



Oxspring Primary School

Policy Title: Child Protection and Safeguarding

Date of Review: Summer 2023

Review by: September 2024

**Signed by:
Chair of Governors**

All policies available at www.oxspringprimary.co.uk

Child Protection and Safeguarding Policy

Autumn 2023



Please note that this policy sits alongside the Child Protection and Safeguarding Summary Policy which captures the key information relating to staff, pupils, Governors and parents/carers.

A. Introduction

This policy was created after a period of consultation with relevant stakeholders within school. It has been formally adopted by governors and reflects our approach at Oxspring Primary School.

B. Aims and Principles

The policy is underpinned by the central aims of Oxspring Primary and values held by the school community:

C. Aims of the school

- Oxspring is committed to promoting high standards of academic achievement for all learners in all subjects.
- As a school we will continue to develop and instil key life skills and values in our pupils.
- We will encourage positive relationships and communications between home, our community and the wider world.

In particular, Oxspring School has an inclusive approach to our provision. Our aim is always to involve all our children and stakeholders in all areas of the curriculum and school life. In accordance with our Disability Equality Scheme we recognise that this may mean making special adaptations or arrangements from time to time for children with specific disabilities. We welcome the involvement of disabled adults in all areas of school life.

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Important contacts

ROLE/ORGANISATION	NAME	CONTACT DETAILS
Designated safeguarding lead (DSL) 1	Mr L McClure EXECUTIVE HEADTEACHER	l.mcclure@oxspringprimary.co.uk
Designated safeguarding lead (DSL) 2	Mrs H Rolling HEAD OF SCHOOL	h.rolling@oxspringprimary.co.uk
Deputy DSL	Mrs N Reeve EYFS LEADER	01226763020
Local authority designated officer (LADO)	RUTH HOLMES	01226 772341
Safeguarding Link Governor	TRACY CONNOLLY	01226763020

ROLE/ORGANISATION	NAME	CONTACT DETAILS
Channel helpline	ANDREW BARNABY (BMBC COHESION AND PREVENT OFFICER)	andrewbarnaby@barnsley.gov.uk 020 7340 7264 (GOVERNMENT HELPLINE)

1. Aims

The school aims to ensure that:

- Appropriate action is taken in a timely manner to safeguard and promote children’s welfare
- All staff are aware of their statutory responsibilities with respect to safeguarding
- Staff are properly trained in recognising and reporting safeguarding issues

2. Legislation and statutory guidance

This policy is based on the Department for Education’s statutory guidance [Keeping Children Safe in Education September 2023](#) and [Working Together to Safeguard Children \(2018\)](#), and the [Governance Handbook](#). We comply with this guidance and the arrangements agreed and published by our 3 local safeguarding partners.

This policy is also based on the following legislation:

- Section 175 of the [Education Act 2002](#), which places a duty on schools and local authorities to safeguard and promote the welfare of pupils
- [The School Staffing \(England\) Regulations 2009](#), which set out what must be recorded on the single central record and the requirement for at least one person conducting an interview to be trained in safer recruitment techniques
- [The Children Act 1989](#) (and [2004 amendment](#)), which provides a framework for the care and protection of children
- Section 5B(11) of the Female Genital Mutilation Act 2003, as inserted by section 74 of the [Serious Crime Act 2015](#), which places a statutory duty on teachers to report to the police where they discover that female genital mutilation (FGM) appears to have been carried out on a girl under 18
- [Statutory guidance on FGM](#), which sets out responsibilities with regards to safeguarding and supporting girls affected by FGM
- [The Rehabilitation of Offenders Act 1974](#), which outlines when people with criminal convictions can work with children
- Schedule 4 of the [Safeguarding Vulnerable Groups Act 2006](#), which defines what ‘regulated activity’ is in relation to children
- [Statutory guidance on the Prevent duty](#), which explains schools’ duties under the Counter-Terrorism and Security Act 2015 with respect to protecting people from the risk of radicalisation and extremism
- The [Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018](#) (referred to in this policy as the “2018 Childcare Disqualification Regulations”) and [Childcare Act 2006](#), which set out who is disqualified from working with children
- This policy also meets requirements relating to safeguarding and welfare in the [statutory framework for the Early Years Foundation Stage](#)
- Ofsted’s review of Sexual abuse in schools and colleges (June 2021)

<https://www.gov.uk/government/publications/review-of-sexual-abuse-in-schools-and-colleges/review-of-sexual-abuse-in-schools-and-colleges> and NSPCC’s CASPAR briefings <https://learning.nspcc.org.uk/research-resources/caspar-briefings>

We will also refer to other best practice documents and guidelines from the Barnsley Safeguarding Children Partnership which is used to support decisions on referrals to external safety agents like social care, stronger families or the police. (<https://www.barnsley.gov.uk/services/children-families-and-education/safeguarding-families-in-barnsley/safeguarding-children-in-barnsley/for-professionals/>)

3. Definitions

Safeguarding and promoting the welfare of children means:

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

Child protection is part of this definition and refers to activities undertaken to prevent children suffering, or being likely to suffer, significant harm.

Abuse is a form of maltreatment of a child, and may involve inflicting harm or failing to act to prevent harm. Appendix 1 explains the different types of abuse.

Neglect is a form of abuse and is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Appendix 1 defines neglect in more detail.

Sharing of nudes and semi-nudes (also known as sexting or youth produced sexual imagery) is where children share nude or semi-nude images, videos or live streams.

Children includes everyone under the age of 18.

The following 3 **safeguarding partners** are identified in Keeping Children Safe in Education (and defined in the Children Act 2004, as amended by chapter 2 of the Children and Social Work Act 2017). They will make arrangements to work together to safeguard and promote the welfare of local children, including identifying and responding to their needs:

- The local authority (LA)
- A clinical commissioning group for an area within the LA
- The chief officer of police for a police area in the LA area
- **Victim** is a widely understood and recognised term, but we understand that not everyone who has been subjected to abuse considers themselves a victim, or would want to be described that way. When managing an incident, we will be prepared to use any term that the child involved feels most comfortable with.
- **Alleged perpetrator(s)** and **perpetrator(s)** are widely used and recognised terms. However, we will think carefully about what terminology we use (especially in front of children) as, in some cases, abusive behaviour can be harmful to the perpetrator too. We will decide what's appropriate and which terms to use on a case-by-case basis.

4. Equality statement

Under the Equality Act 2010 schools must not:

- unlawfully discriminate against pupils because of their protected characteristics
- consider how they are supporting pupils with protected characteristics
- take positive action to deal with disadvantages these pupils face eg reasonable adjustments for disabled children and supporting girls if there is evidence they are being disproportionately subjected to sexual violence or harassment
- Some children have an increased risk of abuse, and additional barriers can exist for some children with respect to recognising or disclosing it. We are committed to anti-discriminatory practice and recognise children's diverse circumstances. We ensure that all children have the same protection, regardless of any barriers they may face. We give special consideration to children who:
 - Have special educational needs (SEN) or disabilities or health conditions (see section 10)
 - Are young carers
 - May experience discrimination due to their race, ethnicity, religion, gender identification or sexuality

- Have English as an additional language
- Are known to be living in difficult situations – for example, temporary accommodation or where there are issues such as substance abuse or domestic violence
- Are at risk of FGM, sexual exploitation, forced marriage, or radicalisation
- Are asylum seekers
- Are at risk due to either their own or a family member's mental health needs
- Are looked after or previously looked after (see section 12)
- Are missing from education
- Whose parent/carer has expressed an intention to remove them from school to be home educated

5. Roles and responsibilities

Safeguarding and child protection is **everyone's** responsibility. This policy applies to all staff, volunteers and governors in the school and is consistent with the procedures of the 3 safeguarding partners. Our policy and procedures also apply to extended school and off-site activities.

The school plays a crucial role in preventative education. This is in the context of a whole-school approach to preparing pupils for life in modern Britain, and a culture of zero tolerance of sexism, misogyny/misandry, homophobia, biphobia and sexual violence/harassment. This will be underpinned by our:

- Behaviour policy
- Pastoral support system
- Planned programme of relationships, sex and health education (RSHE), which is inclusive and delivered regularly, tackling issues such as:
 - Healthy and respectful relationships
 - Boundaries and consent
 - Stereotyping, prejudice and equality
 - Body confidence and self-esteem
 - How to recognise an abusive relationship (including coercive and controlling behaviour)
 - The concepts of, and laws relating to, sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, rape, domestic abuse, so-called honour-based violence such as forced marriage and female genital mutilation (FGM) and how to access support
 - What constitutes sexual harassment and sexual violence and why they're always unacceptable

5.1 All staff

All staff regardless of whether the work directly or indirectly with children will:

- Read and understand part 1 and annex B of the Department for Education's statutory safeguarding guidance, [Keeping Children Safe in Education](#), and review this guidance at least annually
- Sign a declaration at the beginning of each academic year to say that they have reviewed the guidance
- Reinforce the importance of online safety when communicating with parents. This includes making parents aware of what we ask children to do online (e.g. sites they need to visit or who they'll be interacting with online)
- Provide a safe space for pupils who are LGBT to speak out and share their concerns

All staff will be aware of:

- Our systems which support safeguarding, including this child protection and safeguarding policy, the staff code of conduct, the role and identity of the designated safeguarding lead (DSL) and deputy, the behaviour policy, the online safety policy and the safeguarding response to children who go missing from education

- The early help process (sometimes known as the common assessment framework) and their role in it, including identifying emerging problems, liaising with the DSL, and sharing information with other professionals to support early identification and assessment
- The process for making referrals to local authority children's social care and for statutory assessments that may follow a referral, including the role they might be expected to play
- The signs of different types of abuse and neglect, as well as specific safeguarding issues, such as child-on-child abuse, child sexual exploitation (CSE), child criminal exploitation (CCE), indicators of being at risk from or involved with serious violent crime, FGM, radicalisation and serious violence (including that linked to county lines)
- The importance of reassuring victims that they are being taken seriously and that they will be supported and kept safe
- The fact that children can be at risk of harm inside and outside of their home, at school and online
- The fact that children who are (or who are perceived to be) lesbian, gay, bi or trans (LGBT) can be targeted by other children
- What to look for to identify children who need help or protection

Section 15 and appendix 4 of this policy outline in more detail how staff are supported to do this.

5.2 The designated safeguarding lead (DSL)

The Designated Safeguarding Lead (DSL) for Safeguarding and Child Protection in this school is:

- **The Executive Headteacher, Mr Lee McClure**

The DSL takes lead responsibility for child protection and wider safeguarding in the school.

During term time, the DSL will be available during school hours for staff to discuss any safeguarding concerns.

In their absence, these matters will be dealt with by the Deputy Designated Safeguarding Lead:

- **The Head of School, Mrs Helen Rolling**

Please note - **In the absence of both safeguarding leads at Oxspring Primary School, the most senior member of staff in school at the time will contact the Barnsley Safeguarding Board team for advice and support.**

<https://www.barnsley.gov.uk/services/children-families-and-education/safeguarding-families-in-barnsley/safeguarding-children-in-barnsley/barnsley-safeguarding-children-partnership/>

The DSL will be given the time, funding, training, resources and support to:

- Provide advice and support to other staff on child welfare and child protection matters
- Take part in strategy discussions and inter-agency meetings and/or support other staff to do so
- Contribute to the assessment of children
- Refer suspected cases, as appropriate, to the relevant body (local authority children's social care, Channel programme, Disclosure and Barring Service, and/or police), and support staff who make such referrals directly
- Have a good understanding of harmful sexual behaviour

The DSL will also:

- Keep the Senior Leadership Team (SLT) informed of any issues
- Liaise with local authority case managers and designated officers for child protection concerns as appropriate
- Discuss the local response to sexual violence and sexual harassment with police and local authority children's social care colleagues to prepare the school's policies
- Be confident that they know what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment, and be confident as to how to access this support

- Be aware that children must have an 'appropriate adult' to support and help them in the case of a police investigation or search

The full responsibilities of the DSL and Deputy DSL are set out in their job description

5.3 The governing board

The governing board will:

- Facilitate a whole-school approach to safeguarding, ensuring that safeguarding and child protection are at the forefront of, and underpin, all relevant aspects of process and policy development
- Evaluate and approve this policy at each review, ensuring it complies with the law, and hold the Executive Headteacher or Head of School to account for its implementation
- Be aware of its obligations under the Human Rights Act 1998, the Equality Act 2010 (including the Public Sector Equality Duty), and our school's local multi-agency safeguarding arrangements
- Appoint a link governor to monitor the effectiveness of this policy in conjunction with the full governing board. This is always a different person from the DSL
- Make sure:
 - The DSL has the appropriate status and authority to carry out their job, including additional time, funding, training, resources and support
 - Online safety is a running and interrelated theme within the whole-school approach to safeguarding and related policies
 - The leadership team and relevant staff are aware of and understand the IT filters and monitoring systems in place, manage them effectively and know how to escalate concerns
 - The school has procedures to manage any safeguarding concerns (no matter how small) or allegations that do not meet the harm threshold (low-level concerns) about staff members (including supply staff, volunteers and contractors). Appendix 3 of this policy covers this procedure
 - That this policy reflects that children with SEND, or certain medical or physical health conditions, can face additional barriers to any abuse or neglect being recognised
- Where another body is providing services or activities (regardless of whether or not the children who attend these services/activities are children on the school roll):
 - Seek assurance that the other body has appropriate safeguarding and child protection policies/procedures in place, and inspect them if needed
 - Make sure there are arrangements for the body to liaise with the school about safeguarding arrangements, where appropriate
 - Make sure that safeguarding requirements are a condition of using the school premises, and that any agreement to use the premises would be terminated if the other body fails to comply

The chair of governors will act as the 'case manager' in the event that an allegation of abuse is made against the Executive Headteacher or Head of School, where appropriate (see appendix 3).

All governors will read Keeping Children Safe in Education 2023 in its entirety.

Section 15 of this policy has information on how governors are supported to fulfil their role.

5.4 The Executive Headteacher or Head of School

The Executive Headteacher or Head of School is responsible for the implementation of this policy, including:

- Ensuring that staff (including temporary staff) and volunteers:
 - Are informed of our systems which support safeguarding, including this policy, as part of their induction
 - Understand and follow the procedures included in this policy, particularly those concerning referrals of cases of suspected abuse and neglect
- Communicating this policy to parents/carers when their child joins the school and via the school website

- Ensuring that the DSL has appropriate time, funding, training and resources, and that there is always adequate cover if the DSL is absent
- Ensuring that all staff undertake appropriate safeguarding and child protection training, and updating the content of the training regularly
- Acting as the 'case manager' in the event of an allegation of abuse made against another member of staff or volunteer, where appropriate (see appendix 3)
- Making decisions regarding all low-level concerns, though they may wish to collaborate with the DSL on this
- Ensuring the relevant staffing ratios are, where applicable

5.5 Virtual school heads

Virtual school heads have a non-statutory responsibility for the strategic oversight of the educational attendance, attainment and progress of pupils with a social worker.

They should also identify and engage with key professionals, e.g. DSLs, SENCOs, social workers, mental health leads and others.

6. Confidentiality - CONFIDENTIALITY and INFORMATION SHARING

- The school, and all members of staff at the school, will ensure that all data about pupils is handled in accordance with the requirements of the law, UK-GDPR legislation and any national and local guidance. Any member of staff who has access to sensitive information about a child or the child's family must take all reasonable steps to ensure that such information is only disclosed to those people who need to know.
- Regardless of the duty of confidentiality, if any member of staff has reason to believe that a child may be suffering harm, or be at risk of harm, their duty is to forward this information without delay to the Designated Safeguarding Lead.
- Timely information sharing is essential to effective safeguarding
- 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
- The Data Protection Act (DPA) 2018 and UK GDPR do not prevent, or limit, the sharing of information for the purposes of keeping children safe
- If staff need to share 'special category personal data', the DPA 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows 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
- Staff should never promise a child that they will not tell anyone about a report of abuse, as this may not be in the child's best interests
- If a victim asks the school not to tell anyone about the sexual violence or sexual harassment:
 - There's no definitive answer, because even if a victim doesn't consent to sharing information, staff may still lawfully share it if there's another legal basis under the UK GDPR that applies
 - The DSL will have to balance the victim's wishes against their duty to protect the victim and other children
 - The DSL should consider that:
 - Parents or carers should normally be informed (unless this would put the victim at greater risk)
 - The basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to local authority children's social care

- Rape, assault by penetration and sexual assault are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. While the age of criminal responsibility is 10, if the alleged perpetrator is under 10, the starting principle of referring to the police remains
- Regarding anonymity, all staff will:
 - Be aware of anonymity, witness support and the criminal process in general where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system
 - Do all they reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment, for example, carefully considering which staff should know about the report, and any support for children involved
 - Consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities
- The government's [information sharing advice for safeguarding practitioners](#) includes 7 'golden rules' for sharing information, and will support staff who have to make decisions about sharing information
- If staff are in any doubt about sharing information, they should speak to the DSL (or deputy)
- Confidentiality is also addressed in this policy with respect to record-keeping in section 14, and allegations of abuse against staff in appendix 3

7. Recognising abuse and taking action

Staff, volunteers and governors must follow the procedures set out below in the event of a safeguarding issue.

Please note – in this and subsequent sections, you should take any references to the DSL to mean “the DSL (or deputy DSL)”.

7.1 If a child is suffering or likely to suffer harm, or in immediate danger

Make a referral to children's social care and/or the police **immediately** if you believe a child is suffering or likely to suffer from harm, or is in immediate danger. **Anyone can make a referral.**

Tell the DSL (see section 5.2) as soon as possible if you make a referral directly.

In line with the guidance from the Barnsley Children's Safeguarding Partnership, the following procedures should be followed

If the child is in danger

999 or **(01142) 202020**.

If the child is not at risk of immediate harm

If you're concerned about a child, but they're not in immediate danger, it's still important to share the information with us as soon as possible.

If your call is not urgent contact the Assessment Service on **(01226) 772423**. Our offices are open between Monday and Friday from 9am to 5pm.

Out of hours emergencies

If you want to report your concern urgently and our offices are closed you can contact our Emergency Duty Team on (01226) 787789. They work on weekends and bank holidays and deal with issues that can't wait until usual office opening hours

Keeping children and young people safe is everyone's business

If you have even the slightest concerns about a child or young person's welfare, don't ignore it - do something about it.

You can find out more about [what child abuse and neglect is, and how to spot the signs](#) on the NSPCC website.

If you're working with children and young people, the government publication [What to do if you're worried a child is being abused](#) contains information and advice regarding the most appropriate course of action to take if you are worried about the safety of a child or young person. It also explains how agencies should respond to your concerns.

Anyone can also use the following link to the GOV.UK webpage for reporting child abuse to the local council:

<https://www.gov.uk/report-child-abuse-to-local-council>

7.2 If a child makes a disclosure to you

If a child discloses a safeguarding issue to you, you should:

- Listen to and believe them. Allow them time to talk freely and do not ask leading questions
- Stay calm and try not to show that you are shocked or upset
- Tell the child they have done the right thing in telling you. Do not tell them they should have told you sooner
- Explain what will happen next and that you will have to pass this information on. Do not promise to keep it a secret
- Write up your conversation as soon as possible in the child's own words using CPOMs. Stick to the facts, and do not put your own judgement on it.
- Alert the DSL via CPOMs and also tell them directly if they are available. Use a cause for concern form if CPOMS is not accessible. Sign and date the write-up and pass it on directly to the DSL. Alternatively, if appropriate, make a referral to children's social care and/or the police directly (see 7.1), and tell the DSL as soon as possible that you have done so. Aside from these people, do not disclose the information to anyone else unless told to do so by a relevant authority involved in the safeguarding process

Bear in mind that some children may:

- Not feel ready, or know how to tell someone that they are being abused, exploited or neglected
- Not recognise their experiences as harmful
- Feel embarrassed, humiliated or threatened. This could be due to their vulnerability, disability, sexual orientation and/or language barriers

None of this should stop you from having a 'professional curiosity' and speaking to the DSL if you have concerns about a child.

7.3 If you discover that FGM has taken place or a pupil is at risk of FGM

Keeping Children Safe in Education explains that FGM comprises "all procedures involving partial or total removal of the external female genitalia, or other injury to the female genital organs".

FGM is illegal in the UK and a form of child abuse with long-lasting, harmful consequences. It is also known as 'female genital cutting', 'circumcision' or 'initiation'.

Possible indicators that a pupil has already been subjected to FGM, and factors that suggest a pupil may be at risk, are set out in appendix 4 of this policy.

Any teacher who either:

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

Must immediately report this to the police, personally. This is a mandatory statutory duty, and teachers will face disciplinary sanctions for failing to meet it.

Unless they have been specifically told not to disclose, they should also discuss the case with the DSL and involve children's social care as appropriate.

Any other member of staff who discovers that an act of FGM appears to have been carried out on a **pupil under 18** must speak to the DSL and follow our local safeguarding procedures.

The duty for teachers mentioned above does not apply in cases where a pupil is *at risk* of FGM or FGM is suspected but is not known to have been carried out. Staff should not examine pupils.

Any member of staff who suspects a pupil is *at risk* of FGM or suspects that FGM has been carried out must speak to the DSL and follow our local safeguarding procedures.

Please see the link for the specific FGM procedures from the Barnsley Safeguarding Children's Partnership
https://www.proceduresonline.com/barnsley/scb/p_fem_gen_mutil.html

7.4 If you have concerns about a child (as opposed to believing a child is suffering or likely to suffer from harm, or is in immediate danger)

Figure 1 below, before section 7.7, illustrates the procedure to follow if you have any concerns about a child's welfare. Where possible, speak to the DSL first to agree a course of action.

If in exceptional circumstances the DSL or Deputy DSL are not available, this should not delay appropriate action being taken. Speak to a member of the senior leadership team and/or take advice from local authority children's social care. You can also seek advice at any time from the NSPCC helpline on 0808 800 5000. Share details of any actions you take with the DSL as soon as practically possible.

Make a referral to local authority children's social care directly, if appropriate (see 'Referral' below). Share any action taken with the DSL as soon as possible.

Early Help

If Early Help is appropriate, the Deputy DSL (who is also the SENDCO) will 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.

We will discuss and agree, with statutory safeguarding partners, levels for the different types of assessment, as part of local arrangements.

The DSL will keep the case under constant review and the school will consider a referral to local authority children's social care if the situation does not seem to be improving. Timelines of interventions will be monitored and reviewed.

Please see the link for the specific Early Help procedures and toolkit from the Barnsley Safeguarding Children's Partnership (BSCP)

<https://www.barnsley.gov.uk/services/children-families-and-education/early-help-for-families/early-help-toolkit-for-practitioners/>

Also see the BCSP's Thresholds of Intervention for Early Help and beyond
<https://www.barnsley.gov.uk/media/17508/barnsley-thresholds-for-intervention.pdf>

Referral

If it is appropriate to refer the case to local authority children's social care or the police, the DSL will make the referral or support you to do so.

If you make a referral directly (see section 7.1), you must tell the DSL as soon as possible.

The local authority will make a decision within 1 working day of a referral about what course of action to take and will let the person who made the referral know the outcome. The DSL or person who made the referral must follow up with the local authority if this information is not made available, and ensure outcomes are properly recorded.

If the child's situation does not seem to be improving after the referral, the DSL or person who made the referral must follow local escalation procedures to ensure their concerns have been addressed and that the child's situation improves.

Please see BSCP's procedures re: referral and escalation

https://www.proceduresonline.com/barnsley/scb/p_respond_abuse_neg.html#making_referral and
https://www.proceduresonline.com/barnsley/cs/p_contacts_referral.html

Referrals should be made to the local authority Children's Social Care for the area where the child is living or is found. If the child is known to have an allocated social worker, the referral should be made to them or in their absence to the

social worker's manager or a duty children's social worker. In all other circumstances referrals should be made to the duty officer. The referrer should confirm verbal and telephone referrals in writing, within 48 hours. Where an assessment has been completed prior to referral, these details should also be conveyed at the point of referral.

Children's Social Care should **within 1 working day** of receiving the referral make a decision about the type of response that will be required to meet the needs of the child. If this does not occur within 3 working days, the referrer should contact these services again and, if necessary, ask to speak to a line manager to establish progress.

For further details see [Making a Referral to Social Care Procedure](#)

All schools, educational establishments and colleges must have regard to the statutory guidance [Keeping Children Safe in Education](#) when carrying out their duties to safeguard and promote the welfare of children.

'Keeping Children Safe in Education' contains information on what schools and colleges should do and sets out the legal duties with which schools and colleges **must** comply. It should be read alongside the statutory guidance 'Working Together to Safeguard Children', which applies to all the schools referred to above, and departmental advice ['What to do if you are worried a child is being abused: Advice for Practitioners'](#).

The different schools and education settings for all age groups must have systems in place to promote the welfare of children and a culture of listening to children taking in to account their views and wishes.

Each establishment must have a designated safeguarding lead. This role should be clearly set out and supported with a regular training and development program in order to fulfil the child welfare and safeguarding responsibilities. Arrangements within each school should set out the processes for sharing information with other practitioners and Barnsley Safeguarding Children Partnership.

All school staff have a responsibility to provide a safe environment in which children can learn.

All school staff have a responsibility to identify children who may be in need of extra help or who are suffering, or are likely to suffer, significant harm. All staff then have a responsibility to take appropriate action, working with other services as needed. All school staff members should be aware of the signs of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Staff members working with children are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned. When concerned about the welfare of a child, staff members should always act in the interests of the child.

In addition to working with the designated safeguarding lead staff members should be aware that they may be asked to support social workers to take decisions about individual children.

All educational establishments including Free Schools, Academies, Children's Centres/ nurseries, public schools and colleges must have safe recruitment policies and procedures in place.

Clear policies and procedures (which are in accordance with the Barnsley Safeguarding Children Partnership Procedure for managing allegations against people who work with children) must be in operation (see [Allegations Against Staff, Carers or Volunteers Procedure](#)).

See also BSCP's information about Parental Consultation and referrals:

https://www.proceduresonline.com/barnsley/scb/p_respond_abuse_neg.html#parental_consult

Please see BSCP's procedures re: escalation

https://www.proceduresonline.com/barnsley/scb/files/resolve_prof_diffs.pdf

7.5 If you have concerns about extremism

If a child is not suffering or likely to suffer from harm, or in immediate danger, where possible speak to the DSL first to agree a course of action.

If in exceptional circumstances the DSL is not available, this should not delay appropriate action being taken. Speak to a member of the senior leadership team and/or seek advice from local authority children's social care. Make a referral to local authority children's social care directly, if appropriate (see 'Referral' above). Inform the DSL or deputy as soon as practically possible after the referral.

Where there is a concern, the DSL will consider the level of risk and decide which agency to make a referral to. This could include [Channel](#), the government's programme for identifying and supporting individuals at risk of being drawn into terrorism, or the local authority children's social care team.

The Department for Education also has a dedicated telephone helpline, 020 7340 7264, which school staff and governors can call to raise concerns about extremism with respect to a pupil. You can also email counter.extremism@education.gov.uk. Note that this is not for use in emergency situations.

In an emergency, call 999 or the confidential anti-terrorist hotline on 0800 789 321 if you:

- Think someone is in immediate danger
- Think someone may be planning to travel to join an extremist group
- See or hear something that may be terrorist-related

BMBC's Prevent Officer can be contacted via <https://www.barnsley.gov.uk/services/community-safety-and-crime/prevent-and-channel/>

7.6 If you have a mental health concern

Mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation.

Staff will be alert to behavioural signs that suggest a child may be experiencing a mental health problem or be at risk of developing one.

If you have a mental health concern about a child that is also a safeguarding concern, take immediate action by following the steps in section 7.4.

If you have a mental health concern that is **not** also a safeguarding concern, speak to the DSL to agree a course of action.

From September 2022, Oxspring Primary school will access support from Compass. Compass was awarded the Barnsley Mental Health Support Teams (MHSTs) Service contract in 2021 to provide the first wave of mental health and emotional wellbeing support to schools and education settings in Barnsley. This is the start of a local plan which will extend the range and reach of MHST's to all schools and education settings in Barnsley. The MHST is a prevention and early intervention service providing mental health and emotional wellbeing aligned to the aspirations set out in the 'Transforming Children and Young People's Mental Health' Green Paper.

Staff and parents/ carers can also access support from TADS

Also see the BSCP's procedures link: https://www.proceduresonline.com/barnsley/scb/p_ch_par_mental_health.html

Where it is believed that a child of a parent with mental health problems may have suffered, or is likely to suffer significant harm, a referral to Children's Social Care should be made in accordance with the [Making a Referral to Social Care Procedure](#). If there are concerns, it may be the case that the child and family will find early help services supportive and an assessment of the needs of the child should take place at an early stage for example by a completing an Early Help Assessment.

It is essential that staff working in adult mental health services and Children's Social Care work together collaboratively to ensure the safety of the child and management of the adult's mental health.

Joint work will include mental health workers providing all information with regard to:

- Treatment plans;
- Likely duration of any mental health problem;
- Effects of any mental health problem and medication on the carer's general functioning and parenting ability. Children's Social Care must assess the individual needs of each child and within this incorporate information provided by mental health workers.

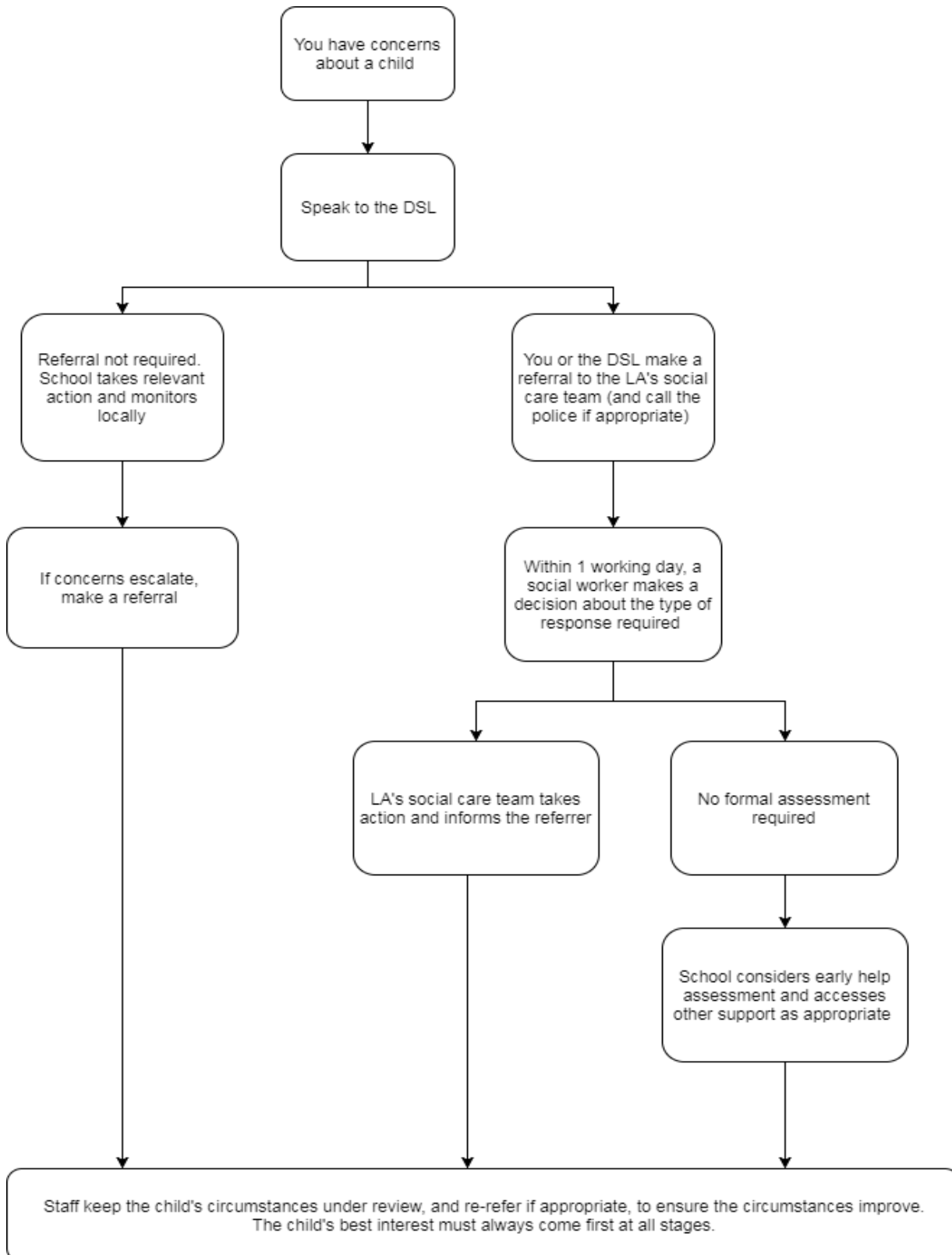
Mental health professionals should be invited to and must attend to provide information to any meeting concerning the implications of the parent/carer's mental health difficulty on the child including Child Protection Conferences and Child in Need meetings. Children's Social Care professionals should be invited to and must attend Care Programme Approach (CPA) and other meetings related to the management of the parent's mental health. All plans for a child including Child Protection Plans and Child in Need Plans will identify the roles and responsibilities of mental health and other professionals. The plan will also identify the process of communication and liaison between professionals. All professionals should work in accordance with their own agency procedures / guidelines and seek advice and guidance from line management or the organisation safeguarding lead, when necessary.

Staff can also refer to the Department for Education guidance on [mental health and behaviour in schools](#) for more information.

See figure 1 on page 16 below:

Figure 1: procedure if you have concerns about a child's welfare (as opposed to believing a child is suffering or likely to suffer from harm, or in immediate danger)

(Note – if the DSL is unavailable, this should not delay action. See section 7.4 for what to do.)



7.7 Concerns about a staff member, supply teacher, volunteer or contractor

If you have concerns about a member of staff (including a supply teacher, volunteer or contractor), or an allegation is made about a member of staff (including a supply teacher, volunteer or contractor) posing a risk of harm to children,

speak to the Executive Headteacher or Head of School as soon as possible. If the concerns/allegations are about the Executive Headteacher or Head of School, speak to the Chair of Governors.

The Executive Headteacher or Head of School/Chair of Governors will then follow the procedures set out in appendix 3, if appropriate.

Where you believe there is a conflict of interest in reporting a concern or allegation about a member of staff (including a supply teacher, volunteer or contractor) to the Executive Headteacher or Head of School, report it directly to the local authority designated officer (LADO).

Where appropriate, the school will inform Ofsted of the allegation and actions taken, within the necessary timescale (see appendix 3 for more detail).

7.8 Allegations of abuse made against other pupils

We recognise that children are capable of abusing their peers. Abuse will never be tolerated or passed off as “banter”, “just having a laugh” or “part of growing up”, as this can lead to a culture of unacceptable behaviours and an unsafe environment for pupils.

We also recognise the gendered nature of child-on-child abuse. However, all child-on-child abuse is unacceptable and will be taken seriously.

Most cases of pupils hurting other pupils will be dealt with under our school’s behaviour policy, but this child protection and safeguarding policy will apply to any allegations that raise safeguarding concerns. This might include where the alleged behaviour:

- Is serious, and potentially a criminal offence
- Could put pupils in the school at risk
- Is violent
- Involves pupils being forced to use drugs or alcohol
- Involves sexual exploitation, sexual abuse or sexual harassment, such as indecent exposure, sexual assault, upskirting or sexually inappropriate pictures or videos (including the sharing of nudes and semi-nudes)

See appendix 4 for more information about child-on-child abuse.

Procedures for dealing with allegations of child-on-child abuse

If a pupil makes an allegation of abuse against another pupil:

- You must record the allegation on CPOMS and tell the DSL, but do not investigate it
- The DSL will contact the local authority children’s social care team and follow its advice, as well as the police if the allegation involves a potential criminal offence
- The DSL will put a risk assessment and support plan into place for all children involved (including the victim(s), the child (ren) against whom the allegation has been made and any others affected) with a named person they can talk to if needed. This will include considering school transport as a potentially vulnerable place for a victim or alleged perpetrator(s)
- The DSL will contact the children and adolescent mental health services (CAMHS), if appropriate

If the incident is a criminal offence and there are delays in the criminal process, the DSL will work closely with the police (and other agencies as required) while protecting children and/or taking any disciplinary measures against the alleged perpetrator. We will ask the police if we have any questions about the investigation.

Creating a supportive environment in school and minimising the risk of child-on-child abuse

We recognise the importance of taking proactive action to minimise the risk of child-on-child abuse, and of creating a supportive environment where victims feel confident in reporting incidents.

To achieve this, we will:

- Challenge any form of derogatory or sexualised language or inappropriate behaviour between peers, including requesting or sending sexual images

- Be vigilant to issues that particularly affect different genders – for example, sexualised or aggressive touching or grabbing towards female pupils, and initiation or hazing type violence with respect to boys
- Ensure our curriculum helps to educate pupils about appropriate behaviour and consent
- Ensure pupils are able to easily and confidently report abuse using our reporting systems (as described in section 7.10 below)
- Ensure staff reassure victims that they are being taken seriously
- Be alert to reports of sexual violence and/or harassment that may point to environmental or systemic problems that could be addressed by updating policies, processes and the curriculum, or could reflect wider issues in the local area that should be shared with safeguarding partners
- Support children who have witnessed sexual violence, especially rape or assault by penetration. We will do all we can to make sure the victim, alleged perpetrator(s) and any witnesses are not bullied or harassed
- Consider intra familial harms and any necessary support for siblings following a report of sexual violence and/or harassment
- Ensure staff are trained to understand:
 - How to recognise the indicators and signs of child-on-child abuse, and know how to identify it and respond to reports
 - That even if there are no reports of child-on-child abuse in school, it does not mean it is not happening – staff should maintain an attitude of “it could happen here”
 - That if they have any concerns about a child’s welfare, they should act on them immediately rather than wait to be told, and that victims may not always make a direct report. For example:
 - Children can show signs or act in ways they hope adults will notice and react to
 - A friend may make a report
 - A member of staff may overhear a conversation
 - A child’s behaviour might indicate that something is wrong
 - That certain children may face additional barriers to telling someone because of their vulnerability, disability, gender, ethnicity and/or sexual orientation
 - That a pupil harming a peer could be a sign that the child is being abused themselves, and that this would fall under the scope of this policy
 - The important role they have to play in preventing child-on-child abuse and responding where they believe a child may be at risk from it
 - That they should speak to the DSL if they have any concerns
 - That social media is likely to play a role in the fall-out from any incident or alleged incident, including for potential contact between the victim, alleged perpetrator(s) and friends from either side

The DSL will take the lead role in any disciplining of the alleged perpetrator(s). We will provide support at the same time as taking any disciplinary action.

Disciplinary action can be taken while other investigations are going on, e.g. by the police. The fact that another body is investigating or has investigated an incident doesn’t (in itself) prevent our school from coming to its own conclusion about what happened and imposing a penalty accordingly. We will consider these matters on a case-by-case basis, taking into account whether:

- Taking action would prejudice an investigation and/or subsequent prosecution – we will liaise with the police and/or LA children’s social care to determine this
- There are circumstances that make it unreasonable or irrational for us to reach our own view about what happened while an independent investigation is ongoing
 - See the link for further resources and support materials
https://westyorkscb.proceduresonline.com/p_abuse_child_yp.html#
 - <https://learning.nspcc.org.uk/media/1657/harmful-sexual-behaviour-framework.pdf#page=86>

7.9 Sharing of nudes and semi-nudes ('sexting')

Follow the approach based on [guidance from the UK Council for Internet Safety](#) for all staff and for DSLs and senior leaders.

Your responsibilities when responding to an incident

If you are made aware of an incident involving the consensual or non-consensual sharing of nude or semi-nude images/videos (also known as 'sexting' or 'youth produced sexual imagery'), you must report it to the DSL immediately.

You must **not**:

- View, copy, print, share, store or save the imagery yourself, or ask a pupil to share or download it (if you have already viewed the imagery by accident, you must report this to the DSL)
- Delete the imagery or ask the pupil to delete it
- Ask the pupil(s) who are involved in the incident to disclose information regarding the imagery (this is the DSL's responsibility)
- Share information about the incident with other members of staff, the pupil(s) it involves or their, or other, parents and/or carers
- Say or do anything to blame or shame any young people involved

You should explain that you need to report the incident, and reassure the pupil(s) that they will receive support and help from the DSL.

Initial review meeting

Following a report of an incident, the DSL will hold an initial review meeting with appropriate school staff – this may include the staff member who reported the incident and the safeguarding or leadership team that deals with safeguarding concerns. This meeting will consider the initial evidence and aim to determine:

- Whether there is an immediate risk to pupil(s)
- If a referral needs to be made to the police and/or children's social care
- If it is necessary to view the image(s) in order to safeguard the young person (in most cases, images or videos should not be viewed)
- What further information is required to decide on the best response
- Whether the image(s) has been shared widely and via what services and/or platforms (this may be unknown)
- Whether immediate action should be taken to delete or remove images or videos from devices or online services
- Any relevant facts about the pupils involved which would influence risk assessment
- If there is a need to contact another school, college, setting or individual
- Whether to contact parents or carers of the pupils involved (in most cases parents/carers should be involved)

The DSL will make an immediate referral to police and/or children's social care if:

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

If none of the above apply then the DSL, in consultation with the Executive Headteacher or Head of School and other members of staff as appropriate, may decide to respond to the incident without involving the police or children's social care. The decision will be made and recorded in line with the procedures set out in this policy.

Further review by the DSL

If at the initial review stage a decision has been made not to refer to police and/or children's social care, the DSL will conduct a further review to establish the facts and assess the risks.

They will hold interviews with the pupils involved (if appropriate).

If at any point in the process there is a concern that a pupil has been harmed or is at risk of harm, a referral will be made to children's social care and/or the police immediately.

Informing parents/carers

The DSL will inform parents/carers at an early stage and keep them involved in the process, unless there is a good reason to believe that involving them would put the pupil at risk of harm.

Referring to the police

If it is necessary to refer an incident to the police, this will be done through dialling 101.

Recording incidents

All incidents of sharing of nudes and semi-nudes, and the decisions made in responding to them, will be recorded. The record-keeping arrangements set out in section 14 of this policy also apply to recording these incidents.

Curriculum coverage

Pupils are taught about the issues surrounding the sharing of nudes and semi-nudes as part of our relationships education and computing programmes in an age appropriate way. Teaching covers the following in relation to the sharing of nudes and semi-nudes:

- What it is
- How it is most likely to be encountered
- The consequences of requesting, forwarding or providing such images, including when it is and is not abusive and when it may be deemed as online sexual harassment
- Issues of legality
- The risk of damage to people's feelings and reputation

Pupils also learn the strategies and skills needed to manage:

- Specific requests or pressure to provide (or forward) such images
- The receipt of such images

This policy on the sharing of nudes and semi-nudes is also shared with pupils so they are aware of the processes the school will follow in the event of an incident.

7.10 Reporting systems for our pupils and provision to help pupils stay safe

Where there is a safeguarding concern, we will take the child's wishes and feelings into account when determining what action to take and what services to provide.

We recognise the importance of ensuring pupils feel safe and comfortable to come forward and report any concerns and/or allegations.

To achieve this, we will:

- Put systems in place for pupils to confidently report abuse
- Ensure our reporting systems are well promoted, easily understood and easily accessible for pupils
- Make it clear to pupils that their concerns will be taken seriously, and that they can safely express their views and give feedback
- Pupil should report their concerns to a trusted adult in school
- Pupils will be made aware of the reporting systems and processes, e.g. through discussion in our relationship curriculum
- Pupils will feel safe in submitting any concerns through the reassurances provided following disclosures.

- Safeguarding permeates through all aspect of the wider school curriculum. Oxspring School takes a pro-active approach in its computing and enrichment programmes to help children understand, assess, manage and avoid the risks associated with 'on-line activity'. The school recognises its duty of care to its young people who may find themselves taking part in risk-taking behaviour (all children experiment and challenge boundaries) and will report such behaviour when legal and safeguarding boundaries are crossed.
- The following examples are not exhaustive but give a flavour for how safeguarding is promoted at Oxspring Primary School:
- Through a more personalised PSHE programme and RSHE that specifically meets the needs of our children, they learn to engage with others in a safe and mutually respectful way. Children are made fully aware that inappropriate language (including sexting)/emails/pictures/videos) will be logged and dealt with through our Safeguarding procedures. Our robust behaviour /anti- bullying policy is reinforced regularly. Pupils who have particular needs or difficulties in these areas are supported by a range of social and emotional support strategies and programmes, as well as receiving additional individual support from parents and staff.
- Initiatives such as Pupil Parliament, Crucial Crew and Bikeability, along with highly effective work with other agencies ensure that children are well-placed to keep themselves and other children safe in their everyday lives. We also promote and explore fundamental British Values alongside our Oxspring Values so that our children have opportunities to develop their personal growth and have a well informed and rounded view of the varied communities in our world.
- Online / e-safety is a high priority within the curriculum: Children, staff, governors and parents receive regular information about how to stay safe on-line. Children take part national awareness days including Safer Internet Day each year. Code Green work closely with schoolto ensure that appropriate filters and monitoring systems are in place in order to safeguard children from potentially harmful and inappropriate online material so that we can identify, intervene in, and escalate any incident where appropriate.

8. Online safety and the use of mobile technology

Today's pupils are growing up in an increasingly complex world, living their lives seamlessly on and offline. This presents many positive and exciting opportunities, but also challenges and risks We recognise the importance of safeguarding children from potentially harmful and inappropriate online material, and we understand that technology is a significant component in many safeguarding and wellbeing issues.

To address this, our school aims to:

- Have robust processes in place to ensure the online safety of pupils, staff, volunteers and governors
- Protect and educate the whole school community in its safe and responsible use of technology, including mobile and smart technology (which we refer to as 'mobile phones')
- Set clear guidelines for the use of mobile phones for the whole school community
- Establish clear mechanisms to identify, intervene in and escalate any incidents or concerns, where appropriate
- Our Online Safety policy and day-to-day online e-safety procedures have due to regard to the most recent DFE non-statutory guidance entitled 'Teaching online safety in school' (June 2019) this helps teach our pupils how to stay safe online, within both new and existing school subjects (including Relationships Education, Relationships and Sex Education, Health Education, Citizenship and Computing). We teach pupils about the underpinning knowledge and behaviours that can them to navigate the online world safely and confidently regardless of the device,platform or app.

The 4 key categories of risk

Our approach to online safety is based on addressing the following categories of risk:

- **Content** – being exposed to illegal, inappropriate or harmful content, such as pornography, fake news, racism, misogyny, self-harm, suicide, anti-Semitism, radicalisation and extremism
- **Contact** – being subjected to harmful online interaction with other users, such as peer-to-peer pressure, commercial advertising and adults posing as children or young adults with the intention to groom or exploit them for sexual, criminal, financial or other purposes

- **Conduct** – personal online behaviour that increases the likelihood of, or causes, harm, such as making, sending and receiving explicit images (e.g. consensual and non-consensual sharing of nudes and semi-nudes and/or pornography), sharing other explicit images and online bullying; and
- **Commerce** – risks such as online gambling, inappropriate advertising, phishing and/or financial scams

To meet our aims and address the risks above we will:

- Educate pupils about online safety as part of our curriculum. For example:
 - The safe use of social media, the internet and technology
 - Keeping personal information private
 - How to recognise unacceptable behaviour online
 - How to report any incidents of cyber-bullying, ensuring pupils are encouraged to do so, including where they are a witness rather than a victim
- Train staff, as part of their induction, on safe internet use and online safeguarding issues including cyber-bullying and the risks of online radicalisation. All staff members will receive refresher training at least once each academic year as part of our annual safeguarding training.
- Educate parents/carers about online safety via our website and communications sent directly to them. We will also share clear procedures with them so they know how to raise concerns about online safety
- Make sure staff are aware of any restrictions placed on them with regards to the use of their mobile phone and cameras, for example that:
 - Staff are allowed to bring their personal phones to school for their own use, but will limit such use to non-contact time when pupils are not present
 - Staff must not take pictures or recordings of pupils on their personal phones or cameras in line with the staff code of conduct and low threshold behaviours in KCSIE 2021
- Make all pupils, parents/carers, staff, volunteers and governors aware of the acceptable use of the internet in school, use of the school's ICT systems and use of their mobile and smart technology
- We teach pupils about the underpinning knowledge and behaviours that can help them to navigate the online world safely and confidently regardless of the device, platform or app.
- Our School and Code Green will ensure that suitable filtering systems are in place to prevent children accessing terrorist and extremist material, in accordance with the school's Online Safety Policy, and that the use of filtering and monitoring systems does not cause "over blocking" which lead to unreasonable restrictions as to what pupils may be taught regarding online teaching.
- As technology evolves, along with the risks and harms related to it, we will review our online safety measures. This will link to appropriate risk assessments, where necessary to reflect the risks that our children face.
- If a pupil is in breach of our policies on the acceptable use of the internet and mobile phones we will hold a meeting with parents / carers and review access and supervision.
- Make sure all staff, pupils and parents/carers are aware that staff have the power to search pupils' phones, as set out in the [DfE's guidance on searching, screening and confiscation](#)
- Staff will not take pictures or recordings of pupils on their personal phones or cameras and will sign a staff code of conduct to consent to this.
- We will not allow images of pupils to be used on school websites, publicity, or press releases, without express permission from the parent, and if we do obtain such permission, we will not identify individual children by name.
- Parental consent to the taking and use of photographs and videos will be regularly updated for each pupil
- We will follow the General Data Protection Regulation and Data Protection Act 2018 when taking and storing photos and recordings for use in the school

9. Notifying parents or carers

Where appropriate, we will discuss any concerns about a child with the child's parents or carers. The DSL will normally do this in the event of a suspicion or disclosure.

Other staff will only talk to parents or carers about any such concerns following consultation with the DSL.

If we believe that notifying the parents or carers would increase the risk to the child, we will discuss this with the local authority children's social care team before doing so.

In the case of allegations of abuse made against other children, we will normally notify the parents or carers of all the children involved. We will think carefully about what information we provide about the other child involved, and when. We will work with the police and/or local authority children's social care to make sure our approach to information sharing is consistent.

The DSL will, along with any relevant agencies (this will be decided on a case-by-case basis):

- Meet with the victim's parents or carers, with the victim, to discuss what's being put in place to safeguard them, and understand their wishes in terms of what support they may need and how the report will be progressed
- Meet with the alleged perpetrator's parents or carers to discuss support for them, and what's being put in place that will impact them, e.g. moving them out of classes with the victim, and the reason(s) behind any decision(s)

Medical treatment – seeking consent following accident or injury

We may experience problems when a child has had an accident and consent might be needed for emergency medical treatment. The Children Act 1989 provides that people who do not have parental responsibility but nonetheless have care of a child may do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare. This would allow school to act 'in loco parentis', in place of a parent, or allow them to seek consent from a parent who may not hold parental responsibility.

10. Pupils with special educational needs, disabilities or health issues

We recognise that pupils with special educational needs (SEN) or disabilities or certain health conditions can face additional safeguarding challenges. Additional barriers can exist when recognising abuse and neglect in this group, including:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's condition without further exploration
- Pupils being more prone to peer group isolation or bullying (including prejudice-based bullying) than other pupils
- The potential for pupils with SEN, disabilities or certain health conditions being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs
- Any abuse involving pupils with SEND will require close liaison with the DSL (or deputy) and the SENCO.
- Communication barriers and difficulties in managing or reporting these challenges
- We also offer extra pastoral support for pupils with SEN and disabilities as part of their EHCP / personal support plans as appropriate, including access to sensory resources, emotional and wellbeing support and supported access to the sensory garden.

11. Pupils with a social worker

Pupils may need a social worker due to safeguarding or welfare needs. We recognise that a child's experiences of adversity and trauma can leave them vulnerable to further harm as well as potentially creating barriers to attendance, learning, behaviour and mental health.

The DSL and all members of staff will work with and support social workers to help protect vulnerable children.

Where we are aware that a pupil has a social worker, the DSL will always consider this fact to ensure any decisions are made in the best interests of the pupil's safety, welfare and educational outcomes. For example, it will inform decisions about:

- Responding to unauthorised absence or missing education where there are known safeguarding risks
- The provision of pastoral and/or academic support

12. Looked-after and previously looked-after children

We will ensure that staff have the skills, knowledge and understanding to keep looked-after children and previously looked-after children safe. In particular, we will ensure that:

- Appropriate staff have relevant information about children's looked after legal status, contact arrangements with birth parents or those with parental responsibility, and care arrangements
- The DSL has details of children's social workers and relevant virtual school heads

We have appointed a designated teacher, Mrs Helen Rolling (SENCO) who is responsible for promoting the educational achievement of looked-after children and previously looked-after children in line with [statutory guidance](#).

The designated teacher is appropriately trained and has the relevant qualifications and experience to perform the role.

As part of their role, the designated teacher will:

- Work closely with the DSL to ensure that any safeguarding concerns regarding looked-after and previously looked-after children are quickly and effectively responded to
- Work with virtual school heads to promote the educational achievement of looked-after and previously looked-after children, including discussing how pupil premium plus funding can be best used to support looked-after children and meet the needs identified in their personal education plans

13. Complaints and concerns about school safeguarding policies

13.1 Complaints against staff

Complaints against staff that are likely to require a child protection investigation will be handled in accordance with our procedures for dealing with allegations of abuse made against staff (see appendix 3).

13.2 Other complaints

Concerns about the safety of the school premises should be reported to the Executive Headteacher or Head of School. Concerns about safeguarding policies and procedures should be reported to the Executive Headteacher or Head of School and / or chair of governors.

The school has a duty to ensure that high standards of professional behaviour exist between staff and children, and that all members of staff are clear about what constitutes appropriate behaviour and professional boundaries.

At all times, members of staff are required to work in a professional way with children. All staff should be aware of the dangers inherent in:

- Working alone with a child
- Physical interventions
- Cultural and gender stereotyping
- Dealing with sensitive information
- Giving to and receiving gifts from children and parents
- Contacting children through private telephones (including texting), e-mail, or other social networking websites.
- Disclosing personal details inappropriately
- Meeting pupils and families outside school hours or school duties

If any member of staff has reasonable suspicion that a child is suffering harm, and fails to act in accordance with this policy and Barnsley Safeguarding Children Board procedures, we will view this as misconduct, and take appropriate action

An agreed code of conduct in relation to safeguarding has been agreed and adopted by all adults working with children at Oxspring Primary School. Any member of staff who does not adhere to the policy will be subject to disciplinary procedures in line with LA procedures.

There are a range of mechanisms in place to ensure that pupils feel comfortable to express their concerns to adults for example:

- To the school staff via worry boxes and other age appropriate class systems
- Through encouragement to discuss issues at school assemblies
- Via circle time

13.3 Whistle-blowing

➤ An agreed Whistle Blowing Policy in relation to safeguarding to supplement the BMBC corporate policy has been agreed in order to support the school ethos where pupils and staff can talk freely about concerns knowing they will be listened to and appropriate action taken.

➤ See also our procedures regarding whistleblowing on BCSP link:

https://www.proceduresonline.com/barnsley/scb/p_whistleblowing.html

➤ Staff must acknowledge their individual responsibility to bring matters of concern to the attention of the Executive Headteacher or Head of School. Although this can be difficult this is particularly important where the welfare of children may be at risk. You may be the first to recognise that something is wrong but may not feel able to express your concerns out of a feeling that this would be disloyal to colleagues or you may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable children or young person who are targeted. These children need someone like you to safeguard their welfare.

➤ Don't think what if I'm wrong - think what if I'm right

Reasons for whistleblowing

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour
- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent becoming implicated yourself

What stops people from whistleblowing

- Starting a chain of events which spirals
- Disrupting the work or project
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed

How to raise a concern

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why
- Approach the Executive Headteacher or Head of School
- If your concern is about your immediate manager/Executive Headteacher or Head of School, or you feel you need to take it to someone outside the school, contact the Chair of Governors, or the Local Authority Designated Officer
- Make sure you get a satisfactory response - don't let matters rest
- Put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but you will need to demonstrate sufficient grounds for the concern.

What happens next?

- You should be given information on the nature and progress of any enquiries
- Your employer has a responsibility to protect you from harassment or victimisation
- No action will be taken against you if the concern proves to be unfounded and was raised in good faith.
- Malicious allegations may be considered as a disciplinary offence

Self reporting

- There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children

Further advice and support

- It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, HR department and/or your professional or trade union.

"Absolutely without fail- challenge poor practice or performance. If you ignore or collude with poor practice it makes it harder to sound the alarm when things go wrong" ("Sounding the Alarm" – Barnardos)

14. Record-keeping

We will hold records in line with our records retention schedule.

All safeguarding concerns, discussions, decisions made and the reasons for those decisions, must be recorded in writing using CPOMS. If CPOMS is not accessible then staff should use a cause for concern form. If you are in any doubt about whether to record something, discuss it with the DSL.

Records will include:

- A clear and comprehensive summary of the concern
- Details of how the concern was followed up and resolved
- A note of any action taken, decisions reached and the outcome
- Concerns and referrals are logged on CPOMS

Any non-confidential records will be readily accessible and available. Confidential information and records will be held securely and only available to those who have a right or professional need to see them.

Safeguarding records relating to individual children will be retained for a reasonable period of time after they have left the school.

Safeguarding records which contain information about allegations of sexual abuse will be retained for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry.

If a child for whom the school has, or has had, safeguarding concerns moves to another school, the DSL will ensure that their child protection file is forwarded as soon as possible, securely, and separately from the main pupil file.

To allow the new school/college to have support in place when the child arrives, this should be within:

- **5 days** for an in-year transfer, or within
- **The first 5 days** of the start of a new term

In addition, if the concerns are significant or complex, and/or social services are involved, the DSL will speak to the DSL of the receiving school and provide information to enable them to have time to make any necessary preparations to ensure the safety of the child.

We will hold records in line with our records retention schedule.

All safeguarding concerns, discussions, decisions made and the reasons for those decisions, must be recorded in writing. If you are in any doubt about whether to record something, discuss it with the DSL.

Concerns and referrals will be kept on CPOMS. Previous records before the introduction of CPOMS are kept in a separate child protection file for each child.

CPOMS information will include the following:

- Chronology (summary of significant events and the actions and involvement of the school)
- A clear and comprehensive summary of the concern
- Details of how the concern was followed up and resolved
- A note of any action taken, decisions reached and the outcome.
- All completed child protection cause for concern records
- Any child protection information received from the child's previous educational establishment
- Records of discussions, telephone calls and meetings with colleagues and other agencies or services
Professional consultations
- Letters and emails sent and received relating to child protection matters
- Referral forms sent to social care, other external agencies or education-based services
- Minutes or notes of meetings, e.g. child protection conferences, core group meetings, etc., copied to the file of each child in the family, as appropriate
- Formal plans for, or linked to, the child e.g. child protection plans, Early Help (previously known as CAF's), risk assessments etc
- A copy of any support plan for the pupil concerned

Any non-confidential records will be readily accessible and available. Confidential information and records will be held securely and only available to those who have a right or professional need to see them.

Safeguarding records which contain information about allegations of sexual abuse will be retained for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry.

If a child for whom the school has, or has had, safeguarding concerns moves to another school, the DSL will ensure that their child protection file is forwarded promptly and securely as stated above in line with the expected time frame. In addition, if the concerns are significant or complex, and/or social services are involved, the DSL will speak to the DSL of the receiving school and provide information to enable them to have time to make any necessary preparations to ensure the safety of the child.

In addition:

- Appendix 2 sets out our policy on record-keeping specifically with respect to recruitment and pre-appointment checks
- Appendix 3 sets out our policy on record-keeping with respect to allegations of abuse made against staff

15. Training

15.1 All staff

All staff members will undertake safeguarding and child protection training at induction, including on whistle-blowing procedures, sexual harassment and violence and online safety, to ensure they understand the school's safeguarding systems and their responsibilities, and can identify signs of possible abuse or neglect.

This training will be regularly updated and will:

- Be integrated, aligned and considered as part of the whole-school safeguarding approach and wider staff training, and curriculum planning
- Be in line with advice from the 3 safeguarding partners
- Have regard to the Teachers' Standards to support the expectation that all teachers:
 - Manage behaviour effectively to ensure a good and safe environment

- Have a clear understanding of the needs of all pupils

All staff will have training on the government's anti-radicalisation strategy, Prevent, to enable them to identify children at risk of being drawn into terrorism and to challenge extremist ideas.

Staff will also receive regular safeguarding and child protection updates, including on online safety, as required but at least annually (for example, through emails, e-bulletins and staff meetings).

Volunteers will receive appropriate training.

All new members of staff will receive induction training, which will give them an overview of the organisation and ensure they know its purpose, values, services and structure, as well as how to identify and report abuse, and other child protection concerns within the appropriate levels of confidentiality.

All new staff at the school (including volunteers) will receive child protection information of Part 1 of Keeping Children Safe in Education along with Annex B (2023). They will also receive a copy of the Safeguarding and Child Protection policy on starting their work at the school.

All staff will be expected to attend training via staff meetings / INSET / update meetings on safeguarding children and this will enable them to effectively fulfil their responsibilities, in respect of child protection.

Staff visiting the school for short periods of time e.g. 1 day supply cover, will receive information in relation to safeguarding children and the procedures they must follow.

All adults are required to attend safeguarding training. Attendance at school training will also be open to parent helpers, volunteers, extended schools providers, governors and any other parties that come in to contact with children on a regular basis. These staff will also be signposted to the online training available via the Barnsley Safeguarding Children Partnership website. <https://www.proceduresonline.com/barnsley/scb/index.html>

For staff who are unable to access face to face Safeguarding Awareness training the school expects them to complete online training as above

15.2 The DSL and Deputy

The DSL and level will undertake child protection and safeguarding training at least every 2 years.

In addition, they will update their knowledge and skills at regular intervals and at least annually (for example, through e-bulletins, meeting other DSLs, or taking time to read and digest safeguarding developments).

They will also undertake Prevent awareness training.

15.3 Governors

All governors receive training about safeguarding and child protection (including online safety) at induction, which is regularly updated. This is to make sure that they:

- Have the knowledge and information needed to perform their functions and understand their responsibilities, such as providing strategic challenge
- Can be assured that safeguarding policies and procedures are effective and support the school to deliver a robust whole-school approach to safeguarding

As the Co-chair of governors may be required to act as the 'case manager' in the event that an allegation of abuse is made against the Executive Headteacher or Head of School, they receive training in managing allegations for this purpose.

15.4 Recruitment – interview panels

At least one person conducting any interview for any post at the school will have undertaken safer recruitment training. This will cover, as a minimum, the contents of Keeping Children Safe in Education, and will be in line with local safeguarding procedures. See also <https://www.gov.uk/government/publications/safeguarding-children-and-safer-recruitment-in-education>

See appendix 2 of this policy for more information about our safer recruitment procedures.

15.5 Staff who have contact with pupils and families

All staff who have contact with children and families will have supervisions which will provide them with support, coaching and training, promote the interests of children and allow for confidential discussions of sensitive issues.

16. Monitoring arrangements

This policy will be reviewed **annually** by the Executive Headteacher or Head of School and Safeguarding Link Governor. At every review, it will be approved by the full governing board.

17. Links with other policies

This policy links to the following policies and procedures:

This policy links to the following policies and procedures:

- Behaviour
- Anti-bullying Policy
- Staff code of conduct
- Whistleblowing- the investigation of allegations of staff misconduct
- Complaints
- Health and safety
- Attendance
- Online safety
- Equality
- Sex and relationship education
- First aid
- Designated teacher for looked-after and previously looked-after children
- Privacy notices
- UK- GDPR

18. Out of school use of facilities

Our school does not current rent out our premises to out of school facilities but if we did we would ensure that all users were aware of our safeguarding policies and practices. We would ensure that there was a mechanism for reporting concerns and that high standards of safety and welfare for all users were in place and upheld.

19. Web Filtering and Protection

Staff and pupils will receive annual training and input about being safe online in school and out of school. The school's technical assistant will ensure that all possible measures and risk assessments are in place to prevent pupils or staff witnessing or accessing inappropriate materials on the school site. Pupils and staff will be informed about how to report any such concerns. Any incidents will be reported to the IT provider and technician and could be followed up with social services, the police or the LADO.

These appendices are based on the Department for Education's statutory guidance, Keeping Children Safe in Education.

Appendix 1: types of abuse

Abuse, including neglect, and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap.

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

Emotional abuse may involve:

- Conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person
- Not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate
- Age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction
- Seeing or hearing the ill-treatment of another
- Serious bullying (including cyber-bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve:

- Physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing
- Non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet)

Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse.

Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- Protect a child from physical and emotional harm or danger
- Ensure adequate supervision (including the use of inadequate care-givers)
- Ensure access to appropriate medical care or treatment

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Staff should always be alert to the threat of County Lines, Child Sexual Exploitation and Coercive Control. Staff receive training on these different forms of abuse and know which signs to look out for and report.

Appendix 2: safer recruitment and DBS checks – policy and procedures

Recruitment and selection process

The recruitment steps outlined below are based on part 3 of Keeping Children Safe in Education and in line with BMBC HR procedures.

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

Advertising

When advertising roles, we will make clear:

- Our school's commitment to safeguarding and promoting the welfare of children
- That safeguarding checks will be undertaken
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children
- Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account

Application forms

Our application forms are completed via the BMBC HR online systems and will:

- Include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)
- Include a copy of, or link to, our child protection and safeguarding policy and our policy on the employment of ex-offenders

Shortlisting

Our shortlisting process will involve at least 2 people and will:

- Consider any inconsistencies and look for gaps in employment and reasons given for them
- Explore all potential concerns

Once we have shortlisted candidates, we will ask shortlisted candidates to:

- Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:
 - If they have a criminal history
 - Whether they are included on the barred list
 - Whether they are prohibited from teaching
 - Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
 - Any relevant overseas information
- Sign a declaration confirming the information they have provided is true

Seeking references and checking employment history

We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview.

When seeking references we will:

- Not accept open references
- Liaise directly with referees and verify any information contained within references with the referees
- Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the Executive Headteacher or Head of School/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- Resolve any concerns before any appointment is confirmed

Interview and selection

When interviewing candidates, we will:

- Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- Explore any potential areas of concern to determine the candidate's suitability to work with children
- Record all information considered and decisions made

Pre-appointment vetting checks

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

New staff

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

- Verify their identity
- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. Where available, these will include:
 - For all staff, including teaching positions: [criminal records checks for overseas applicants](#)
 - For teaching positions: obtaining a letter of professional standing from the professional regulating authority in the country where the applicant has worked

We will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our

assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Regulated activity means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

Existing staff

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- There are concerns about an existing member of staff's suitability to work with children; or
- An individual moves from a post that is not regulated activity to one that is; or
- There has been a break in service of 12 weeks or more

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in [relevant conduct](#); or
- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left checks that are required
- In line with the **Disqualification under the Childcare Act 2006**, an information sheet from BMBC Human Resources will be issued to all staff covered by the legislation annually – the guidance identifies the relevant staff groups as:

- Those employed or engaged to provide early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday, that is up to and including reception year)
- Those employed or engaged to provide later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare.
- Schools are responsible for ensuring that staff working within relevant childcare are aware of the legislation and their ongoing obligations to inform the school should their situation change.
- Schools are free to decide how to bring these requirements to the attention of their staff. For new staff the ongoing obligation should be discussed as part of the induction process. For existing staff, schools may, for example, choose to include a section in the school's safeguarding policy. **It is good practice to regularly remind staff of their obligation to share relevant information with the school e.g. via e-mail or through staff briefing or appraisal sessions.**
- **The date that staff are advised about their obligations under the Act, should be entered on the school single central record (SCR).**

See further information at Appendix 5

Agency and third-party staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

Contractors

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

We will obtain the DBS check for self-employed contractors.

We will not keep copies of such checks for longer than 6 months.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the school.

For self-employed contractors such as music teachers or sports coaches, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Trainee/student teachers

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

Volunteers

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment
- Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

Governors

All governors will have an enhanced DBS check without barred list information.

They will all have an enhanced DBS check with barred list information if working in regulated activity.

All governors will also have the following checks:

- A section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#)) (as a section 128 direction disqualifies an individual from being a maintained school governor).
- Other checks deemed necessary if they have lived or worked outside the UK

Staff working in alternative provision settings

Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

Adults who supervise pupils on work experience

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

Pupils staying with host families

Where the school makes arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on those people. Where the school is organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.

Oxspring Primary School will maintain a **Single Central Register** of all safer recruitment checks carried out in line with statutory requirements. The Single Central Register will contain information on all staff members (this includes contractors and supply staff) on the following:

- An identity check
- A barred lists check
- An enhanced DBS check/certificate
- An overseas check if required
- Checks that are required in line with the Disqualification under the Childcare Act 2006
- A prohibition from teaching check
- A section 128 check (for management positions in independent schools (including free schools and academies)
- A check of professional qualifications
- A check to establish the person's right to work in the UK
- Further checks on people who have lived or worked outside the UK

Safer Working Practice

- All adults who come into contact with our children have a duty of care to safeguard and promote their welfare. There is a legal duty placed upon us to ensure that all adults who work with or on behalf of our children are competent, confident and safe to do so. All staff will be provided with a copy of our school's Staff Code of Conduct at induction, to include guidance on positive handling. They will be expected carry out their duties in accordance with this advice.
- There will be occasion when some form of physical contact is inevitable, for example if a child has an accident or is hurt or is in a situation of danger to themselves or others around them. However, at all times the agreed policy for safe restraint must be adhered to.
- If staff, visitors, volunteers or parent helpers are working with children on a one to one basis they must be visible to other members of staff at all times.
- Guidance about acceptable conduct and safe practice will be given to all staff and volunteers during induction. These are sensible steps that every adult should take in their daily professional conduct with children. This advice can be found in the guidance document 'Safer working practices for adults who work with children and young people' (Safer Recruitment Consortium, May 2019). All staff and volunteers are expected to carry out their work in accordance with this guidance and will be made aware that failure to do so could lead to disciplinary action.

IMPLEMENTATION, MONITORING, EVALUATION AND REVIEW

- All adults in school will receive a copy of the Safeguarding and Child Protection Policy and will be asked to sign to say that they have read and agree to follow its procedures. It will be discussed at least annually at staff meetings. Safeguarding and Child Protection will be a regular agenda item at Staff Meetings and Governing Board Meetings.
- The effectiveness of the policy will be reviewed and evaluated by the Governing Board annually in light of any specific incidents or changes to local/national guidance.
- The Designated Governor for safeguarding will monitor the school's child protection work and report back to the full Governing Board.
- The Executive Headteacher or Head of School will report on safeguarding matters through the termly report and safeguarding will be a standing item on the agenda at each full governing body meeting. The Executive Headteacher or Head of School will also complete the Annual Executive Headteacher or Head of School's Safeguarding report which is submitted to the Local Authority after it has been agreed with the Governing Board.
- Parental and pupil views will be sought via Pupil Parliament and school communications.

Appendix 3: allegations of abuse made against staff

Section 1: allegations that may meet the harms threshold

This section is based on 'Section 1: Allegations that may meet the harms threshold' in part 4 of Keeping Children Safe in Education.

This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, has:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school
- If we're in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).

We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

A 'case manager' will lead any investigation. This will be the Executive Headteacher or Head of School, or the chair of governors where the Executive Headteacher or Head of School is the subject of the allegation. The case manager will be identified at the earliest opportunity.

Our procedures for dealing with allegations will be applied with common sense and judgement.

Suspension of the accused until the case is resolved

Suspension of the accused will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children

- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the local authority

If in doubt, the case manager will seek views from the school's personnel adviser and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

Definitions for outcomes 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, or to cause harm to the subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the case manager will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate

- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate - access support from the LA HR officer and relevant trade union.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child
- We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the school will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

Additional considerations for supply teachers and all contracted staff

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome
- The governing board will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

Timescales

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

Specific actions

Action following a criminal investigation or prosecution

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the school will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the school will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

Unsubstantiated, unfounded, false or malicious reports

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

Unsubstantiated, unfounded, false or malicious allegations

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

Confidentiality and information sharing

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

References

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions

Learning lessons

After any cases where the allegations are *substantiated*, the case manager will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

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

Non-recent allegations

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

Section 2: concerns that do not meet the harm threshold

The section is based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint

- › Disclosure made by a child, parent or other adult within or outside the school
- › Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

Definition of low-level concerns

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- › Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, **and**
- › Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

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

- › Being overly friendly with children
- › Having favourites
- › Taking photographs of children on their mobile phone
- › Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- › Using inappropriate sexualised, intimidating or offensive language

Sharing low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- › Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- › Empowering staff to share any low-level concerns as per section 7.7 of this policy
- › Empowering staff to self-refer
- › Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- › Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- › Helping to identify any weakness in the school's safeguarding system

Responding to low-level concerns

If the concern is raised via a third party, the Executive Headteacher or Head of School will collect evidence where necessary by speaking:

- › Directly to the person who raised the concern, unless it has been raised anonymously
- › To the individual involved and any witnesses

The Executive Headteacher or Head of School will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct

We will also refer to Keeping Children Safe in Education links to this report for more information [Developing and implementing a low-level concerns policy: A guide for organisations which work with children](#)]

Record keeping

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

References

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

Appendix 4: specific safeguarding issues

This appendix is based on the advice in Keeping Children Safe in Education, in particular annex B

Annex B also includes information on further issues to be aware of, including child abduction and community safety incidents, children's involvement in the court system, children with family members in prison, county lines, modern slavery and cybercrime

See also specific advice and procedures from Barnsley Safeguarding Children's Partnership
<https://www.proceduresonline.com/barnsley/scb/contents.html>

Children missing from education

A child going missing from education, particularly repeatedly, can be a warning sign of a range of safeguarding issues. This might include abuse or neglect, such as sexual abuse or exploitation or child criminal exploitation, or issues such as mental health problems, substance abuse, radicalisation, FGM or forced marriage.

There are many circumstances where a child may become missing from education, but some children are particularly at risk. These include children who:

- Are at risk of harm or neglect
- Are at risk of forced marriage or FGM
- Come from Gypsy, Roma, or Traveller families
- Come from the families of service personnel
- Go missing or run away from home or care
- Are supervised by the youth justice system
- Cease to attend a school
- Come from new migrant families

We will follow our procedures for unauthorised absence and for dealing with children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation, and to help prevent the risks of going missing in future. This includes informing the local authority if a child leaves the school without a new school being named, and adhering to requirements with respect to sharing information with the local authority, when applicable, when removing a child's name from the admission register at non-standard transition points.

Staff will be trained in signs to look out for and the individual triggers to be aware of when considering the risks of potential safeguarding concerns which may be related to being missing, such as travelling to conflict zones, FGM and forced marriage.

If a staff member suspects that a child is suffering from harm or neglect, we will follow local child protection procedures, including with respect to making reasonable enquiries. We will make an immediate referral to the local authority children's social care team, and the police, if the child is suffering or likely to suffer from harm, or in immediate danger.

See BCSP link https://www.proceduresonline.com/barnsley/scb/p_ch_missing_educ.html

Child criminal exploitation

Child criminal exploitation (CCE) is a form of abuse where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into criminal activity, in exchange for something the victim needs or wants, and/or for the financial or other advantage of the perpetrator or facilitator, and/or through violence or the threat of violence.

The abuse can be perpetrated by males or females, and children or adults. It can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse.

The victim can be exploited even when the activity appears to be consensual. It does not always involve physical contact and can happen online. For example, young people may be forced to work in cannabis factories, coerced into moving drugs or money across the country (county lines), forced to shoplift or pickpocket, or to threaten other young people.

Indicators of CCE can include a child:

- Appearing with unexplained gifts or new possessions
- Associating with other young people involved in exploitation
- Suffering from changes in emotional wellbeing
- Misusing drugs and alcohol
- Going missing for periods of time or regularly coming home late
- Regularly missing school or education
- Not taking part in education

If a member of staff suspects CCE, they will discuss this with the DSL. The DSL will trigger the local safeguarding procedures, including a referral to the local authority's children's social care team and the police, if appropriate.

See BCSP link https://www.proceduresonline.com/barnsley/scb/p_ch_criminal_exp.html

Child sexual exploitation

Child sexual exploitation (CSE) is a form of child sexual abuse where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child into sexual activity, in exchange for something the victim needs or wants and/or for the financial advantage or increased status of the perpetrator or facilitator. It may, or may not, be accompanied by violence or threats of violence.

The abuse can be perpetrated by males or females, and children or adults. It can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse.

The victim can be exploited even when the activity appears to be consensual. Children or young people who are being sexually exploited may not understand that they are being abused. They often trust their abuser and may be tricked into believing they are in a loving, consensual relationship.

CSE can include both physical contact (penetrative and non-penetrative acts) and non-contact sexual activity. It can also happen online. For example, young people may be persuaded or forced to share sexually explicit images of themselves, have sexual conversations by text, or take part in sexual activities using a webcam. CSE may also occur without the victim's immediate knowledge, for example through others copying videos or images.

In addition to the CCE indicators above, indicators of CSE can include a child:

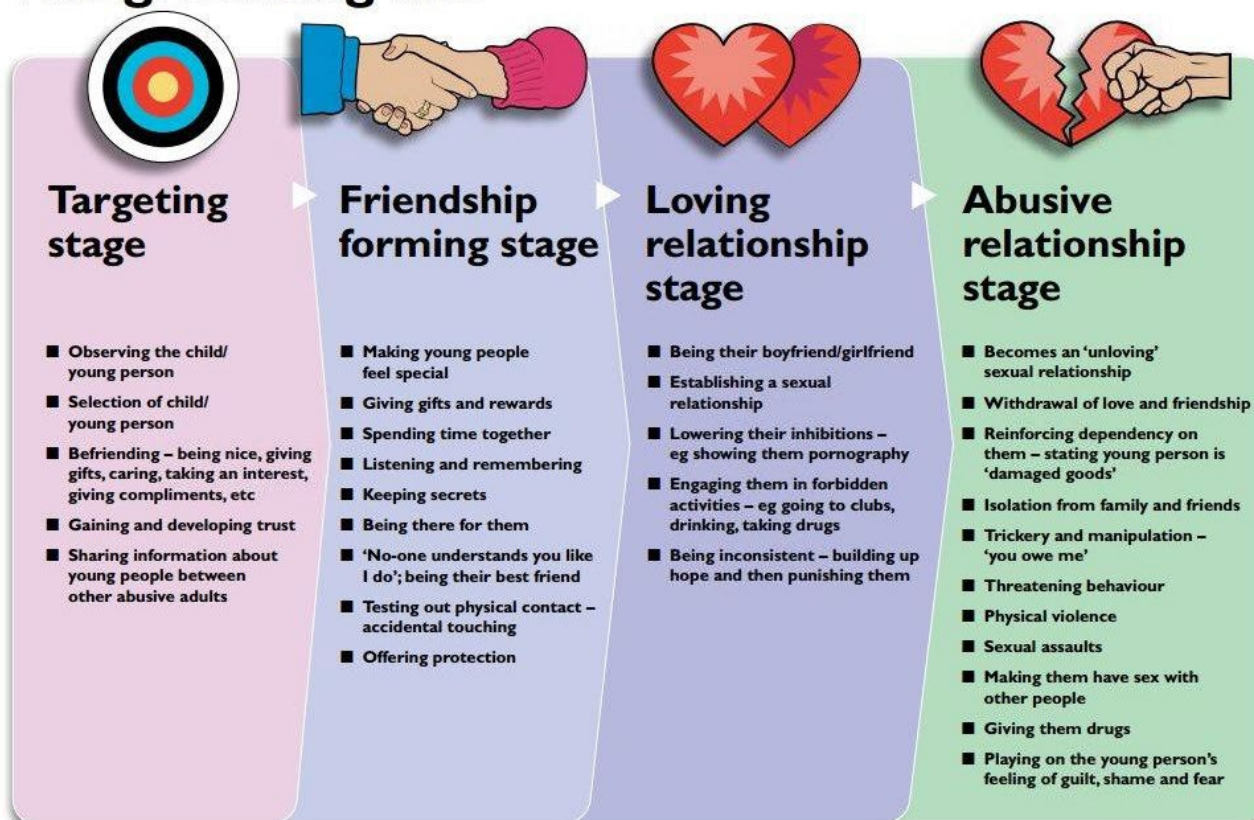
- Having an older boyfriend or girlfriend

➤ Suffering from sexually transmitted infections or becoming pregnant

If a member of staff suspects CSE, they will discuss this with the DSL. The DSL will trigger the local safeguarding procedures, including a referral to the local authority's children's social care team and the police, if appropriate.

See BCSP link https://www.proceduresonline.com/barnsley/scb/p_ch_sexual_exploit.html

The grooming line



Credit: Barnardo's

Child-on-child abuse

Child-on-child abuse is when children abuse other children. This type of abuse can take place inside and outside of school. It can also take place both face-to-face and online, and can occur simultaneously between the 2.

Our school has a zero-tolerance approach to sexual violence and sexual harassment. We recognise that even if there are no reports, that doesn't mean that this kind of abuse isn't happening.

Child-on-child abuse is most likely to include, but may not be limited to:

- Bullying (including cyber-bullying, prejudice-based and discriminatory bullying)
- Abuse in intimate personal relationships between children (this is sometimes known as 'teenage relationship abuse')
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse)
- Sexual violence, such as rape, assault by penetration and sexual assault (this may include an online element which facilitates, threatens and/or encourages sexual violence)
- Sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse
- Causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party

- Consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery)
- Upskirting, which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm
- Initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element)

Where children abuse their peers online, this can take the form of, for example, abusive, harassing, and misogynistic messages; the non-consensual sharing of indecent images, especially around chat groups; and the sharing of abusive images and pornography, to those who don't want to receive such content.

If staff have any concerns about child-on-child abuse, or a child makes a report to them, they will follow the procedures set out in section 7 of this policy, as appropriate. In particular, section 7.8 and 7.9 set out more detail about our school's approach to this type of abuse.

When considering instances of harmful sexual behaviour between children, we will consider their ages and stages of development. We recognise that children displaying harmful sexual behaviour have often experienced their own abuse and trauma, and will offer them appropriate support.

Domestic abuse

Children can witness and be adversely affected by domestic abuse and/or violence at home where it occurs between family members. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

Types of domestic abuse include intimate partner violence, abuse by family members, teenage relationship abuse (abuse in intimate personal relationships between children) and child/adolescent to parent violence and abuse. It can be physical, sexual, financial, psychological or emotional. It can also include ill treatment that isn't physical, as well as witnessing the ill treatment of others – for example, the impact of all forms of domestic abuse on children.

Anyone can be a victim of domestic abuse, regardless of gender, age, ethnicity, socioeconomic status, sexuality or background, and domestic abuse can take place inside or outside of the home. Children who witness domestic abuse are also victims.

Exposure to domestic abuse and/or violence can have a serious, long-lasting emotional and psychological impact on children.

If police are called to an incident of domestic abuse and any children in the household have experienced the incident, the police will inform the key adult in school (usually the designated safeguarding lead) before the child or children arrive at school the following day. This is the procedure where police forces are part of [Operation Encompass](#).

Oxspring Primary School takes an active role in Operation Encompass and have created a secure email which local safeguarding partners can use to inform the designated safeguarding lead when a domestic abuse incident has been recorded within the previous 24 hours or over the weekend. This will enable school to monitor children possibly affected and, where required, support if necessary. This will remain confidential; no information about specific incidents is shared with school. The school will, however, be able to make provision for possible difficulties experienced by children who have been involved in, affected by, or witnessed a domestic abuse incident.

We are keen to offer the best support possible for our children and we believe Operation Encompass will enhance the safeguarding within school. This will be extremely beneficial for all those involved.

The DSL will provide support according to the child's needs and update records about their circumstances as appropriate.

See also https://www.proceduresonline.com/barnsley/scb/p_dom_viol_abuse.html

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

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

- NSPCC- UK domestic-abuse Signs Symptoms Effects
- Refuge what is domestic violence/effects of domestic violence on children
- Safelives: young people and domestic abuse

Homelessness

Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare.

The DSL and Deputy will be aware of contact details and referral routes in to the local housing authority so they can raise/progress concerns at the earliest opportunity (where appropriate and in accordance with local procedures).

Where a child has been harmed or is at risk of harm, the DSL will also make a referral to children's social care.

So-called 'honour-based' abuse (including FGM and forced marriage)

So-called 'honour-based' abuse (HBA) encompasses incidents or crimes committed to protect or defend the honour of the family and/or community, including FGM, forced marriage, and practices such as breast ironing.

Abuse committed in this context often involves a wider network of family or community pressure and can include multiple perpetrators.

All forms of HBA are abuse and will be handled and escalated as such. All staff will be alert to the possibility of a child being at risk of HBA or already having suffered it. If staff have a concern, they will speak to the DSL, who will activate local safeguarding procedures.

See https://www.proceduresonline.com/barnsley/scb/p_honor_based_viol.html

FGM

The DSL will make sure that staff have access to appropriate training to equip them to be alert to children affected by FGM or at risk of FGM.

Section 7.3 of this policy sets out the procedures to be followed if a staff member discovers that an act of FGM appears to have been carried out or suspects that a pupil is at risk of FGM.

Indicators that FGM has already occurred include:

- A pupil confiding in a professional that FGM has taken place
- A mother/family member disclosing that FGM has been carried out
- A family/pupil already being known to social services in relation to other safeguarding issues
- A girl:
 - Having difficulty walking, sitting or standing, or looking uncomfortable
 - Finding it hard to sit still for long periods of time (where this was not a problem previously)
 - Spending longer than normal in the bathroom or toilet due to difficulties urinating
 - Having frequent urinary, menstrual or stomach problems
 - Avoiding physical exercise or missing PE
 - Being repeatedly absent from school, or absent for a prolonged period
 - Demonstrating increased emotional and psychological needs – for example, withdrawal or depression, or significant change in behaviour
 - Being reluctant to undergo any medical examinations
 - Asking for help, but not being explicit about the problem
 - Talking about pain or discomfort between her legs

Potential signs that a pupil may be at risk of FGM include:

- The girl's family having a history of practising FGM (this is the biggest risk factor to consider)
- FGM being known to be practised in the girl's community or country of origin
- A parent or family member expressing concern that FGM may be carried out
- A family not engaging with professionals (health, education or other) or already being known to social care in relation to other safeguarding issues
- A girl:
 - Having a mother, older sibling or cousin who has undergone FGM
 - Having limited level of integration within UK society
 - Confiding to a professional that she is to have a "special procedure" or to attend a special occasion to "become a woman"
 - Talking about a long holiday to her country of origin or another country where the practice is prevalent, or parents/carers stating that they or a relative will take the girl out of the country for a prolonged period
 - Requesting help from a teacher or another adult because she is aware or suspects that she is at immediate risk of FGM
 - Talking about FGM in conversation – for example, a girl may tell other children about it (although it is important to take into account the context of the discussion)
 - Being unexpectedly absent from school
 - Having sections missing from her 'red book' (child health record) and/or attending a travel clinic or equivalent for vaccinations/anti-malarial medication

The above indicators and risk factors are not intended to be exhaustive.

See also https://www.proceduresonline.com/barnsley/scb/p_fem_gen_mutil.html



FGM Safeguarding Pathway

Presentation prompts clinician to suspect/consider FGM e.g. repeated UTI, vaginal infections, urinary incontinence, dyspareunia, dysmenorrhoea etc. Also consider difficulty getting pregnant, presenting for travel health advice or patient disclosure (e.g., young girl from community known to practice FGM discloses she will soon undergo 'coming of age' ceremony).

INTRODUCTORY QUESTIONS: Do you, your partner or your parents come from a community where cutting or circumcision is practised? (It may be appropriate to use other terms or phrases)

No – no further action required

Yes

Do you believe patient has been cut?

No – but family history

Yes

Patient is under 18 or vulnerable adult

Patient is under 18

Patient is over 18

If you suspect she may be at risk of FGM:
Use the **safeguarding risk assessment guidance** to help decide what action to take:

- If child is at imminent risk of harm, initiate urgent safeguarding response.
- Consider if a child social care referral is needed, following your local processes.

Ring 101 to report basic details of the case to police under **Mandatory Reporting Duty**.
Police will initiate a multi-agency safeguarding response.

Does she have any female children or siblings at risk of FGM?
And/or do you consider her to be a vulnerable adult?
Complete **safeguarding risk assessment** and use guidance to decide whether a social care referral is required.

FOR ALL PATIENTS who have HAD FGM

1. **Read code FGM status**
2. Complete FGM **Enhanced dataset** noting all relevant codes.
3. Consider need to refer patient to FGM service to confirm FGM is present, FGM type and/or for deinfibulation.
a) If long term pain, consider referral to uro-gynae specialist clinic.
b) If mental health problems, consider referral to counselling/other.
c) If under 18 refer all for a paediatric appointment and physical examination, following your local processes.

Can you identify other female siblings or relatives at risk of FGM?

- Complete risk assessment if possible **OR**
- Share information with multi-agency partners to initiate safeguarding response.

Contact details
Local safeguarding lead:
Local FGM lead/clinic:
NSPCC FGM Helpline: 0800 028 3550
Detailed FGM risk and safeguarding guidance for professionals from the Department of Health is available [online](#)

FOR ALL PATIENTS:

1. Clearly document all discussion and actions with patient/ family in patient's medical record.
2. Explain FGM is illegal in the UK.
3. Discuss the adverse health consequences of FGM.
4. Share safeguarding information with Health Visitor, School Nurse, Practice Nurse.

If a girl appears to have been recently cut or you believe she is at imminent risk, act immediately – this may include phoning 999.
REMEMBER: Mandatory reporting is only one part of safeguarding against FGM and other abuse.
Always ask your local safeguarding lead if in doubt.

Forced marriage

Forcing a person into marriage is a crime. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats, or any other form of coercion is used to cause a person to enter into a marriage. Threats can be physical or emotional and psychological.

Staff will receive training around forced marriage and the presenting symptoms. We are aware of the 'one chance' rule, i.e. we may only have one chance to speak to the potential victim and only one chance to save them.

If a member of staff suspects that a pupil is being forced into marriage, they will speak to the pupil about their concerns in a secure and private place. They will then report this to the DSL.

The DSL will:

- Speak to the pupil about the concerns in a secure and private place
- Activate the local safeguarding procedures and refer the case to the local authority's designated officer
- Seek advice from the Forced Marriage Unit on 020 7008 0151 or fm@fco.gov.uk
- Refer the pupil to an education welfare officer, pastoral tutor, learning mentor, or school counsellor, as appropriate

See also https://www.proceduresonline.com/barnsley/scb/p_force_marriage.html

Preventing radicalisation

- **Radicalisation** refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups
- **Extremism** is vocal or active opposition to fundamental British values, such as democracy, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces
- **Terrorism** is an action that:
 - Endangers or causes serious violence to a person/people;
 - Causes serious damage to property; or
 - Seriously interferes or disrupts an electronic system

The use or threat of terrorism must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause.

Schools have a duty to prevent children from being drawn into terrorism. The DSL will undertake Prevent awareness training and make sure that staff have access to appropriate training to equip them to identify children at risk.

We will assess the risk of children in our school being drawn into terrorism. This assessment will be based on an understanding of the potential risk in our local area, in collaboration with our local safeguarding partners and local police force.

We will ensure that suitable internet filtering is in place, and equip our pupils to stay safe online at school and at home.

There is no single way of identifying an individual who is likely to be susceptible to an extremist ideology. Radicalisation can occur quickly or over a long period.

Staff will be alert to changes in pupils' behaviour.

The government website [Educate Against Hate](#) and charity [NSPCC](#) say that signs that a pupil is being radicalised can include:

- Refusal to engage with, or becoming abusive to, peers who are different from themselves
- Becoming susceptible to conspiracy theories and feelings of persecution
- Changes in friendship groups and appearance
- Rejecting activities they used to enjoy
- Converting to a new religion
- Isolating themselves from family and friends
- Talking as if from a scripted speech
- An unwillingness or inability to discuss their views
- A sudden disrespectful attitude towards others
- Increased levels of anger

- Increased secretiveness, especially around internet use
- Expressions of sympathy for extremist ideologies and groups, or justification of their actions
- Accessing extremist material online, including on Facebook or Twitter
- Possessing extremist literature
- Being in contact with extremist recruiters and joining, or seeking to join, extremist organisations

Children who are at risk of radicalisation may have low self-esteem, or be victims of bullying or discrimination. It is important to note that these signs can also be part of normal teenage behaviour – staff should have confidence in their instincts and seek advice if something feels wrong.

If staff are concerned about a pupil, they will follow our procedures set out in section 7.5 of this policy, including discussing their concerns with the DSL.

Staff should **always** take action if they are worried.

Further information on the school's measures to prevent radicalisation are in line with BMBC's policy <https://www.barnsley.gov.uk/media/18015/barnsley-prevent-and-channel-referral-guidance.pdf> and https://www.proceduresonline.com/barnsley/scb/p_sg_ch_extremism.html

We have a due regard to the Prevent Duty Guidance 2015, under Section 26 of the Counter- Terrorism and Security Act 2015, which aims to prevent children and young people from being drawn into extremism and terrorism. We will engage with parents and families as we are in a key position to spot signs of radicalisation and we will assist and advise those families who do raise concerns and point them in the direction of support mechanisms ie, the Local Authority, Police and/or the Channel Programme. If staff are worried about someone being drawn into terrorism, the DSL can contact the council's children's safeguarding services; South Yorkshire Police Prevent Team by calling 101 or call the Anti-Terrorist Hotline (can be anonymous) on 0800 789 321. In an emergency where your own or others safety is at risk, call 999.

Sexual violence and sexual harassment between children in schools

Sexual violence and sexual harassment can occur:

- Between 2 children of any age and sex
- Through a group of children sexually assaulting or sexually harassing a single child or group of children
- Online and face to face (both physically and verbally)

Sexual violence and sexual harassment exist on a continuum and may overlap.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school.

If a victim reports an incident, it is essential that staff make sure they are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting any form of abuse or neglect. Nor should a victim ever be made to feel ashamed for making a report.

When supporting victims, staff will:

- Reassure victims that the law on child-on-child abuse is there to protect them, not criminalise them
- Regularly review decisions and actions, and update policies with lessons learnt
- Look out for potential patterns of concerning, problematic or inappropriate behaviour, and decide on a course of action where we identify any patterns
- Consider if there are wider cultural issues within the school that enabled inappropriate behaviour to occur and whether revising policies and/or providing extra staff training could minimise the risk of it happening again
- Remain alert to the possible challenges of detecting signs that a child has experienced sexual violence, and show sensitivity to their needs

Some groups are potentially more at risk. Evidence shows that girls, children with SEN and/or disabilities, and lesbian, gay, bisexual and transgender (LGBT) children are at greater risk.

Staff should be aware of the importance of:

- Challenging inappropriate behaviours
- Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up
- Challenging physical behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them

If staff have any concerns about sexual violence or sexual harassment, or a child makes a report to them, they will follow the procedures set out in section 7 of this policy, as appropriate. In particular, section 7.8 and 7.9 set out more detail about our school's approach to this type of abuse.

See NSPCC documents <https://learning.nspcc.org.uk/child-abuse-and-neglect/peer-on-peer-sexual-abuse> and <https://learning.nspcc.org.uk/safeguarding-child-protection/managing-allegations-made-against-a-child>

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

Serious violence

Indicators which may signal that a child is at risk from, or involved with, serious violent crime may include:

- Increased absence from school
- Change in friendships or relationships with older individuals or groups
- Significant decline in performance
- Signs of self-harm or a significant change in wellbeing
- Signs of assault or unexplained injuries
- Unexplained gifts or new possessions (this could indicate that the child has been approached by, or is involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation (see above))

Risk factors which increase the likelihood of involvement in serious violence include:

- Being male
- Having been frequently absent or permanently excluded from school
- Having experienced child maltreatment
- Having been involved in offending, such as theft or robbery

Staff will be aware of these indicators and risk factors. If a member of staff has a concern about a pupil being involved in, or at risk of, serious violence, they will report this to the DSL.

Checking the identity and suitability of visitors

All visitors will be required to verify their identity to the satisfaction of staff.

If the visitor is unknown to the setting, we will check their credentials and reason for visiting before allowing them to enter the setting.

Visitors should be ready to produce identification. Visitors are expected to sign the visitors' book and wear a visitor's badge.

Visitors to the school who are visiting for a professional purpose, such as educational psychologists and school improvement officers, will be asked to show photo ID and:

Will be asked to show their DBS certificate, which will be checked alongside their photo ID; or

The organisation sending the professional, such as the LA or educational psychology service, will provide prior written confirmation that an enhanced DBS check with barred list information has been carried out

All other visitors, including visiting speakers, will be accompanied by a member of staff at all times. We will not invite into the school any speaker who is known to disseminate extremist views, and will carry out appropriate checks to ensure that any individual or organisation using school facilities is not seeking to disseminate extremist views or radicalise pupils or staff.

Non-collection of children

If a child is not collected at the end of the session/day, we will:

Contact the parents immediately via phone through the school office and record any concerns.

Missing pupils

Our procedures are designed to ensure that a missing child is found and returned to effective supervision as soon as possible. If a child goes missing, we will:

- Search the school grounds and building.
- Contact parents immediately. If the child is not ill and the parents do not know where they are, we will contact the police immediately.

This policy will be reviewed in full by the Governing Board on an annual basis in line with Keeping Children Safe in Education.

Useful Contact numbers and e-mail addresses/websites:

Families Information Service 0800 0345 340

Disabled Children's Team 01226 774050

Education Welfare Service 01226 773545

Useful Links

Barnsley Safeguarding Children Partnership:-

www.safeguardingchildrenbarnsley.com

Families Information Service:-

www.barnsley.gov.uk/fsd

Barnsley Early Help Toolkit:-

www.barnsley.gov.uk/earlyhelp

DFE

www.dfe.gov.uk

Barnsley Safeguarding Team <https://www.barnsley.gov.uk/services/children-families-andeducation/safeguarding-families-in-barnsley/safeguarding-children-in-barnsley/>

- South Yorkshire Police non-emergency number – 101
- If you think the child is in immediate danger, call the police on 999 or (0114) 2202020.
- If the child's not in immediate danger, but you're still concerned about them, call the Assessment and JIT Team on (01226) 772423 (weekdays before 5pm). Call our emergency duty team on (01226) 787789 if you're calling after 5pm, at weekends or on bank holidays.
- Barnsley LADO/Duty Advice):01226 772341
- Barnsley Safeguarding Children Partnership, Level 7, Gateway Plaza, Sackville Street, Barnsley 01226 775859
- Barnsley CAMHS - 01226 433194
- Barnsley TADS – 01226 872120

National Helplines/Websites:

- NSPCC Confidential helpline – 0808 800 5000
- Child on Child abuse Helpline on 0800136663 for specific advice.
- help@nspcc.org.uk
- Childline – 0800 1111

Appendix 5: Statutory Guidance - Disqualification under the Childcare Act 2006

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>

This is statutory guidance from the Department for Education on the application of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (“the 2018 regulations”) and obligations under the Childcare Act 2006 in schools.

Schools must have regard to it when carrying out their duties to safeguard and promote the welfare of children under:

- section 175, of the Education Act 2002
- paragraph 7(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014
- paragraph 3 of the Schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2011

Staff Covered:

Staff are covered by this legislation if they are employed or engaged to provide early years childcare (this covers the age range from birth until 1 September following a child’s fifth birthday, that is up to and including reception year) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. Staff in secondary schools only come in to scope if they provide childcare, or manage the childcare provision for those children covered by these arrangements. For example, if they host after-school childcare for children under 8.

Where schools use staff from any agency, or third-party organisation (for example a supply teacher, music teacher or sports coach) to work in relevant childcare provision, or contract out such childcare, they must obtain confirmation that the agency or organisation providing the staff has informed them that they will be committing an offence if they are deployed to work in relevant childcare, or are directly concerned in the management of such provision, if they are disqualified under the 2018 regulations. This should include the provider requesting that their staff inform them if they consider that they could be disqualified under the legislation.

Where the school engages a person who is self-employed (for example a music teacher or sports coach) to work in relevant childcare provision, the school must ensure that they are compliant with the requirements of the legislation explained in this guidance.

These requirements also apply where training suppliers, such as initial teacher training providers, are placing trainees or students at the school, who are working or being trained in a relevant setting. Where trainee staff are salaried, for example on employment-based teacher training programmes, it’s the responsibility of the school to ensure that they comply with the legislation. If a salaried trainee is disqualified from childcare, schools should inform the training provider of this. Where trainee staff are not on a salaried programme (fee or self-funded students), it’s the responsibility of the training provider to conduct the relevant checks to ensure that trainees placed in schools are not disqualified from childcare or that they have obtained a waiver from Ofsted. Guidance on how to apply for a waiver can be found in the [application for an Ofsted waiver from disqualification of this guidance](#).

Volunteers and casual workers (including individuals on work experience) who are directly concerned with the management of childcare provision, or who work on a regular basis, whether supervised or not, in relevant childcare, are within the scope of the legislation and are covered by this guidance.

Criteria for Disqualification:

The criteria for disqualification under the 2006 act and the 2018 regulations include:

- inclusion on the Disclosure and Barring Service (DBS) Children's Barred List
- being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation)
- certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 regulations
- refusal or cancellation of registration relating to childcare (except if the refusal or cancellation of registration is in respect of registration with a child minder agency or the sole reason for refusal or cancellation is failure to pay a prescribed fee under the 2006 act (regulation 4(1) of the 2018 regulations)), or children's homes, or being prohibited from private fostering, as specified in paragraph 17 of Schedule 1 of the 2018 regulations
- living in the same household where another person who is disqualified lives or is employed (disqualification 'by association') as specified in regulation 9 of the 2018 regulations (note that regulation 9 only applies where childcare is provided in domestic settings, defined as 'premises which are used wholly or mainly as a private dwelling' in section 98 of the act, or under a domestic premises registration, including non-domestic premises up to 50% of the time)
- being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 regulations if it had been committed in any part of the United Kingdom

The above list is only a summary of the criteria that lead to disqualification. Further details about the specific orders and offences, which will lead to disqualification, are set out in the 2018 regulations.

Under the legislation a person is disqualified if they are found to have committed an offence which is included in the 2018 regulations (a 'relevant offence') this includes:

- being convicted of a relevant offence
- on or after 6 April 2007, being given a caution for a relevant offence
- on or after 8 April 2013, being given a youth caution for a relevant offence

A person who is found not guilty of a relevant offence by reason of insanity or found to be under a disability and to have committed the act for which they have been charged in respect of a relevant offence is also disqualified (regulation 2(2) of the 2018 regulations).

Schools must ensure that they are not knowingly employing a person who is disqualified under the 2018 regulations in connection with relevant childcare provision. They must also ensure that they do not apply these arrangements to individuals who do not fall in scope or are specifically excluded (as per the [staff who may be covered](#) and [staff not covered](#) sections of this guidance). In gathering information to make these decisions schools must ensure that they act proportionately and minimise wherever possible the intrusion into the private lives of their staff.

Accordingly, schools must ensure that they handle personal information fairly and lawfully and take care not to breach:

- Data Protection Act 2018 (DPA)
- General Data Protection Regulation (GDPR) (EU) 2016/679
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) ('the Exceptions Order')
- Rehabilitation of Offenders Act 1974 (ROA)
- Human Rights Act 1998

Schools are responsible for ensuring that anyone who falls within the relevant categories of staff described in the [staff covered](#) and [staff who may be covered](#) sections is made aware of the legislation. Schools must make these staff aware of what information will be required of them and how it'll be used to make decisions about disqualification. Schools are free to decide how to bring these requirements to the attention of their staff. As a means of making staff aware of their duty to provide such information, they may, for example, choose to include a section in the school's safeguarding policy, or another policy document, or by means of an addition to new staff members' contracts of

employment. Schools should draw this guidance to the attention of their staff and the information provided by Ofsted referenced in this guidance.

It's not necessary for schools to ask staff to complete a self-declaration form to obtain information about whether a staff member is disqualified. Where schools decide to adopt the approach of using a self-declaration form, it's important that the questions posed in the declaration are relevant and limited to the requirements of the legislation, (for example cautions or convictions for a relevant offence, or whether a child has been made subject of a care order due to the care provided by the individual). This may mean that schools may not be able to use a generic self-declaration form for all employees, for example a teacher working solely with year 5 children (age 9 and above) would be exempt from this legislation. Schools should inform their staff that when responding to questions about their cautions or convictions, they do not need to provide details about any convictions that are not relevant to the childcare disqualification legislation. See the [disclosing offences](#) section of this guidance for more information on which offences must be disclosed if their staff member is in scope of these regulations.

It's important that schools avoid asking for information that's not relevant to ensure that they are not in breach of data protection legislation. However, it should be noted that data protection legislation, including GDPR does not prevent an employer from asking questions relating to the suitability of the individual employed on safeguarding grounds. Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children. Schools should refer to KCSIE and the [Department's Data protection: toolkit for schools](#), for further advice on how to comply with data protection legislation, including GDPR and the 2018 DPA.

Under data protection laws schools must not ask for medical records, details about convictions of household members, or copies of a person's criminal record from the police (this is not the same as a DBS certificate which can be obtained for the individual concerned) in relation to these regulations. Similarly, schools must not ask staff or third parties to make requests for their criminal records in connection with employment, as this will amount to an enforced subject access request, which is an offence under the 2018 DPA. Further information about data protection and GDPR is provided in the [Information Commissioner's Office \(ICO\) guidance for GDPR](#).

Following the implementation of the 2018 regulations and the removal of disqualification by association in non-domestic settings, schools can no longer ask questions regarding the criminal history of people who live with the individual. It should be noted that other statutory guidance may be relevant where the third party lives on the school premises, such as in boarding schools.

Schools must keep a record of those staff who are employed to work in, or manage, relevant childcare provision. They should record the date on which the information about disqualification was provided. Schools should ensure that in maintaining records they comply with the requirements of the [Data Protection Act 2018](#), this is the UK's application of the General Data Protection Regulation (GDPR). This act does not mean that information cannot be gathered where the failure to do so would result in a child being placed at risk of harm. When processing personal information it should be used fairly, lawfully and kept secure. It should be kept to a minimum, be accurate and kept up-to-date and stored for the minimum period necessary, restricted only to those who need it and for the purpose it was gathered (in this case safeguarding and child protection). Additionally schools will need to review any historic data collected and destroy any information which is no longer required. This does not extend to records which contain information about allegations of sexual abuse or other such safeguarding concerns which schools have an obligation to preserve in line with the requirements of the inquiry into child sexual exploitation, and other child protection requirements.

Personal data, including any details of an individual's criminal record, should not be held without consent from the individual. In instances where an individual does not consent to their personal data being held, schools should only record the date the declaration was made, details of any additional safeguarding restrictions, and whether or not an Ofsted waiver has been granted.

Guidance on data protection issues for employers carrying out criminal records checks is available on [the ICO website](#) including:

- employment practices code of practice
- employment practice code supplementary guidance

Schools may choose to keep details of their checks as part of the single central record, or they may retain a separate record. Ofsted and the Independent School Inspectorates will check this as part of their routine school inspection process. These inspections do not extend to assessing compliance with GDPR and the Data Protection Act 2018.

Schools must ensure that their procedures make the requirements of the legislation clear and should explain to new and existing staff working in relevant childcare that they should inform the school if their circumstances change. Schools that choose to add information pertaining to disqualification into their policies should alert all staff to the addition, for example via a staff bulletin or an email.

Where schools, receive information and are satisfied that an individual working in a relevant setting falls within one of the disqualification criteria in the 2018 regulations they must inform the individual of this and explain the implications of disqualification to them, including whether they can apply to Ofsted for a waiver of disqualification (for example, Ofsted cannot grant a waiver to an individual who is on the Children's Barred List) and make clear what information the individual will need to share with Ofsted and why. When communicating these matters to a staff member schools should consider taking advice from their HR provider, designated officer, safeguarding lead officer or adviser.

Schools should explain to the individual that details about how to make an application for a waiver, and a copy of the form, can be found in the [Ofsted fact sheet: Applying to waive disqualification: early years and childcare providers](#). Ofsted will need the individual to complete the waiver application accurately and fully and will need information about the individual.

This should include, where this information is available or known:

- details of any order, determination, caution, conviction, or other ground for disqualification from registration under the 2018 regulations
- the date of the order, determination, caution, conviction, or the date when the other ground for disqualification arose
- the body or court which made the order, determination, caution or conviction, and the sentence/disposal (if any) imposed
- a certified copy of the relevant order (in relation to an order, caution or conviction) - schools should not request DBS certificates from third parties, or copies of a person's criminal record obtained directly from the police, prison service, probation service or courts, as this would be considered an enforced subject access request, which is a criminal offence

A school must not continue to employ an individual who is disqualified in connection with early or later years' childcare provision, nor should a disqualified individual provide or be directly concerned in the management of such provision unless they have received a waiver from Ofsted, which covers the role that they wish to undertake. This does not imply that individuals are prevented from working in a school in any other setting.

Appendix 6

Oxspring Flow Chart- How Staff Will Report Concerns and Leadership Follow Up Actions

