed to support the work and development of DSLs, therefore it is important that you let me know if there is anything you feel should be included and that we use the handbook as a vehicle for sharing good practice. Thank you to The Totteridge Academy, Mapledown, Hasmorean High, Our Lady of Lourdes, Queenswell Infant, Rimon and Monkfrith for working and contributing to this project and a special thank you to East Barnet for being 'hands on' and hosting the meetings.

Wishing you all a happy and successful 2018/2019.



Jane Morris

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1. Updated guidance – Keeping children Safe in education and Working Together to Safeguard Children

a. Overview and link to Childcare Regulations 2018

Keeping Children Safe in Education 2018 came into force on 3 September 2018, and updated again 19th September. This guidance has been revised to enable a stronger focus on Care Leavers, Children who are Looked after and children who have SEND (special educational needs and/or disability). This guidance also firms up some requirements that were in the 2016 document, but perhaps were not clear enough. I have pulled out the changes to Working Together, and where practical, I have put it in context with [Keeping Children Safe](#).

Please note that 'Disqualification by Association' is no longer applicable in school settings. However, staff can still be disqualified if they work with under 5s or under 8s in childcare provided by the school outside of normal school hours or the management of such staff or provision:

- [The Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018](#)

Personal care includes helping a child with eating and drinking for reasons of illness, or care in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability.

I have adapted [The School Bus model Child Protection Policy](#) to reflect the Barnet context and referral systems. Within this model policy there is a form for schools to use for 'disqualification', however, it is not a requirement to use this form.

Working Together 2018

All references to local safeguarding children boards (LSCBs) have been removed. Local Safeguarding Partnerships replace the Board (Working Together 2018). The partnership consists of, The Local Authority, Police and the CCG (Clinical Commissioning Group). Education are not cited in the partnership as current legislation, the Children and Social Work Act 2017, does not provide for Education to be established as a partner. However, this new guidance does place greater emphasis on the significant role schools play in safeguarding children.

'The three safeguarding partners should agree on ways to co-ordinate their safeguarding services; act as a strategic leadership group in supporting and engaging others; and implement local and national learning including from serious child safeguarding incidents' Working Together 2018.

Ian Harrison (Director of Education) sits on the Improvement Board which has a strategic overview of safeguarding children in Barnet Local Authority. It is anticipated that the Improvement Board will adopt the 'partnership framework' and become the Partnership Board April 2019.

School responsibilities – Working Together 2018

59. 'Governing bodies and proprietors should ensure that the school or college contributes to inter-agency working in line with statutory guidance Working together to safeguard children. Schools and colleges should work with social care, the police, health services and other services to promote the welfare of children and protect them from harm'.

b. Keeping Children Safe in Education 2018 - Clarifications and new items

- Keeping Children Safe clarifies that the term 'children' refers to everyone **under** the age of **18** and the use of 'must' and 'should' has been clarified to explain that must is used when a person is legally required to do something and should is used when the advice should be followed **unless** there is a good reason not to.
- The term 'college' has been clarified to mean institutions designated as being within the further education sector.
- The meaning of proprietor is the **academy trust** in the case of academies, free schools and alternative provision academies.
- National College of Teacher Leaders – replaced by the Teaching Regulation Agency (TRA). 'NCTL's functions of the regulation of the teaching profession, including misconduct hearings, will be handled by the Teaching Regulation Agency (TRA). All other functions of the NCTL are now handled by **the DfE**'.

Policies

Schools will be expected to adapt their policies to meet the needs of their pupils having particular regard to supporting vulnerable pupils e.g. providing mentoring and other support interventions.

[The Child Protection Policy](#)

Please ensure that this policy is reviewed annually and that the front cover clearly identifies the names and contacts for the DSL and/or team, designated governor, chair of governors and the head teacher.

I have manipulated 'the School Bus' model policy to be Barnet specific, however, please note that school policies must be **specific to your school**, reflecting the needs of your pupils and your environment, contextual safeguarding. A proprietor of multiple schools may have an overarching policy with the individual schools building on this policy to reflect their local environment, referral procedures and needs of their pupils.

Please ensure that your policies are updated annually and published on your school web-site.

Staff behaviour policy or staff code of conduct which should include - acceptable use of technologies, staff/pupil relationships and communications including the use of their personal social media.

Visitors

177. Schools and colleges do **not** have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day). Headteachers and principals should use their professional judgment about the need to escort or supervise visitors.

Children who go missing from education

55. Governing bodies and proprietors 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.

Contacts for parents

We will all be aware of Chadrack Mulo, the little boy who died recently in his family home in Haringey. Chadrack's mother died and nobody knew that he was in the flat alone. He subsequently died of starvation. KCSIE 2018 has responded to this by making it a requirement that all school settings should hold at least two emergency contact number for each pupil or student where reasonably possible.

- <https://www.gov.uk/government/publications/children-missing-education>

c. Keeping Children Safe in Education 2018 – The role of the Designated Safeguarding Lead

All DSLs, deputy DSLs and Safeguarding governors must read Annex B

The DSL

59. Governing bodies and proprietors should appoint an appropriate senior member of staff, from the school or college **leadership team**, to the role of designated safeguarding lead. The designated safeguarding lead should take lead responsibility for safeguarding and child protection. This should be explicit in the role-holder's job description (see Annex B, which describes the broad areas of responsibility and activities related to the role).

How many DSLs are required?

60. It is a matter for individual schools and colleges as to whether they choose to have one or more deputy designated safeguarding leads. Any deputies should be trained to the same standard as the designated safeguarding lead.

The Lead DSL remains responsible

61. Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate lead responsibility for safeguarding and child protection, as set out above, remains with the designated safeguarding lead. This responsibility should not be delegated.

Multi-agency working

62. The designated safeguarding lead and any deputies should liaise with the three safeguarding partners and work with other agencies in line with Working Together to Safeguard Children.

When does the DSL need to be on site?

63. During term time, the designated safeguarding lead and or a deputy should always be available (during school or college hours) for staff in the school or college to discuss any safeguarding concerns. **It is a matter for individual schools and colleges and the designated safeguarding lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.**

Training

64. The designated safeguarding lead and any deputies should undergo training to provide them with the knowledge and skills required to carry out the role. The training should be updated every **two years**.

Training should allow the DSL to “recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online”.

Detailed information on statutory assessments can be found in Chapter 1 of Working together to safeguard children.

65. In addition to their formal training, as set out above, their knowledge and skills should be updated, (for example via e-bulletins, meeting other designated safeguarding leads, or taking time to read and digest safeguarding developments), at regular intervals, but at least annually, to keep up with any developments relevant to their role.

(DSLs should record when they attend any development initiatives e.g. breakfast briefings)

Looked After Children

The role of the designated teacher has been updated to include a responsibility for “promoting the educational achievement of children who have left care through adoption, special guardianship or child arrangement orders or who were adopted from state care outside England and Wales” in addition to LAC.

For all children where there are concerns - Sharing information with a new school

The DSL should consider whether it is appropriate to share any information with a new school or college in advance of a pupil leaving, in addition to the child protection file. The DfE gives the example of information that would allow the new school or college to continue supporting a victim of abuse and have the appropriate support in place for the pupil’s arrival.

Independent Schools

If the school has a ‘proprietor’ the DSL must be independent of the proprietor.

d. Staff induction, whole staff safeguarding knowledge and training, and link to part one of KCSIE

Keeping Children Safe in Education makes it clear there is an expectation that new staff will have strong induction with a heavy emphasis on safeguarding and child protection.

Good practice would be for the DSL to deliver safeguarding induction. Induction must cover:

- It should be made clear to staff that they should only discuss their safeguarding concerns regarding children with the DSL or one of the designated team or directly with MASH.
- If the concern is regarding a member of staff, to speak to the head teacher
- If the concern is regarding the head teacher, to contact the governor named in the CP policy (please ensure that the front cover of your CP policy clearly lists the name and contact of your designated governor as well as the DSL and deputies).

Induction will also need to cover (all staff will need to have an annual update and sign to confirm they have read and understood these documents):

- The school's Child Protection Policy including on-line safety
- The school's Behaviour Policy and a clear understanding of how it is applied
- The school's system for absence reporting
- The staff behaviour policy (code of conduct) which includes [whistleblowing](#)
- Keeping Children Safe in Education Part One and Annex A if applicable

Referring directly to MASH

Making referrals

If staff have any concerns about a child's welfare, the guidance emphasises that they should act on them **immediately**.

25. 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. 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.

The [online tool Reporting child abuse](#) to your local council directs staff to their local children's social care **contact numbers**.

MASH response

'The local authority should make a decision **within one working day of a referral being made** about what course of action they are taking and should let the referrer know the outcome. Staff should follow up on a referral should that information not be forthcoming.'

Please ensure that if you do not receive this information from MASH that you follow this up and note your action and response and the child's file.

Training responsibilities towards all staff

13. 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 effectively.

Please note there is no set timeframe around whole school child protection training, however, every two to three years still seems reasonable. I suggest that you determine the school's stance and document it in the school's Child Protection policy. The annual whole school training event, when level one is not required, should be used to facilitate deeper learning and understanding of the safeguarding topics pertinent to your environment and the needs of your pupils.

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

Early help - referring in Barnet

- Referral through MASH
- **0-19 Early Help Hubs**
- Multi-agency information sharing and problem solving
- Case shared by relevant professionals and schools now not automatically the LEAD
- Anyone can go to observe MASH or an Early Help Hub in action

15. All staff should be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989, 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 will need to have good knowledge of Keeping Children Safe 2018 Part One:

Recognising the potential need for early help when a pupil is:

- disabled and has specific additional needs (whether or not they have a statutory education, health and care plan)
- has special educational needs
- 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 misusing drugs or alcohol themselves
- Is at risk of modern slavery, trafficking or exploitation
- is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse
- has returned home to their family from care
- is showing early signs of abuse and/or neglect
- is at risk of being radicalised or exploited
- is a privately fostered child

Detailed information on early help can be found in Chapter 1 of Working together to safeguard children.

[Part one of KCSIE 2018](#) from page 9 lists definitions of abuse and neglect and provides material on specific safeguarding issues such as 'sexting' and relationship abuse.

Annex A provides detailed information on: CME, CSE, HBV, FGM, FM and radicalisation and Channel.

Contextual information on CSE and County Lines can be found within the main body of KCSIE 2018 on page 77.

Exploitation

This new section on child criminal exploitation has been added addressing this widespread form of harm that is a "typical feature of county lines criminal activity". This refers to drug networks or gangs grooming and exploiting children to carry drugs and money from urban areas to suburban areas, rural areas and market and seaside towns.

The guide states that the key to identifying potential involvement in county lines is “missing episodes” – where the victim may have been trafficked for the purpose of transporting drugs. In such cases, a referral to the National Referral Mechanism should be considered.

Domestic abuse – page 78

The guide provides links to three sources to help schools identify the signs of domestic abuse:

- NSPCC: UK domestic-abuse signs symptoms effects
- Refuge: what is domestic violence/effects of domestic violence on children
- SafeLives: young people and domestic abuse

Homelessness – page 79

DSL should be aware of the contact details and referral routes of the Local Housing Authority to enable them to raise concerns. Referrals to the Local Housing Authority should not replace referrals to children’s social care where a child is being harmed or at risk of harm.

Schools should recognise that for 16- and 17-year-olds homelessness may not be family-based, and the DSL should ensure appropriate referrals to children’s services are made where necessary.

Sexual violence and harassment and harmful sexual behaviour

[New guidance on sexual violence and sexual harassment](#) was published in May by the DfE.

‘Sexual violence and sexual harassment between children in schools and colleges Advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads’ May 2018

Harmful Sexual Behaviour can be found on page 10 of this guidance.

e. Contextual Safeguarding

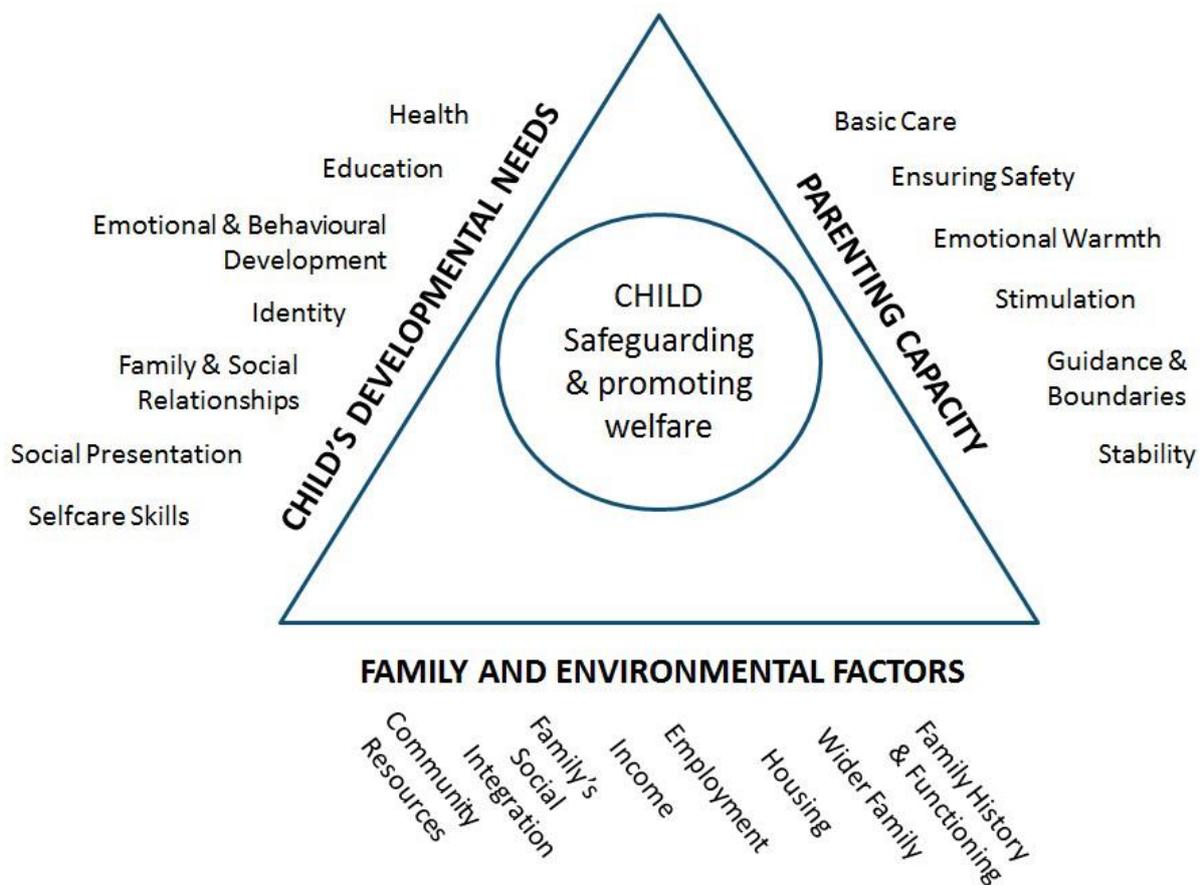
Contextual safeguarding theory was developed by Dr Carlene Firmin, of The University of Bedfordshire. The theory is that we need to consider the wider picture of the risks and vulnerabilities around a young person to secure a significant change and protect them from harm. This involves considering how, for example, peer groups, social media, neighbourhoods and schools, impact on young people's vulnerability.

Contextual safeguarding recognises the impact that extra-familial settings can have on the ability of parents and carers to be protective and the weight of peer influence on the decisions that young people make. Contextual safeguarding:

- Extends the notion of 'capacity to safeguard' to sectors that operate beyond families
- Provides a framework in which referrals can be made for contextual interventions that, when delivered effectively, can complement work with individuals and families

Working Together 2018 highlights contextual safeguarding from page 23.

Useful web-site - [The Contextual Safeguarding Network](#)



Assessment Framework

Keeping Children Safe 2018 – contextual safeguarding

50. Safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside the school or college. All staff, but especially the designated safeguarding lead (or deputy) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare. Children's social care assessments should consider such factors so it is important that schools and colleges provide as much

information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and the full context of any abuse.

Working Together 2018 - Focusing on the needs and views of the child

53. Every assessment should reflect the unique characteristics of the child within their family and community context. Each child whose referral has been accepted by children's social care should have their individual needs assessed, including an analysis of the parental capacity to meet those needs whether they arise from issues within the family or the wider community. Frequently, more than one child from the same family is referred and siblings within the family should always be considered. Family assessments that include all members of the family should always ensure that the needs of individual children are distinct considerations.

This means assessments of children should consider the wider environmental factors affecting the child's life that may pose a threat to their safety and/or welfare. Schools are encouraged to provide as much contextual information as possible as part of the referral process. The guide provides a link to more information [here](#).

f. Sharing Information under GDPR and link to DfE Guidance

- [Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers July 2018](#)

The General Data Protection Regulation (GDPR) and Data Protection Act 2018 The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 introduce new elements to the data protection regime, superseding the Data Protection Act 1998. Practitioners must have due regard to the relevant data protection principles which allow them to share personal information, The GDPR and Data Protection Act 2018 place greater significance on organisations being transparent and accountable in relation to their use of data.

All organisations handling personal data need to have comprehensive and proportionate arrangements for collecting, storing, and sharing information. The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.

To effectively share information:

- all practitioners should be confident of the processing conditions, which allow them to store, and share, the information that they need to carry out their safeguarding role. Information which is relevant to safeguarding will often be

data which is considered 'special category personal data' meaning it is sensitive and personal

- where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information without consent
- information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
- relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.

g. The Local Authority

Keeping Children Safe 2018

'The LA should make a decision, within one working day of a referral being made, about the type of response that is required and should let the referrer know the outcome.' The phrase 'about the type of response' has replaced 'about the course of action it is taking'.

Working Together 2018

70. Once the referral has been accepted by local authority children's social care, the lead practitioner role falls to a social worker. The social worker should clarify with the referrer, when known, the nature of the concerns and how and why they have arisen.

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

- the child requires immediate protection and urgent action is required
- the child is in need and should be assessed under section 17 of the Children Act 1989
- there is reasonable cause to suspect that the child is suffering or likely to suffer significant harm, and whether enquires must be made and the child assessed under section 47 of the Children Act 1989
- any services are required by the child 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 as soon as possible if the decision is taken that the referral requires further assessment

h. Recording Concerns and alternative provision

35. 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.

Alternative provision

178. Clarifies that, where a school places a pupil with an alternative provision provider, they **remain responsible** for the safeguarding of that pupil and should be satisfied that the provider meets the needs of the pupil. The provider should provide written confirmation that appropriate safeguarding checks have been carried out on those working at the establishment.

Schools accessing alternative providers must have **evidence** of regular monitoring activities with regards to the pupil's safety, well-being, attendance and progress.

i. Adults who supervise children on work experience and Homestay

Schools organising work placements should ensure that the placement provider has policies and procedures in place to safeguard pupils.

Children staying with host families (now called 'homestay') Annex E

Defines the host family as being in 'regulated activity' and therefore it is now clear that a DBS is required.

Annex E

In circumstances where a school or college arrange for a visiting child to be provided with care and accommodation in the UK (including where they engage a company to make those arrangements) in the home of a family to which the child is not related the responsible adults will be engaging in regulated activity for the period of the stay.

In such cases and where the school or college has the power to terminate such a homestay the school or college would be the regulated activity provider.

A regulated activity provider commits a criminal offence if it knows, or has reason to believe that, an individual is barred by the Disclosure and Barring Service (DBS) from engaging in regulated activity but allows that individual to carry out any form of regulated activity.

Where the child's parent(s) or a student themselves arranges their own homestay, this would be a private arrangement and therefore the school or college would not be the regulated activity provider.

Homestay abroad

Schools should use their professional judgement to satisfy themselves that the arrangements are appropriate and sufficient to safeguard every child involved in the exchange.

j. On-line safety (Annex C)

Filtering and monitoring guidance still applies, and schools must be aware of 'over blocking'.

'The appropriateness of any filters and monitoring systems are a matter for individual schools and colleges and will be informed in part by the risk assessment required by the Prevent Duty.' Contact Perryn Jasper (Prevent Education Officer) on 020 8359 7371 perryn.jasper@barnet.gov.uk for advice or a visit.

The UK Safer Internet Centre has published guidance as to what "appropriate" filtering and monitoring might look like: [UK Safer Internet Centre: appropriate filtering and monitoring](#).

I would recommend that you look at [The National Education Network](#) which provides information on filtering and cyber safety as well as teaching resources and information regarding the 'the dark web'.

Reviewing online safety Technology in this area evolves and changes rapidly. A free online safety self-review tool for schools can be found via the [360 safe website](#).

UKCCIS have recently published [Online safety in schools and colleges: Questions for the governing board](#).

It is a requirement that on-line safety is embedded within the school's curriculum and with the on-set of 3 and 4G it is now a requirement that schools have a policy on pupils accessing their phones and the internet whilst at school.

- [Education for a Connected World](#) framework from the UK Council for Child Internet Safety (UKCCIS)
- [Guidance](#) from the PSHE Association
- [Be Internet Legends](#) by Parent Zone and Google

Page 94 of KCSIE also lists many organisations that can provide schools with support concerning online safety.

k. Restraint policy and individual plans for pupils to reduce the need for restraint

The use of 'reasonable force' in schools and colleges

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

Departmental advice for schools is available here:

- [Further guidance for special schools on restraint to be published soon](#)

Behaviour Plans when anticipating the use of reasonable force

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

It is advisable to contact the HIST Team for advice and support.

Mary.helmore@barnet.gov.uk (HIST Lead Practitioner)

l. Children and the court system

Two age-appropriate guides for children required to give evidence in court

- [5-11 year olds](#)
- [12 to 17 year olds](#)

m. Children with family members in prison

- [Guidance for children with family members in prison](#)

n. Allegations of abuse made against teachers and other staff

Important

Ensure that you have consulted with the LADO before deciding on a course of action. The LADO will advise you on the appropriate steps to take. Shrimatie Bissessar 020 8359 4528, shrimatie.bissessar@barnet.gov.uk .

Please note that this section is also relevant to volunteers.

To match Working Together to Safeguard Children, the word 'would' has been replaced with 'may' in the following extract from paragraph 184:

“This section should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates he or she **may** pose a risk of harm to children.”

To clarify the 'harm test', a [link to DfE guidance](#) has been added.

Allegations against adults

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

- this should be referred to the headteacher or principal;
- where there are concerns/allegations about the headteacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school; and
- in the event of concerns/allegations about the headteacher, where the headteacher is also the sole proprietor of an independent school, allegations should be reported

directly to the designated officer(s) at the local authority. (Further details can be found in Part four of this guidance).

Investigation Outcomes - 'Unfounded' is now highlighted

193. The following definitions should be used when determining the outcome of allegation investigations:

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

Confidentiality

Part 4 (Allegations made against teachers and other staff)

207. The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

Record keeping

213. Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

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

accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

216. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

https://ico.org.uk/media/for-organisations/documents/1066/employment_practice_code_supplementary_guidance.pdf

References

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference. See paragraphs 134-137 for further information on references.

Timescales

“If the nature of the allegation does not require formal disciplinary action, the employer should instigate appropriate action within **three** working days.” (on the advice of the LADO)

On conclusion of a case

Where an allegation is substantiated and the individual is dismissed or resigns, sixth form colleges, in addition to schools, should consider referring the matter to the TRA for consideration for a prohibition order.

Managing the situation and exit arrangements Resignations and ‘settlement agreements’

210. If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met - see paragraphs 153-154. Schools and sixth form colleges must also consider whether a referral to the TRA is appropriate - see paragraphs 118-119. If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent a school or college from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the school or college would not be complying with its legal duty to make the referral.

212. Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

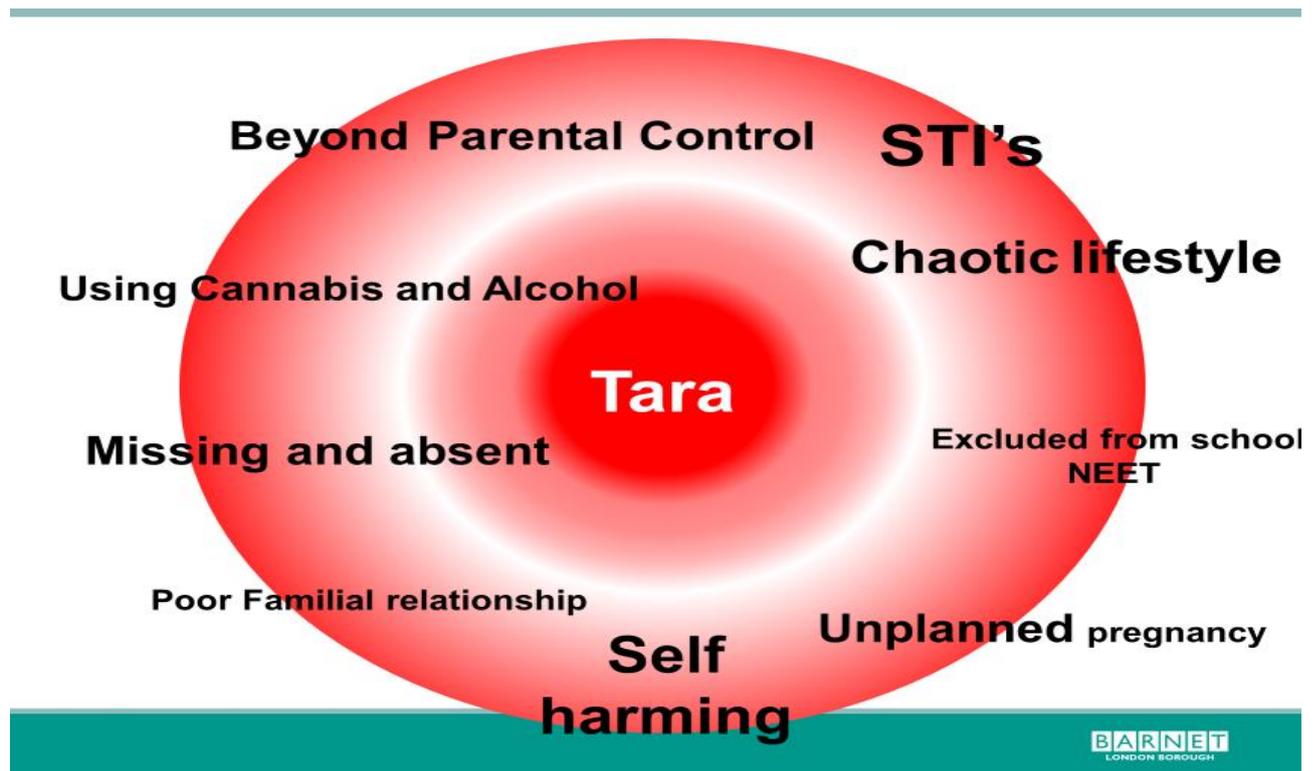
2. Safeguarding Briefing June 2018

(Other sources of information NSPCC, Bedfordshire university, British Journal of Social work and Barnardos)

Our last briefing was for primary schools on Child Sexual Exploitation and Gangs. We had presentations from Chris Kelly, CSE Lead and NsangCristia Esimi-Cruz, REACH Team Manager. Attached are the presentations that Chris and Nsang delivered:

- [Breakfast Briefing Presentation](#)
- [Gangs Literature](#)
- [Gangs Screening Tool](#)

Both the primary and secondary briefings were informative, in particular understanding the context in which young people are vulnerable to gangs and CSE activity. Chris gave us the example of Tara, a teenage girl who had a background of poor parental control, frequently going missing amongst other difficulties which made her vulnerable to CSE.



RISK FACTORS: Barnardo's have identified key indicators to help recognise when a child may be at risk of sexual exploitation. Individually, many are part of 'normal' teenage behaviour, which can impede detection of CSE. They include: going missing; disengagement from school; unexplained gifts; associating with other victims; negative changes in behaviour; drugs/alcohol misuse; highly sexualised behaviour.

If a child goes missing repeatedly, consideration must be given to the 'push and pull factors' and the actions required. (BCSP 2018)

Contextual safeguarding, as discussed previously in this newsletter, is at the heart of effective safeguarding and the identification of vulnerability. Nsang talked about the 'onion' (Young people's social fields (Firmin 2013), the layers of difficulty surrounding the child's life and experience of being cared for. The British Journal of Social work surveyed young people, this is what one young person said:

'It doesn't just happen, it happens because either things just aren't addressed people are less able to fend for themselves and they don't get the help *they need*, for whatever reason, and are put into difficult positions and sometimes it *does* take them there and if, people were there to help them in the first place then they wouldn't, then this wouldn't happen.'

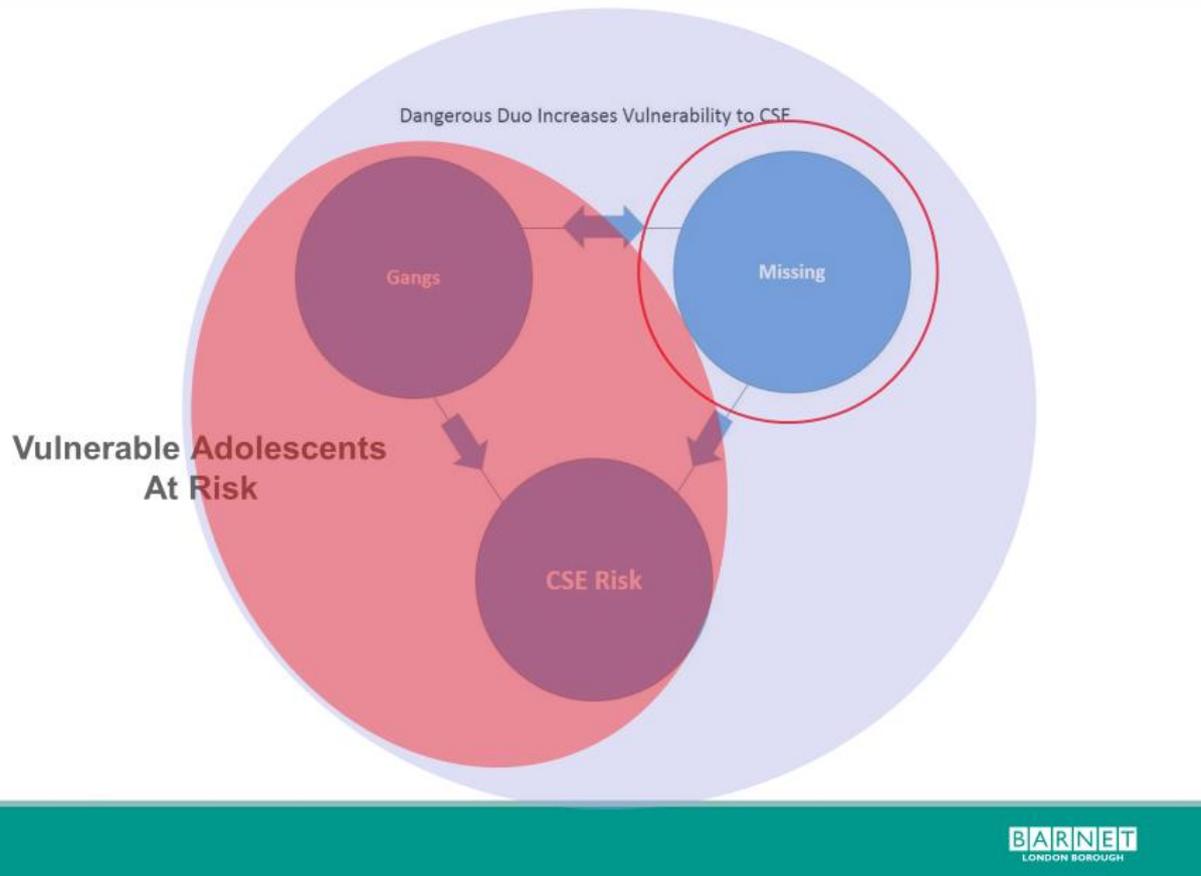
What children want – Working Together 2018

Children have said that they need

- vigilance: to have adults notice when things are troubling them
- understanding and action: to understand what is happening; to be heard and understood; and to have that understanding acted upon
- stability: to be able to develop an ongoing stable relationship of trust with those helping them
- respect: to be treated with the expectation that they are competent rather than not
- information and engagement: to be informed about and involved in procedures, decisions, concerns and plans
- explanation: to be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response
- support: to be provided with support in their own right as well as a member of their family
- advocacy: to be provided with advocacy to assist them in putting forward their views
- protection: to be protected against all forms of abuse and discrimination and the right to special protection and help if a refugee

‘When the young people spoke of what made *them* vulnerable, they relayed experiences directly related to their care, or the lack thereof. They described feelings of instability, uncertainty and powerlessness, a lack of ‘home’, or place to feel at home. They described feeling a sense of difference, of not being like ‘normal children’. They invoked a sense of an absence of trusting relationships, and spoke of seemingly serial practitioners and carers who came and went. They considered themselves to be ignored and unwanted, and as having been without the affect and relationships that others take for granted, and they described in many ways feeling unseen by those who *should* care for them and want to help them.’ (British Journal of Social Work)

The ‘cross-over’ between gangs and CSE – Being ‘missing’ is the link



Further reading material on gangs has been sent with this newsletter.

I am keen to set some dates and themes for this year’s briefings and development half days. Please contact me and let me know what topics you would like to focus on and/or if your school is able to host one of these events at any time.

3. Date for the Diary

Prevent Breakfast Briefing 31 October 2018

From Paris to Manchester, home-grown terrorism is among the most urgent challenges confronting Western nations. Attempts to understand jihadism and other forms of extremism have typically treated it as a form of political violence or religious conflict. However, the closer we get to the actual people involved in radicalisation, the more problematic these explanations become.

You are invited to a Prevent Safeguarding Breakfast Briefing where Kevin McDonald, Professor of Sociology and Head of the Department of Criminology and Sociology of Middlesex University and author of the forthcoming book “Radicalisation”, will be presenting his research focussing on engagement and disengagement from

violence, social and religious movements, and the empowering role of digital technologies. He will be discussing these modern risks and the radicalisation culture and offer the opportunity to ask questions to give a greater understanding of the threats to vulnerable people within our communities.

Following the presentation several organisations will be discussing their services, promoting resources that build resilience, critical thinking skills and support the promotion of the Fundamental British Values within pupils. Most of which are a free to use service.

Perryn Jasper, Prevent Education Officer will also be available to discuss support and further resources available to assist schools meet their prevent duty.

The session has been scheduled for October 31 at East Barnet School at 8am and will finish at 9.30am.

The SIF event at The Compton will be starting a little later to give time for headteachers that are also DSLs to attend both events.

We will need to confirm numbers of attendees for this Prevent Breakfast Briefing, therefore please inform Perryn.jasper@barnet.gov.uk if you wish to attend.

4. Office Corner

A new Single Central Record template is on the BPSI web-site on the head teacher's page. Please use the new version.

a. Disqualification by Association

Please note that 'Disqualification by Association' is no longer applicable in school settings. However, staff can still be disqualified if they work with under 5s or under 8s in childcare provided by the school outside of normal school hours or the management of such staff or provision.

- [The Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018](#)

Personal care includes helping a child with eating and drinking for reasons of illness, or care in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability.

Within the model [Child Protection policy](#) there is a form for schools to use, however, it is not a requirement to use this form.

b. Children Missing Education (from Annex A)

Where a parent notifies a school that a pupil will live at another address, all schools are required to record in the admission register:

- the full name of the parent with whom the pupil will live;
- the new address; and
- the date from when it is expected the pupil will live at this address.

Where a parent of a pupil notifies the school that the pupil is registered at another school or will be attending a different school in future, schools must record in the admission register:

- the name of the new school; and
- the date on which the pupil first attended or is due to start attending that school.

A pupil's name can only be deleted from the admission register under regulation 8(1), sub-paragraph (f)(iii) or (h)(iii) if the school and the local authority have failed to establish the pupil's whereabouts after jointly making reasonable enquiries. Advice on carrying out reasonable enquiries can be found in the Children Missing Education guidance.

c. Contacts for parents

We will all be aware of Chadrack Mulo, the little boy who died recently in his family home in Haringey. Chadrack's mother died and nobody knew that he was in the flat alone. He subsequently died of starvation. KCSIE 2018 has responded to this by making it a requirement that all school settings should hold at least two emergency contact number for each pupil or student where reasonably possible.

[CME Guidance](#) is here for your information.

d. How to check for prohibitions, directions, sanctions and restrictions – Teacher Services checking system

Checks for all prohibitions, directions, sanctions and restrictions can be carried out for free by logging into the secure access portal on the Teacher Services' [webpage](#).

Section 128 directions will show on an enhanced DBS check with barred list information, provided that 'children's workforce independent schools' is specified in the parameters of the check.

e. DBS checks

The DfE now recommends that schools contact TRA Teacher Services to check if a proposed governor is barred as a result of being subject to a section 128 direction. These checks can be carried out by logging into the secure access portal on the Teacher Services' [webpage](#).

f. School Governors

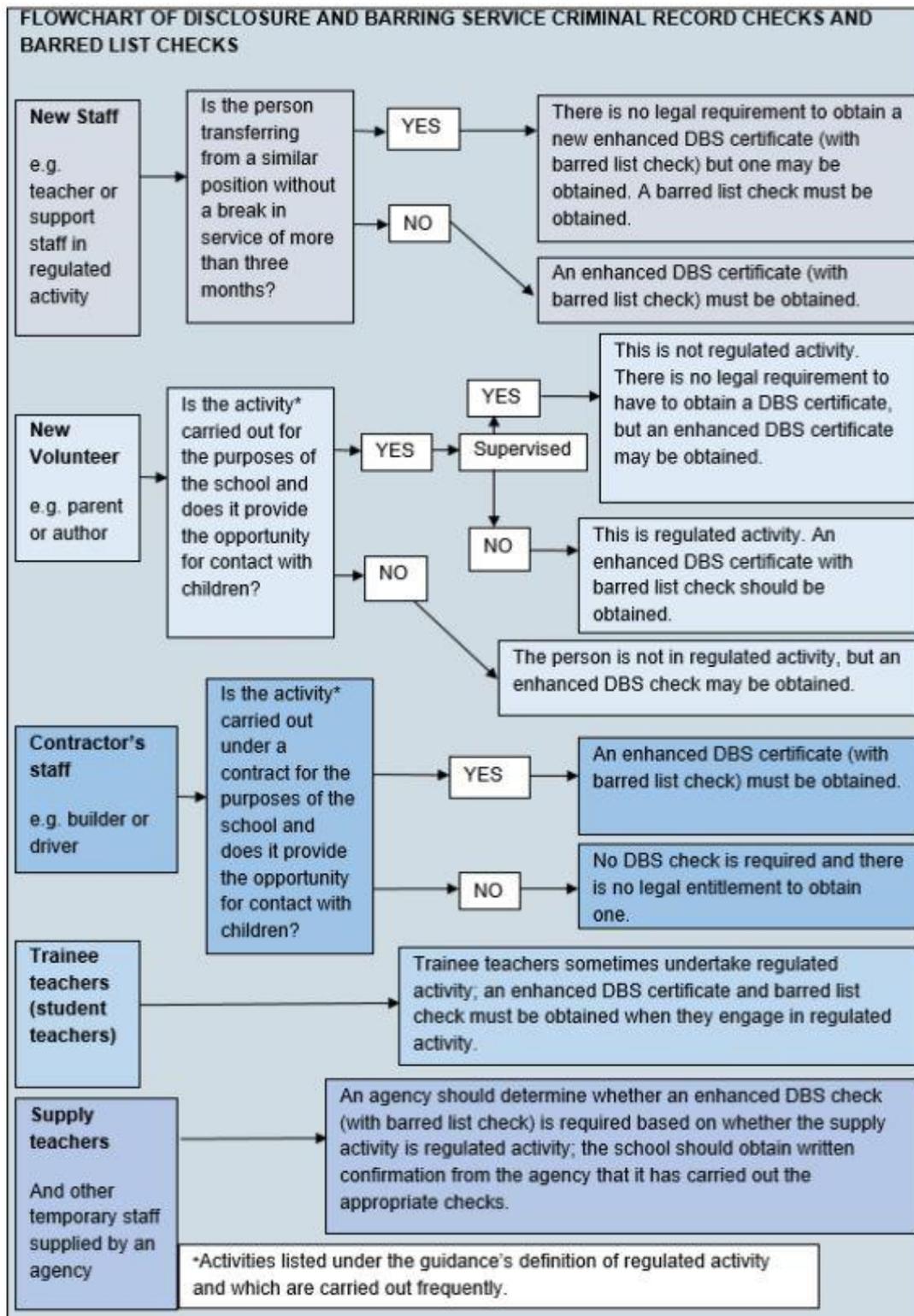
118. The DBS maintains 'barred lists' of individuals who are unsuitable to work with children and vulnerable adults. Where barred list information is requested, and 'children's workforce independent schools' is specified in the parameters for that check, the certificate will also detail whether the applicant is subject to a direction made under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002. Such a direction prohibits an individual from taking part in the management (including governors if the governing body is the proprietor body for the school) of independent educational institutions in England and/or Wales respectively, see paragraphs 124-127. A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

46 As barred list information is required to be requested only for those school governors who are engaging in regulated activity, when proposing to recruit a governor who will not work in regulated activity, schools and colleges should use the Secure Access Portal to check whether the person is barred as a result of being subject to a section 128 direction. The process for using the Secure Access Portal to make this check is set out in paragraph 130.

g. Regulated activity in relation to children

[Regulated activity in relation to children guidance](#) contains detailed information on what is regulated activity and is a useful aid when doing risk assessments, e.g. for volunteers.

h. Flowchart of DBS criminal record checks and barred list checks



i. Employment history and references

References for internal candidates should always be scrutinised before appointment. Where possible, schools should **obtain references prior to interviews** to allow any concerns to be explored with the referee and discussed with the candidate.

References should be from a senior person and not just a colleague. Open testimonials should not be relied upon, nor should information provided by the candidate without verifying the information. Electronic references should be vetted to ensure they originate from a credible source.

Please ensure that your SCR has two columns for 'references, 1st and 2nd reference, and that all staff employed by the school have two references in place. This applies to existing staff even if they have been employed at the school for many years.

Where a staff member has not got any references the school should consider the risk assessment pro-forma and decide upon a course of action. All staff must have some form of notation in the SCR 'reference' column e.g. RA and internal reference.

- [Risk Assessment Historical References Form](#)

j. Single central record (SCR)

MATs are not required to have separate SCRs, but they should ensure that all those who need to see it can do so easily, including Ofsted.

A new version of the SCR has been posted on the BPSI web-site.

k. Trainee/student teachers

Schools and colleges should obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school or college would otherwise be required to perform. Please do this at least annually.

l. Volunteers

A [link](#) has been added to help schools and colleges identify whether the position they are recruiting for fits the 'child workforce' criteria used when completing the 'Position Applied For' field on a DBS application form.

If a school or college undertakes a **risk assessment** when deciding whether or not to obtain an enhanced DBS certificate for a volunteer, they should record the details of the risk assessment. They are free to determine where to store this information.

The duty to secure enhanced DBS certificates with barred list checks for governors engaging in **regulated activity** extends to volunteer governors engaging in regulated activity.

Academy trusts are required to check that members are not barred from taking part in the management of the school as a result of a section 128 direction.

- If you're recruiting governors, check with [TRA Teacher Services](#) to check they are not subject to a section 128 direction.
- Remember, all checks for all prohibitions, directions, sanctions and restrictions can be carried out for free by logging into the secure access portal on the Teacher Services' [webpage](#).
- Obtain references prior to interview and don't accept open testimonials. Vet information that comes directly from the candidate or from an online source.

m. Visitors

177. Schools and colleges do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day). Headteachers and principals should use their professional judgment about the need to escort or supervise visitors.