



# Safeguarding and Child Protection Policy

(Whole School – including EYFS and Boarding)

Policy author: Vanessa Coatz, Designated Safeguarding Lead

Governor with lead responsibility: Rathini Ratnavel

Policy review date: January 2023

Authorised by: E. Newton Date: 09/02/23

(Eddy Newton, Head)

Ratified by: \_\_\_\_\_ Date: \_\_\_\_\_

(Simon Hodson, Chair of Governors, on behalf of the Board of Governors)

*(amendments approved by Eddy Newton, awaiting ratification at Governors Board Meeting on 17/03/2023)*

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## **Key Contact Personnel in School**

Designated Safeguarding Lead:

Vanessa Coatz (Deputy Head)

EYFS Safeguarding:

Rebecca Reid (Head of Pre-Prep)

Deputy Designated Safeguarding Lead(s):

Rebecca Reid (Head of Pre-Prep)

Named Safeguarding Governor:

Rathini Ratnavel

This is a core policy that forms part of the induction for all staff. It is a requirement that all members of staff (full-time, part-time, paid or voluntary) have access to this policy and sign to say they have read and understood its contents.

Date Reviewed: (January 2023)

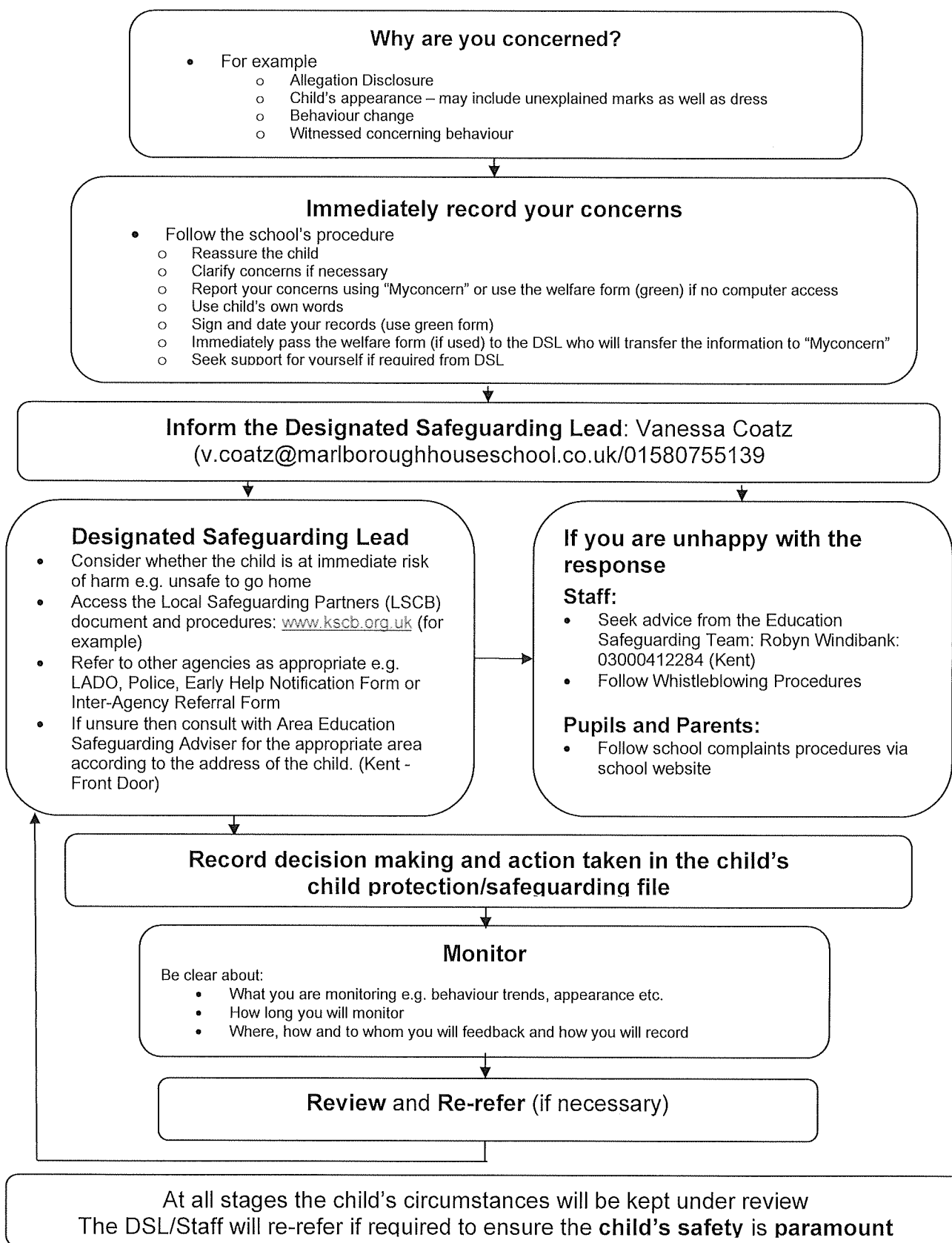
Date of next review: (September 2023)

This policy will be reviewed at least annually and/or following any updates to national and local guidance and procedures.

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## What to do if you have a welfare concern in Marlborough House School



## 1. Introduction and Ethos

- Marlborough House School (MHS) is a community and all those directly connected (staff, governors, parents, families and pupils) have an essential role to play in making it safe and secure. At MHS we recognise our moral and statutory responsibility to safeguard and promote the welfare of all children with their best interests at the centre of our work.
- MHS recognises the importance of providing an ethos and environment within school that will help children to feel safe, secure and respected; encourage them to talk openly; and enable them to feel confident that they will be listened to. We are alert to the signs of abuse and neglect and follow our procedures to ensure that children receive effective support, protection and justice.
- Our School core safeguarding principles are:
  - That schools are an important part of the wider safeguarding system for children.
  - It is a whole school responsibility to safeguard and promote the welfare of children as its paramount concern
  - All children (defined as those up to the age of 18) regardless of age, gender, ability, culture, race, language, religion or sexual identity, have equal rights to protection
  - All children have a right to be heard and to have their wishes and feelings taken into account
  - All staff understand safe professional practice and adhere to our Staff Behaviour policy and other associated policies
  - All staff have a responsibility to recognise vulnerability in children and act on any concern in accordance with this guidance
- There are four main elements to our safeguarding policy
  - **Prevention** (e.g. positive, supportive, safe school culture, curriculum and pastoral opportunities for children, safer recruitment procedures);
  - **Protection** (by following the agreed procedures, ensuring all staff are trained and supported to respond appropriately and sensitively to safeguarding concerns);
  - **Support** (for all pupils, parents and staff, and where appropriate specific intervention for those who may be at risk of harm);
  - **Working with parents and other agencies** (to ensure appropriate communications and actions are undertaken).
- The procedures contained in this policy apply to all staff (including temporary staff and volunteers) and governors and are consistent with those of Kent Safeguarding Children Board (KSCB).

## 2. Context

- This policy has been developed in accordance with the principles established by the Children Acts 1989 and 2004 and related guidance. This includes:
  - DfE guidance Keeping Children Safe in Education 2022(KCSIE)
  - Education Act 2011
  - Working Together to Safeguard Children 2018 (WTSC)
  - The Education (Independent School Standards) Regulations 2014
  - Non-association independent school inspection handbook 2019
  - Ofsted guidance 'Inspecting safeguarding ' (2019)

- What to do if you are worried a child is being abused (2015)
- DfE guidance Teaching Online Safety in School (2019)
- Teaching about Relationships, Sex and Health (2021)
- Framework for the Assessment of Children in Need and their Families (2000)
- Kent and Medway Safeguarding Children Procedures (Online <https://www.proceduresonline.com/kentandmedway/chapters/contents.html> Updated 2020)
- Early years foundation stage (EYFS) statutory framework 2021
- Inspecting safeguarding in early years, education and skills 2021
- DfE guidance Child Sexual Exploitation 2017
- HM Gov Multi-Agency guidance on Female Genital Mutilation (2020)
- Sexual Violence and Sexual Harassment Between Children in Schools and Colleges (SVSH) 2021
- 
- Section 175 of the Education Act 2011 requires school governing bodies, local education authorities and further education institutions to make arrangements to safeguard and promote the welfare of all children who are pupils at a school, or who are students under 18 years of age. Such arrangements will have to have regard to any guidance issued by the Secretary of State.

### 3. Definition of Safeguarding

- “Safeguarding is not just about protecting children from deliberate harm. It includes a wide range of issues relating to pupil’s welfare, health and safety.” (Inspecting safeguarding in early years, education and skills, 2021).
- All safeguarding policies will be reviewed on an annual (minimum) basis by the Governing Body which has responsibility for oversight of school safeguarding and child protection systems. The Designated Safeguarding Lead will ensure regular reporting on safeguarding activity and systems in school to the Governing Body. The Governing Body will not receive details of individual pupil situations or identifying features of families as part of their oversight responsibility.
- The school acknowledges that this policy will incorporate a range of specific safeguarding issues including (but not limited to):
  - Bullying (including cyberbullying)
  - Child-on-Child abuse (Peer-on-Peer)
  - Children Missing Education (CME)
  - Child missing from home or care
  - Child Sexual Exploitation (CSE)
  - Child Criminal Exploitation (CCE)
  - Domestic Abuse
  - Drugs and alcohol misuse
  - Fabricated or induced illness
  - Faith abuse
  - Female Genital Mutilation (FGM)
  - Forced marriage
  - Gangs and youth violence
  - Gender based abuse and violence against women and girls
  - Hate
  - So called Honour based abuse
  - Mental health

- Missing children and adults
- Online safety
- Prevent duty (radicalisation and extremism)
- Private fostering
- Relationship abuse
- Human trafficking and modern slavery
- Sharing nude and semi-nude images (sexting/youth produced sexual imagery)

(Also see Annex B within 'Keeping children safe in education' 2022, and Appendix 2

- Every member of staff at MHS recognises that children experiencing specific safeguarding issues identified above are no different to safeguarding against any other vulnerability or concern and will be approached and responded to in the same way as protecting children from any other risks.

## 4. Contextual Safeguarding

As part of our understanding of the context of the child's life MHS assesses the wider environmental factors that are present in the child's life and that are a threat to their safety and/or welfare and we recognise that these dangers may exist outside of the home and must be considered as part of contextual safeguarding. We recognise that children may be vulnerable to multiple harms including (but not limited to) sexual exploitation, criminal exploitation, and serious youth violence. We also recognise that a child's 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. With this in mind, we ensure that as much information as possible is provided as part of the referral process.

## 5. Definition of a Child in Need

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

## 6. Related Safeguarding Policies

We are aware that safeguarding is fundamental to the welfare of all children in our care. This policy is therefore one of a series in the school's integrated safeguarding portfolio and should be read in conjunction with the policies as listed below:

- Behaviour and Discipline (including Physical Intervention)
- IT Acceptable Use
- Social Media
- Anti-Bullying
- Data Protection
- GDPR Privacy Notice
- Personal and Intimate Care
- Health and Safety
- Risk Assessments
- Educational Visits
- Medication
- First Aid

- Managing Allegations Against Staff Whistleblowing (appendix 7)
- Staff Behaviour policy (part of the Staff Handbook)
- Recruitment

### **Supporting Guidance (to be read and followed alongside this document)**

- Teachers Standards 2011, updated 2021
- "Safeguarding Disabled Children – Practice Guidance" - DOH, 2009
- "Guidance for Safer Working Practice for Adults who Work with Children and Young People in Education Settings" - Safer Recruitment Consortium, May 2019
- "What to do if you are worried a child is being abused" – DfE, March 2015
- KELS! Safer Professional Practice with Technology September 2016
- Kelsi Safeguarding Children and Child Protection – CP-Induction-Leaflet-Schools
- Kelsi Guidelines for "Safeguarding Record Keeping in Schools"
- Kelsi Advice notes - "Dealing with Disclosures in School"
- Statutory framework for the early years foundation stage 2017 Welfare Requirements

These documents can be found on our intranet under *shared staff/Child Protection/Supporting Guidance*.

## **7. Key Responsibilities**

- Everyone who comes into contact with children and their families has a role to play in safeguarding children. Schools and colleges form part of the wider safeguarding system for children.
- The Governing Body have read and will follow KCSIE 2022.
- The school has a nominated governor for safeguarding named on the front of this document. The nominated governor will take the lead role in ensuring that the school has an effective policy which interlinks with other related policies; that locally agreed procedures are in place and being followed; and that the policy and structures supporting safeguarding children are reviewed at least annually.
- The Governing Body, Head and Senior Leadership Team (SLT) will ensure that the DSL is properly supported in this role at a time and resource level.

### **7.1 Designated Safeguarding Lead (DSL)**

- The school has appointed a member of the Senior Leadership Team, Vanessa Coatz (Deputy Head) as the Designated Safeguarding Lead (DSL). The DSL has the overall responsibility for the day-to-day oversight of safeguarding and child protection systems in school, including EYFS
- See Appendix 6 – DSL Job Description and [Annex C: Role of the designated safeguarding lead \(keepingchildrensafeineducation.co.uk\)](#) for further details
- The DSL and the Deputy DSL are most likely to have the complete safeguarding picture.
- The DSL will undergo appropriate and specific training to provide them with the knowledge and skills required to carry out their role. This training will be meet the standards as required by the Kent Safeguarding Children Board. The DSL's training will be updated formally every two years but their knowledge and skills will be

updated through a variety of methods including conferences, local Kent refresher training and e-Bulletins at regular intervals, at least annually, to keep up with any developments relevant to their role.

- The school has appointed additional staff to deputise for the DSL (Rebecca Reid, Head of Pre-Prep). The Deputy DSL has attended appropriate training which enables them to fulfil this role. Whilst the activities of the Designated Safeguarding Lead may be delegated to the deputy, the ultimate lead responsibility for safeguarding and child protection remains with the Designated Safeguarding Lead and this responsibility will not be delegated.
- **It is the role of the DSL to:**
  - Act as the central contact point for all staff to discuss any safeguarding concerns
  - Maintain a confidential recording system for safeguarding and child protection concerns
  - Coordinate safeguarding action for individual children
  - Liaise with other agencies and professionals in line with Working Together to Safeguard Children
  - Ensure that locally established procedures are followed and make referrals to other agencies, including Early Help and Specialist Children's Services (SCS) as necessary
  - Represent, or ensure the school is appropriately represented at inter-agency safeguarding meetings (including Child Protection conferences)
  - Manage and monitor the school's part in Early Help / Child in Need / Child Protection plans
  - Be available during term time (during school hours) for staff in the school to discuss any safeguarding concerns
  - Ensure all staff access appropriate safeguarding training and relevant updates in line with the recommendations within KCSIE 2022. This will include training in all aspects of safeguarding children and The Behaviour and Discipline Policy and clear identification of the DSL/Deputy DSL/Governor for Safeguarding and Child Protection
- Further details about the role of the DSL can be found in 'Keeping Children Safe in Education' 2022, Annex C.

## 7.2 Members of Staff

- **ALL members of staff have a responsibility to:**
  - provide a safe environment in which children can learn
  - ensure all children are able to develop appropriate strategies to recognise and respond to risk and build resilience
  - identify and recognise children who may be in need of early help.
  - Support any child that raises a concern by reassuring the victim and show that they are being taken seriously. All staff should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful. For example, children may feel embarrassed, humiliated, or being threatened, this could be due to their vulnerability, disability and/or sexual orientation or language barriers. This should not prevent staff from having a professional curiosity and speaking to the DSL if they have concerns about a child.
  - support the mental health of children and recognise the link this might have to safeguarding issues. **Staff must inform the DSL who will take the lead to:** provide help for children, where appropriate and reasonable
  - take appropriate action to prevent safeguarding concerns escalating and work with other services as needed
  - safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties

- be aware of and take appropriate action to raise concerns regarding poor or unsafe practice or potential failures in the school safeguarding regime (this may include accessing the school whistleblowing procedure - see Appendix 7)
  - maintain an attitude of 'it could happen here' where safeguarding is concerned and to always act in the best interests of the child
  - respond to and refer any concerns about children or other members of the community in accordance with this policy
  - Contribute towards, read and adhere to the school policies
- All members of staff in MHS know what to do if a child tells them he/she is being abused or neglected. Members of staff know to maintain an appropriate level of confidentiality, only involving relevant staff, whilst at the same time liaising with relevant professionals such as the DSL and other agencies as appropriate. Members of staff know they must never promise a child that they will not tell anyone about a concern or allegation as this may ultimately not be in the best interests of the child. See Appendix 3 for advice for staff on responding to safeguarding concerns.
- **EARLY HELP**
    - ALL STAFF must identify and recognise children who may be in need of early help.
    - Any child may benefit from EARLY HELP, but ALL staff should be particularly alert to the potential need for early help for a child who:
      - is disabled and has specific additional needs;
      - has a mental health need
      - has special educational needs (whether or not they have a statutory education, health and care plan);
      - is a young carer;
      - is frequently missing/goes missing from care or home;
      - is misusing drugs or alcohol;
      - is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse;
      - has returned home to their family from care or are suffering, or are likely to suffer significant harm.

**Staff must inform the DSL who will take the lead.**

Staff may be required to support other agencies and professionals in an early help assessment, in some cases acting as the lead professional. Any such cases should be kept under constant review and consideration given to a referral to children's social care for assessment for statutory services if the child's situation does not appear to be improving or is getting worse.

- **The welfare and safety of children are the responsibility of all staff in school and ANY concern for a pupil's welfare MUST always be reported to the Designated Safeguarding Lead and acted upon IMMEDIATELY.**

### **7.3 Children and Young People**

- **Children and young people (pupils) have a responsibility to:**
  - Contribute to the development of school safeguarding policies
  - Read and adhere to (at a level appropriate to their age and ability) the schools safeguarding policies and procedures
  - Seek help from a trusted adult if things go wrong, and support others that may be experiencing safeguarding concerns

- Develop and take responsibility (at a level that is appropriate to their individual age, ability and vulnerabilities) for keeping themselves and others safe, including online

#### 7.4 Parents and Carers

- **Parents/carers have a responsibility to:**
  - Read the relevant school/policies and procures, encouraging their children to adhere to them, and adhering to them themselves where appropriate
  - Discuss safeguarding issues with their children, support the school in their safeguarding approaches, and reinforce appropriate safe behaviours at home
  - Identify changes in behaviour which could indicate that their child is at risk of harm online
  - Seek help and support from the school, or other appropriate agencies, if they or their child encounters any safeguarding concern
  - Contribute to the development of the school's safeguarding policies
- A statement on the school website informs parents and carers about our school's duties and responsibilities under child protection and safeguarding procedures.
- Parents can obtain a copy of the school Safeguarding and Child Protection Policy and other related policies on request and can view them via the school website <http://www.marlbroughhouseschool.co.uk>.

### 8. Recognition and Types of Abuse and Neglect

- All staff in school should be aware of the definitions and signs and symptoms of abuse. There are four categories of abuse:
  - Physical abuse
  - Sexual abuse
  - Emotional abuse
  - Neglect
- The most up to date definitions and possible indicators and signs of abuse are found in Appendix 1, Categories of Abuse and Appendix 2, Specific Safeguarding Issues. Staff should also refer to Part 1 and Annex A within 'Keeping children safe in education' 2022 and 'What to do if you are worried a child is being abused' 2015.
- All members of staff are aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label; in most cases multiple issues will overlap with one another.
- Members of staff are aware that child welfare concerns may arise in many different contexts and can vary greatly in terms of their nature and seriousness. For example, children may be abused in a family, in an institutional or community setting, by those known to them or by a stranger. They may be abused by an adult or adults, or another child or children. Children may be abused via the internet by their peers, family members or by unknown or in some cases unidentifiable individuals. In the case of so-called honour-based abuse, including forced marriage and female genital mutilation, children may be taken out of the country to be abused. An abused child may often experience more than one type of abuse, as well as other difficulties in their lives.
- Abuse and neglect can happen over a period of time but can also be a one-off event. This can have major long-term impacts on all aspects of a child's health, development and well-being.

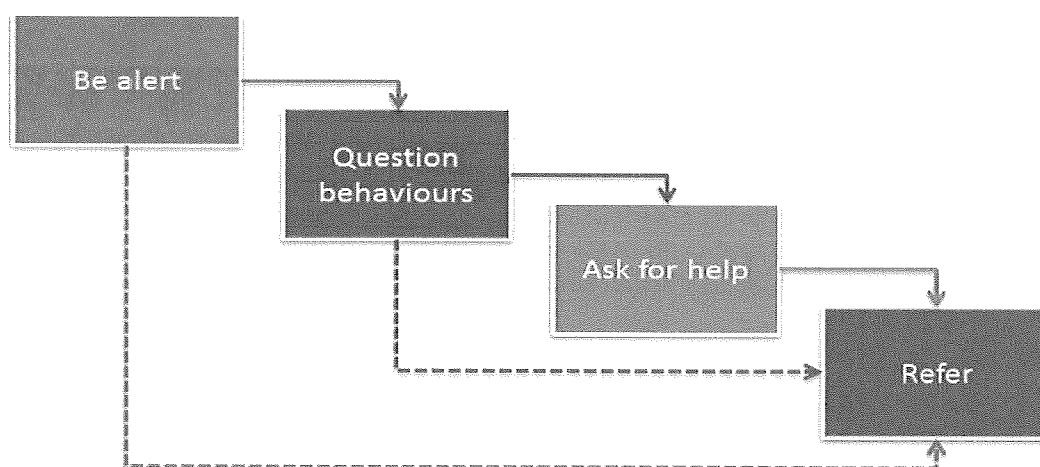
- The warning signs and symptoms of child abuse and neglect can vary from child to child. Children also develop and mature at different rates, so what appears to be worrying behaviour for a younger child might be normal for an older child. Parental behaviors' may also indicate child abuse or neglect, so staff should also be alert to parent-child interactions or concerning parental behaviors; this could include parents who are under the influence of drugs or alcohol or if there is a sudden change in their mental health.
- All members of staff must include the child's mental health as a possible warning sign and symptom of child abuse and neglect. Staff must recognise that this can make a child vulnerable to abuse and be alert to any changes.
- By understanding the warning signs, we can respond to problems as early as possible and provide the right support and services for the child and their family. It is important to recognise that a warning sign does not automatically mean a child is being abused.

## 9. Safeguarding and Child Protection Procedures

- MHS adheres to the KSCB Safeguarding Children Procedures. The full KSCB procedures and additional guidance relating to specific safeguarding issues can be found on the KSCB website [www.kscb.org.uk](http://www.kscb.org.uk)
- Additional guidance for staff includes
  - **'What to do if you are Worried About a Child Being Abused' (2015)**
  - **Information Sharing advice for safeguarding practitioners (2018)**
  - **Kent and Medway Inter-Agency Threshold Criteria for Children in Need**
  - **Framework for the Assessment of Children in Need and their Families (2000)**

These documents can be found on the intranet in Shared Staff/Child Protection/Supporting Guidance and in a file in the staffroom.

- 'What to do if you are worried about a child being abused' (2015) p.12 identifies that there are four key steps for professionals to follow to help identify and respond appropriately to possible abuse and/or neglect.
- All members of staff are expected to be aware of and follow this approach:



- It may not always be appropriate to go through all four stages sequentially and if a child is in immediate danger or is at risk of harm, a referral should be made immediately to children's social care and/or the police.
- **The role of the school in situations where there are child protection concerns is NOT to investigate but to recognise and refer.**
- Wherever possible, there should be a conversation with the DSL (or Deputy) who will help staff decide what to do next.

Options include:

- managing any support for the child internally via the school or college's own pastoral support processes;
- an early help assessment; or
- a referral for statutory services, for example as the child is in need or suffering or likely to suffer harm.
- It is the responsibility of the DSL to receive and collate information regarding individual children, to make immediate and on-going assessments of potential risk and to decide actions necessary (with parents / carers in most cases). This includes the need to make referrals to partner agencies and services.
  - To help with this decision s/he may choose to consult with the Area Education Safeguarding Adviser from the Education Safeguarding Team and/or the Education Safeguarding Adviser (Online Protection) for online safety concerns.
  - Issues discussed during consultations may include the urgency and gravity of the concerns for a child or young person and the extent to which parents/carers are made aware of these.
- All members of staff are made aware of the Early Help process and understand their role within it. This includes identifying emerging problems, reporting to the DSL, sharing information with other professionals to support early identification and assessment.
- If Early Help is assessed to be appropriate, then the DSL will lead the family in liaising with other agencies and submitting an Early Help Notification Form. The DSL will keep all Early Help cases under constant review and will give consideration to making a referral to SCS if the situation doesn't appear to be improving for the child.  
The local authority should make a decision, within one working day of a referral being made, about the type of response that is required and should let the referrer know the outcome and the course of action it is taking.
- New referrals to services will be made using the agreed Kent process i.e. the Early Help Notification form or Inter-Agency Referral Form for referrals to SCS (The Front Door). These will be made with reference to the Kent Interagency Threshold Criteria for Children in Need (KSCB). In situations where there are felt to be urgent or grave concerns, a telephone referral will be made prior to the form being completed and sent to the Central Duty Team. Concerns for children who are already known to services will be passed to the allocated worker / team.
- All members of staff are aware of the process for making referrals to SCS for statutory assessments under the Children Act 1989 that may follow a referral, along with the role they might be expected to play in such assessments.
- **In all but the most exceptional circumstances, parents /carers will be made aware of the concerns for their child at the earliest possible stage. In the event of a referral to Specialist Children's Services being necessary, parents/carers will be informed. Consent will be sought unless there is a valid reason not to**

do so; for example, if to do so would put a child at risk of harm and/or would undermine a criminal investigation.

- If in exceptional circumstances, the designated safeguarding lead (or deputy) is not available, this should not delay appropriate action being taken.
- In the absence of the availability of the DSL to discuss an immediate and urgent concern, staff can seek advice from the **Education Safeguarding Team (03000 412284)**. If anyone other than the DSL makes a referral to external services, then they will inform the DSL as soon as possible.
- On occasion, staff may pass information about a child to the DSL but remain anxious about action subsequently taken. Staff should feel able to check the progress of a case with the DSL so that they can reassure themselves the child is safe, and their welfare is being considered. If following this process, the staff member remains concerned that appropriate action is not being taken, it is the responsibility of that staff member to seek further direct consultation from either a member of the Education Safeguarding Team or Specialist Children's Services who may be able to discuss the concern and provide advice on appropriate action to be taken.
- If after a referral a child's situation does not appear to be improving, then the DSL (or the person that made the referral) will request reconsideration to ensure that the settings concerns have been addressed and, most importantly, that the child's situation improves. Professional disagreements (escalation) will be responded to in line with the KSCB procedures and DSLs may request support via the Education Safeguarding Team.

## 10. Record Keeping

- Staff are encouraged to record any welfare concerns that they have about a child on the school's software 'Myconcern'. The DSL is alerted immediately, and chronological records are kept on-line.
- Records of any discussions are recorded directly on to the software or uploaded soon after, using the child's own words. These are attributed to the member of staff and are dated.
- If any member of staff is unable to access a computer, then they may use a welfare form (green) that are kept in the staffroom on the Safeguarding and Child Protection Noticeboard which should be immediately passed to the DSL
- Safeguarding records are kept for individual children and are maintained separately from all other records relating to the child in the school. Safeguarding records are kept in accordance with the General Data Protection Regulation (GDPR) and the School's Data Protection Policy and GDPR Privacy Notice and are retained centrally and securely by the DSL.
  - Safeguarding records are shared with staff on a 'need to know' basis only. 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
- All safeguarding records will be transferred in accordance with data protection legislation to the child's subsequent school/setting, under confidential and separate cover. These will be given to the new school's DSL and a receipt of delivery will be obtained. These records will be sent electronically via 'Myconcern' where possible.
- Detailed guidance on Record Keeping is found in a separate document "Guidelines for Safeguarding Record Keeping in Schools".

All Staff **WILL** familiarise themselves with the responsibilities as outlined in this document.

[www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-](http://www.kelsi.org.uk/support-for-children-and-young-people/child-protection-and-)

[safeguarding/safeguarding-policies-and-guidance](#) as part of their induction. These documents can be found on the intranet in Shared Staff/Child Protection/Supporting Guidance.

- The Head will be kept informed of any significant issues by the DSL.

## **11. Multi - agency Working**

- MHS recognises and is committed to its responsibility to work with other professionals and agencies in line with statutory guidance (WTSC), both to ensure children's needs are met and to protect them from harm. All staff will endeavour to identify those children and families who may benefit from the intervention and support of external professionals and will seek to enable referrals, in discussion with parents/carers as appropriate.
- Schools are not the investigating agency when there are child protection concerns and the school will therefore pass all relevant cases to the statutory agencies. We will however contribute to the investigation and assessment processes as required and recognise that a crucial part of this may be in supporting the child while these take place.
- If it is necessary for a pupil to be interviewed by the police in relation to allegations of abuse, the School will ensure that, subject to the advice of the LSCE (Kent Safeguarding Children Multi-Agency Partnership) parents are informed as soon as possible and that the pupils involved are supported during the interview by an appropriate adult and until the investigation is completed. Confidentiality will be an important consideration for the School and advice will be sought as necessary from the LSCE and/ or the police as appropriate]. The School will have regard to the procedures set out in *KCSIE* and the Sexual Violence and Sexual Harassment (SVSH) at all times. See [Working with others Statutory guidance PACE Code C 2019 – Appropriate adult](#) for further details.
- MHS recognises the importance of multi-agency working and will ensure that staff are enabled to attend relevant safeguarding meetings, including Child Protection Conferences, Core Groups, Strategy Meetings, Child in Need meetings and Early Help meetings.
- The Senior Leadership Team and DSL will work to establish strong and co-operative relationships with relevant professionals in other agencies.

## **12. Confidentiality and Information Sharing**

- MHS recognises that all matters relating to child protection are confidential. The DSL will only disclose information about a pupil to other members of staff on a 'need to know' basis.
- All members of staff must be aware that whilst they have duties to keep any information about children, families and colleagues which they have access to as a result of their role confidential, they also have a professional responsibility to share information with other agencies in order to safeguard children.
- All staff must be aware that they cannot promise a child to keep secrets which might compromise the child's safety or wellbeing. Further advice on responding to disclosures can be found in Appendix 3.
- DfE Guidance on Information Sharing provides further detail. A copy of this can be found in Shared staff/Child Protection/Documentation.

- If the school is made aware of any safeguarding concerns which they feel need to be shared with the wider community (including other local schools) then advice will be sought from the Education Safeguarding team to ensure that the integrity of any subsequent investigations is maintained and that all members of the community are safeguarded.
- All information sharing should reflect Working Together to Safeguard Children, and GDPR requirements.
- The DSL should ensure a pupil's child protection file is transferred to their new school should they move on and ensure that this is done securely.

### 13. Complaints

- The school has a **Complaints Policy** available to parents who wish to report concerns. This can be found in Shared Staff/Policies and on the website.
- All reported concerns will be taken seriously and considered within the relevant and appropriate process. Anything that constitutes an allegation against a member of staff or volunteer will be dealt with under the specific **Managing Allegations Against Staff Whistleblowing procedure**. (See appendix 7).

### 14. Staff Induction, Awareness and Training

All members of staff and Governors have been provided with a copy of part one of the *"Keeping Children Safe in Education"* (2022) which covers Safeguarding information. School leaders will read the entire document. School leaders and all members of staff who work directly with children will access part One within Keeping Children Safe in Education 2022. All staff receive in-school training to ensure full understanding of any KCSIE updates and new staff are required to complete a questionnaire to ensure that they have read and understood the relevant parts of KCSIE 2022.

- The DSL will ensure that all new staff and volunteers (including temporary and supply staff) are appropriately inducted as regards the school's internal safeguarding procedures, Staff Behavior policy, Behavior and Discipline Policy, CME and identification of DSL/Deputy DSL/Governor Responsible for Safeguarding.
- All staff members (including temporary and supply staff) will receive appropriate and clear safeguarding and child protection training (organised by the DSL) which will enable them to:
  - **Recognise** potential safeguarding and child protection concerns involving pupils and adults (colleagues, other professionals and parents/carers)
  - **Respond** appropriately to safeguarding issues and take action in line with this policy
  - **Record** concerns in line with the school policies
  - **Refer** concerns to the DSL and be able to seek support external to the school if required
- All staff members (including temporary and supply staff) will receive appropriate training to ensure they are aware of a range of safeguarding issues (see definition of safeguarding) and are aware that behaviours linked to issues such as drug taking and or alcohol misuse, deliberately missing education and consensual and non-consensual sharing of nude and semi-nude images and/or videos can be signs that children are at risk. The staff training will also include school responsibilities, the school child protection procedures, online safety, safe working practice and external reporting mechanisms.

- All staff members (including temporary and supply staff) will receive regular safeguarding and child protection updates at termly staff meetings and e-bulletins as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.
- All staff members (including temporary and supply staff) will also be made aware of the school's expectations regarding safe and professional practice via the Staff Behaviour policy and IT Acceptable Use Policy which is provided and discussed as part of the induction process.
- The school recognises the expertise which members of staff build by undertaking safeguarding training and managing safeguarding concerns on a daily basis. Opportunity is therefore provided for all staff to contribute to and shape safeguarding arrangements and the safeguarding policy through reviewing policy as part of our INSET days (alongside other whole school policies). Other safeguarding policies, for example the school Staff Behaviour policy and IT Acceptable Use Policy, are also sent to staff and they have the opportunity to consider and discuss the contents with the DSL.
- The DSL and Head will provide an annual report to the Governing Body detailing safeguarding training undertaken by all staff and will maintain up to date registers of who has been trained.
- Although the school has a nominated safeguarding lead for the governing body (Rathini Ratnavel), all members of the governing body will access appropriate safeguarding training (including online) which covers their specific strategic responsibilities to ensure that the safeguarding policies and procedures in place in the school are effective and support the delivery of a robust whole school approach to safeguarding. Their training will be updated on a regular basis.
- The Governing Body, the Head and the DSL will be aware of their obligations under the Human Rights Act 1998 (HRA), the Equality Act 2010, and their local multi-agency safeguarding arrangements. Under the Human Rights Act 1998, it is unlawful for the School to act in a way that is incompatible with the European Convention on Human Rights (ECHR) Convention. Being subjected to harassment, violence and or abuse, including that of a sexual nature, may breach conventions set out in the European Convention on Human Rights Convention.

## 15. Safe Working Practice

- All members of staff are required to work within clear guidelines as stated in the school's Staff Behaviour policy (in the Staff Handbook).
- Children may make allegations against staff in situations where they feel vulnerable or where they perceive there to be a possible risk to their welfare. As such, all staff should take care not to place themselves in a vulnerable position regarding child protection or potential allegations. For example, it is always advisable for interviews or work with individual children or parents to be conducted in view of other adults or with an open door.
- Physical intervention should only be used when the child is endangering him/herself or others and such events should be recorded and signed by a witness and the parent. Staff should be aware of the school's policy on Physical Contact with Pupils and the use of Reasonable Force (Behaviour and Discipline Policy Section 11) any physical interventions must be in line with agreed policy and procedure.
- There are circumstances when it is appropriate for staff to use reasonable force and this is based on the KCSIE 2022 advice for schools.
- It is recognised that children with SEN or disabilities need a proactive approach and a clear use of the behaviour policy to minimise the need for force.
- Staff should be particularly aware of the professional risks associated with the use of social media and electronic communication (email, mobile phones, texting, social network sites etc.) and should familiarise

themselves with advice and professional expectations outlined in **Guidance for Safer Working Practice for Adults who Work with Children and Young People in Education Settings**, the **IT Acceptable Use Policy** and **Safe Practice with Technology – Guidance for Adults who Work with Children and Young People**. Further copies can be found in Shared staff/Child Protection/Supporting Guidance and in the staffroom file.

## **16. Staff Supervision and Support**

- Any member of staff affected by issues arising from concerns for children's welfare or safety can seek support from the DSL.
- All new staff including newly qualified teachers and support staff will receive induction training and have a mentor or co-ordinator with whom they can discuss concerns including safeguarding concerns.
- The induction process will include familiarisation with child protection responsibilities and procedures to be followed if members of staff have any concerns about a child's safety or welfare.
- The school will provide appropriate supervision and support for all members of staff to ensure that:
  - All staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children
  - Staff are able to create an environment where members of staff feel able to raise concerns and feel supported in their safeguarding role
  - All members of staff have regular reviews of their own practice to ensure they improve over time.
  - Safeguarding questions are included within appraisals for all staff
- The DSL will also put staff in touch with outside agencies for professional support if they so wish. Staff can also approach organisations such as their Union, the Education Support Partnership or other similar organisations directly. Further information about a range of supporting organisations can be found in Appendix 4.
- The school will ensure that members of staff who are working within the foundation stage are provided with appropriate supervision in accordance with the statutory requirements of Early Years Foundation Stage (EYFS).

## **17. Safer Recruitment**

- MHS is committed to developing a safe culture and ensures that all steps are taken to recruit staff and volunteers who are safe to work with the pupils. The welfare and protection of the pupils is the school's highest priority, and all applicants will undergo the required regulatory pre-employment checks prior to appointment. All practice supports the KCSIE 2022 guidance, Part 4 of the ISI Commentary on the Regulatory Requirements, and the Disclosure and Barring Service (DBS) Code of Practice.
- The Governing Body and Senior Leadership Team are responsible for ensuring that the school follows safe recruitment processes outlined within guidance, including an application, vetting, recruitment and induction process which places safeguarding at its centre, regardless of employee or voluntary role.
- MHS is responsible for ensuring that the school maintains an accurate Single Central Record (SCR). The SCR is a list of all current staff, volunteers in regulated activity and Governors and holds appropriate recruitment information including but not limited to:

- Name and role;
  - Dates of recruitment;
  - References;
  - Identity checks;
  - Criminal records checks including DBS certificate number and issue date, and the date the check was completed;
  - Barred list check;
  - Prohibition order check;
  - Disqualification from childcare checks;
  - Eligibility to work in the UK checks;
  - Overseas checks;
  - Proof of qualifications.
- The Governing Body will ensure that the Head, other senior staff responsible for recruitment and one member of the Governing Body complete accredited Safer Recruitment Training in line with government requirements. At least one member of any interview panel will be Safer Recruitment trained.
  - During the recruitment and interview process visitors will be supervised and escorted at all times when in school.
  - We are also committed to supporting the statutory guidance from the Department for Education on the application of the Childcare (Disqualification) Regulations and related obligations under the Childcare Act 2006 (July 2018) in schools. Schools and local authorities must have regard to it when carrying out their duties to safeguard and promote the welfare of children under the Education Act 2011, Part 4 of The Independent School Standards Guidance for independent schools April 2019, and parts 4,5 and 6 of the Schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2015.
  - We advise all staff to disclose any reason that may affect their suitability to work with children including convictions, cautions, court orders, reprimands and warnings in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).
  - For detailed information on the MHS safer recruitment practice, please refer to the School's Recruitment Policy and Procedure documents which can be found in shared staff/policies.

## **18. Safeguarding concerns and allegations made about staff, including supply teachers, volunteers and contractors**

- MHS recognises that it is possible for staff, volunteers, supply teachers and contractors to behave in a way that may cause harm to children and takes seriously any allegation, including low-level concerns received.
- Allegations that may meet the harm threshold include:
  - behaving in a way that has harmed a child, or may have harmed a child and/or;
  - committing a criminal offence against or related to a child and/or;
  - behaving towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
  - behaving or may have behaved in a way that indicates they may not be suitable to work with children.

Such allegations should be referred immediately to the Head who will first contact the Local Authority Designated Officer (LADO) to agree further action to be taken in respect of the child and staff member. In the event of

allegations of abuse being made against the Head then staff are advised that allegations should be reported directly to the Chair of Governors who will also liaise with the LADO. The welfare of the child will be paramount during this process and the alleged person will be investigated and supported throughout. Reference will be made to the requirements as laid out in KCSIE 2022.

Concerns and or allegations that do not meet the harm threshold include but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
- humiliating pupils.

Such allegations are not insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ - that an adult working in or on behalf of the school or college 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 harm threshold or is otherwise not serious enough to consider a referral to the LADO.
- All staff and volunteers should feel able to raise concerns about poor or unsafe practice and such concerns will always be taken seriously by the Senior Leadership Team. Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. Guidance on how staff should raise any safeguarding concerns is covered in the School’s Staff Behaviour Policy which can be found in the Staff Handbook.
- All members of staff are made aware of the school’s Whistle-blowing procedure (see Appendix 7) and that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk. Members of Staff can also access the NSPCC whistleblowing helpline if they do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 (8:00 AM to 8:00 PM Monday to Friday) or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)
- Any allegations regarding visiting supply staff will be dealt with immediately, in line with School Policy. The Agency will be informed of any actions taken by the school.
- MHS has a legal duty to refer to the Disclosure and Barring Service (DBS) anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left. The DBS will consider whether to bar the person. If these circumstances arise in relation to a member of staff at our school, a referral will be made as soon as possible after the resignation or removal of the individual in accordance with advice from the LADO and/or Schools Personnel Service.
- For specific guidance on how to respond to allegations against staff, please refer to the **Managing Allegations Against Staff Whistleblowing procedure** (see Appendix 7)
- For specific guidance on how to handle allegations of non-recent abuse (also known as historical abuse) against any adult who worked for the school at the time of the alleged abuse, please refer to **Appendix 8: Handling Allegations of Non-Recent Abuse**

### When in doubt – consult

## 19. Child-on-Child Abuse/ Peer-on-Peer Abuse

(Allegations of abuse made against other children)

All members of staff at MHS recognise that children are capable of abusing their peers. The school is mindful that some potential issues may be affected by the gender, age, ability and culture of those involved. Reference must be made to the guidance - **Sexual violence and sexual harassment between children in schools and colleges 2021** when considering the difference between sexual violence and sexual harassment.

- Sexual violence and sexual harassment can occur between two children of any age and sex. It is important to address any inappropriate behaviour (even if it appears to be relatively innocuous) as this could help prevent problematic, abusive and/or violent behaviour in the future.
- Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.
- MHS believes that abuse is abuse and it will never be tolerated, dismissed or minimised. It will not be passed off as “banter”, “just having a laugh” “boys being boys” or “part of growing up”. Any incidents of child-on-child abuse will be managed in the same way as any other child protection concern and will follow the same procedures, as outlined in Section 7, above and in accordance with Kent Safeguarding Children Board procedures. Downplaying certain behaviours can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.
- Child-on-child abuse is most likely to include, but may not be limited to:
  - bullying (including cyberbullying, prejudice-based and discriminatory bullying)
  - abuse in intimate personal relationships between peers
  - 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)
- MHS is aware of the potential gender issues that can be prevalent when dealing with child-on-child abuse. It is recognised that it is more likely for girls to be victims and boys perpetrators, but that all child-on-child abuse is unacceptable and will be taken seriously.

- MHS also recognises the potential impact of a significant gender imbalance in the school (and Boarding House) and will implement measures to avoid any negative impact. These include:
  - Close supervision at all times
  - Open and honest dialogue that recognises the situation
  - Clear expectations given that are based on respect and safety
  - An awareness of the environment to ensure there are no vulnerable areas
  - Accessible and approachable systems to seek help/report problems
- Action is taken to avoid gender stereotyping through resources and language including unconscious bias to ensure all issues are dealt with fairly. Inclusive practices are used to ensure all pupils feel confident to share ideas and concerns. [IOP-10-inclusive-tips-for-teachers.pdf](#)
- MHS recognises that 'upskirting' is now a criminal offence. The Voyeurism Offences Act 2019 recognises upskirting as, "taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm" (DfE)
- Further information about the school's response to specific allegations of abuse against pupils can be located in the Behaviour and Discipline Policy, Anti-Bullying Policy, IT Acceptable Use Policy.
- The school recognises the risks associated with the unique nature of boarding and children sharing overnight accommodation. Strict arrangements are made to safeguard and promote the welfare of boarders while they are accommodated at school.
  - In line with the NMS for Boarding, doors are locked between the single sex dormitories.
  - All staff, and particularly those involved in the pastoral care of our boarders, are highly conscious of pupil relationships, and in particular, the potential for child-on-child abuse and are trained to recognise vulnerabilities
  - Supervision is high and vigilance around children is robust
  - Regular drop-ins to dorms by staff on duty
  - Access to member of staff on duty throughout the night
  - Head of boarding organises room allocation to guard against child-on-child issues
  - Head of Boarding is trained in Level 3 Safeguarding Procedures
  - The boarding environment supports safe behaviour including well-lit rooms, children specifically seated for films etc, no coverings (blankets) allowed on sofas, the leaving of common rooms managed by staff (eg toilets etc)
  - Boarders are reminded frequently about the importance of respecting each other's space.
  - Independent listener, as well as in-school staff, are available to speak to by boarders
  - Phone and contact numbers available for boarders at all times
- Head of Boarding and Head of Pastoral Care liaise closely to ensure that all pastoral matters/issues are known to both. Any bullying or behavioural issues between pupils who may be boarding together will be discussed and strategies implemented to ensure the safety and wellbeing of all pupils. This will impact activity groupings, dormitory arrangements and supervision requirements. Staff are trained to think curiously about and recognise the signs of children at risk of or involved with potential child on child abuse. Bullying, physical threats or abuse are not tolerated, and Boarders are encouraged to behave well and develop respectful relationships with fellow Boarders, this is reinforced through the PSHE curriculum, which responds to section 34 of the Children and Social Work Act 2017.
- Any reports of child-on-child abuse in boarding will be dealt with in line with our whole school Safeguarding and Behaviour and Discipline policies.

- The school will respond to cases of sharing nude and semi-nude images in line with the Governments Sharing nudes and semi-nudes: advice for education settings working with children and young people guidance 2020 and KSCB guidance.
- The school will take steps to minimise the risk of all forms of child-on-child abuse. We will ensure that appropriate curriculum time is dedicated to enable children to develop an awareness and understanding of abusive behaviour and to ensure that children recognise warning signs and are aware of support both within the school and externally (such as Kent Police, ChildLine etc.). Consent and appropriate, respectful behaviour is directly taught in our RSE programme.
- It is key to note, sexual relationships (or any kind of sexual behaviour between pupils) are not permitted at the school and would be considered a serious breach of our behaviour and discipline policy, and may lead to an exclusion from the school. This is made clear to boarders (age-appropriate) as part of their induction. Any report of sexual violence or sexual harassment will be taken seriously and will be dealt with appropriately.
- All staff are aware that even if there are no reports of child-on-child abuse in school, this doesn't mean it is not happening and must be willing to act on third party concerns, overheard conversations or a change in a child's behaviour.
  - Further information can be found in the PSHEE Policy, IT Acceptable Use Policy, Anti-Bullying Policy.
- Pupils who have experienced child-on-child abuse will be supported by:
  - Being offered an immediate opportunity to discuss the experience with a member of staff of their choice
  - Being advised to keep a record of concerns as evidence and discussions regarding how to respond to concerns and build resilience, if appropriate
  - Being provided with reassurance and continuous support
  - Working with the wider community and local/national organisations to provide further or specialist advice and guidance
- Pupils who are alleged to have abused other pupils will be helped by:
  - Discussing what happened, establishing the specific concern and the need for behaviour to change
  - Informing parents/carers to help change the attitude and behaviour of the child
  - Providing appropriate education and support
  - Sanctioning them in line with school behaviour/discipline policy. This may include official warnings, detentions, removal of privileges (including denial of online access), fixed-term and permanent exclusions.
  - Speaking with police or other local services (such as early help or children's specialist services) as appropriate
- MHS is aware of and will follow the KSCB procedures ([www.kscb.org.uk](http://www.kscb.org.uk)) for supporting children who are at risk of harm as a result of their own behaviour.
- MHS recognises that sexual harassment, sexual violence, and harmful sexual behaviour can occur both face to face and online and are committed to preventing such abuse where possible through education and supervision and the encouragement of open dialogue.

- It will be made clear to the children concerned that the law is in place to protect them rather than criminalise them, so as to avoid alarming or distressing them. Consideration will be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted).
- KCSIE 2022 Guidance will be followed in respect of sexual violence and the action and support that will follow.

## 20. Special Educational Needs and Disabilities

MHS acknowledges that children with special educational needs (SEN) and disabilities (SEND) can face additional safeguarding challenges as they may have an impaired capacity to resist or avoid abuse. They may have speech, language and communication needs which may make it difficult to tell others what is happening.

MHS will ensure that children with SEN and disabilities (SEND), specifically those with communication difficulties will be supported to ensure that their voice is heard and acted upon. Members of staff are encouraged to be aware that children with SEN and disabilities (SEND) can be disproportionately impacted by safeguarding concerns such as bullying and being prone to peer group isolation more than other children. Extra pastoral support will be put in place for children with SEN and disabilities if needed.

All members of staff will be encouraged to appropriately explore possible indicators of abuse such as behaviour/mood change or injuries and not to assume that they are related to the child's disability and be aware that children with SEN and disabilities (SEND) may not always outwardly display indicators of abuse.

## 21. Lesbian, Gay, Bisexual, Trans

MHS acknowledges that children who are LGBT can be targeted by other children. In some cases, a child who is perceived by other children to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT. At MHS, we recognise that this risk can be compounded where children who are LGBT lack a trusted adult with whom they can be open. Staff endeavour to reduce the additional barriers faced and provide a safe space for them to speak out or share their concerns with members of staff. LGBT inclusion is part of our Relationships and Sex Education curriculum.

## 22. Online Safety

- It is recognised by MHS that the use of technology presents particular challenges and risks to children and adults both inside and outside of school and teaches online safety through a broad and balanced curriculum.
- MHS understands the unique risks associated with online safety and ensures it keeps up to date with relevant knowledge and practices required to keep children safe whilst they are online at school. Parents are kept up to date on how the children are kept safe online whilst at school with advice given on how to continue this at home.
- MHS does not allow pupils to bring any internet enabled mobile devices into school or on school trips and, if found, they will be confiscated. This allows pupils to focus on face-to-face friendships and schoolwork, restricts online bullying opportunities and prevents any harmful content that may already be downloaded on to it being shared; including the opportunity to download harmful content via 3,4 and 5G that will

bypass the school's filtering and monitoring systems. If a child does need a phone for transportation or family reasons, they will hand it in to their Form Tutor or Front Office staff member upon arrival into school. The Form Tutor or Front Office staff member will keep it in a locked cupboard for the duration of the school day or boarding night. All pupils in Years 7 and 8 sign the Internet User Agreement which reminds them of appropriate independent use of the internet. Any misuse, as personally reported or seen by the DSL on the filtering report, will result in removal of independent internet use for a set time period.

- We recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident we have the capability to support SEND children to stay safe online.
- Members of staff with appropriate skills, interest and expertise regarding online safety are encouraged to help support the DSL, and the deputy DSL as appropriate, for example when developing curriculum approaches or making technical decisions. However, the DSL is acknowledged as having overall responsibility for online safeguarding within the school.
- MHS identifies that the issues classified within online safety are considerable, but can be broadly categorised into four areas of risk:
  - **content:** being exposed to illegal, inappropriate or harmful material for example: pornography, fake news, racism, misogyny, self-harm, harmful on-line challenges, suicide, anti-Semitism, radicalisation, and extremism.
  - **contact:** being subjected to harmful online interaction with other users for example: 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 for example, 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.
- The DSL and Senior Leadership Team have read Annex D regarding Online Safety within 'Keeping Children Safe in Education' 2022.
- The Governing Body ensures online safety is a common theme in all relevant policies whilst the SLT ensures that related policies and procedures consider online safety throughout the curriculum, including parental engagement.
- MHS recognises the specific risks that can be posed by mobile phones, cameras, and other internet enabled mobile devices, in accordance with KCSIE 2022. For the protection of the EYFS pupils, the School and themselves, staff working in school must not use any personal internet enabled electronic devices, including cameras, mobile phones and tablets, at any time when EYFS children are in their care or in their vicinity, with the exception of when logging onto either Microsoft Office 365 and or SIMS, or any other school approved system or database, when they will be prompted by the School's Two Factor Authentication (2FA) security to acknowledge and authorise who is logging in. It is strictly only in this instance (when using Microsoft Office 365 and or SIMS, or any other school approved system or database) that a personal device may be used in the classroom. Once the authentication has been completed, and access is no longer required, staff must sign out and the personal device must then be removed from the sight of all children i.e. placed in a handbag, jacket / trouser pocket, locked in a drawer and or similar item.

- Across the rest of the school, personal devices should not be left unattended or in sight of children in the classroom and use should be restricted to break times or other non-contact times when children are not present.
- MHS recognises, however, that the taking of pictures has changed and consequently allows academic staff (not in EYFS) to use internet enabled devices to record events and support their teaching on the understanding that all photographs/videos are downloaded as soon as is reasonably possible onto school computers only. Images must be deleted from the camera immediately following the download. The same applies to school equipment. Staff must ensure that all images are available for scrutiny at any time and be able to justify any images in their possession.
- MHS will ensure that appropriate filtering and monitoring systems are in place when pupils and staff access school systems and internet provision (**See IT Acceptable Use Policy**)
- The school will be careful to ensure that these systems do not place unreasonable restrictions on internet access or limit what children can be taught with regards to online teaching and safeguarding.
- MHS acknowledges that whilst filtering and monitoring is an important part of schools' online safety responsibilities, it is only one part of our role. Children and adults may have access to systems external to the school control such as mobile phones and other internet enabled devices and technology. This is covered in more depth within the school **IT Acceptable Use Policy** which can be found in Shared staff/policies.
- MHS will ensure a comprehensive whole school curriculum response is in place to enable all pupils to learn about and manage online risks effectively and will support parents and the wider school community (including all members of staff) to become aware and alert to the need to keep children safe online.
- Detailed information about the school's response to online safety can be found in the school's **Social Media Policy and IT Acceptable Use Policy**.

## 23. Curriculum and Staying Safe

- We recognise that schools play an essential role in helping children to understand and identify the parameters of what is appropriate child and adult behaviour; what is 'safe'; to recognise when they and others close to them are not safe; and how to seek advice and support when they are concerned. By educating our children to understand positive and negative relationships, we provide them with the knowledge to recognise abuse.
- MHS recognises that as a school with boarding, additional factors must be considered with regard to safeguarding. The National Minimum Standards for Boarding 2022 will be adhered to and special vigilance given to possible signs of abuse.
- MHS will use the curriculum to provide opportunities for increasing self-awareness, self-esteem, social and emotional understanding, assertiveness and decision making so that students have a range of contacts and strategies to ensure their own protection and understand the importance of protecting others. This will include online safety.
- Pupils will be educated at a level appropriate to their age and ability about a range of safeguarding concerns through personal, social, health and economic education (PSHEE), tutorials (if appropriate) and through Relationship Education (SRE) in line with the Relationships Education, Relationships and Sex

Education and Health Education (England) Regulations 2019. This will include, but is not limited to, bullying (including cyber bullying), stranger danger, road safety, sexual abuse, neglect, online safety and the sharing of nude and semi-nude.

- Systems have been established to support the empowerment of children to talk to a range of staff. Children at MHS will be listened to and heard and their concerns will be taken seriously and acted upon as appropriate.
- Specific systems outside of expected day to day classroom interaction and support will include:
  - Pupil Council
  - Worry boxes
  - Buddy systems
  - PSHE events
  - SRE workshops with visiting practitioner
  - Regular feedback questionnaires with groups of children
  - Specific Anti-Bullying Policy

## **24. The Use of School Premises by Other Organisations**

- Where services or activities are provided separately by another body using the school premises, the Head and Governing Body will seek written assurance that the organisation concerned has appropriate policies and procedures in place with regard to safeguarding children and child protection and that relevant safeguarding checks have been made in respect of staff and volunteers.
- If this assurance is not achieved, then an application to use premises will be refused.

## **25. Security**

- All members of staff have a responsibility for maintaining awareness of buildings and grounds security and for reporting concerns that may come to light. We operate within a whole-school community ethos and welcome comments from pupils, parents and others about areas that may need improvement as well as what we are doing well.
- Appropriate checks will be undertaken in respect of visitors and volunteers coming into school as outlined within guidance. Visitors will be expected to sign in and out via the office visitors log and to display a visitor's badge whilst on school site. Any individual who is not known or identifiable should be challenged for clarification and reassurance.
- The school will not accept the behaviour of any individual (parent or other) that threatens school security or leads others (child or adult) to feel unsafe. Such behaviour will be treated as a serious concern and may result in a decision to refuse access for that individual to the school site.

## **26. Monitoring and Review**

- All school staff (including temporary staff and volunteers) will have access to a copy of this policy and will have the opportunity to consider and discuss the contents with the DSL. The policy will also be available to parents/carers.

- This policy has been revised in September 2022 to reflect the new guidance and legislation issued in relation to safeguarding children and promoting their welfare.
- The policy forms part of our school development plan and will be reviewed annually.
- All staff have access to this policy and sign to the effect that they have read and understood its contents during their initial induction. Thereafter, subsequent updates to the policy are emailed to all staff.
- The DSL will review the policy following any child protection concerns (including following learning identified from serious case reviews) or allegations against staff to ensure that it reflects appropriate, accurate and up-to-date safeguarding practice.

## 27. Local Support

- All members of staff in MHS are made aware of local support available
- - **Contact details for Area Safeguarding Adviser (Education Safeguarding Team)**
    - West Kent Education Safeguarding Service: Worrall House, 30 Kings Hill Avenue, West Malling, Kent ME19 4AE. 03000 41 22 84
    - Kuldip Sohal: 03000 412284
  - **Contact details for Online Safety in the Education Safeguarding Team**
    - **Head of Service:** Claire Ray - 03301 651200
    - **Training and Development Manager:** Rebecca Avery - 03301 651110
    - Senior Area Safeguarding Advisor: Robin Brivio - 03301 651 200
    - **Online Safety:** Ashley Assiter (Monday/Tuesday/Wednesday) 03301 651 500
    - Integrated Front Door: 03000 4111111
    - [esafetyofficer@kent.gov.uk](mailto:esafetyofficer@kent.gov.uk) (non-urgent issues only)
  - **Contact details for the LADO**
    - Telephone: 03000 410888 or if a child is in immediate danger 03000 41 11 11
    - Email: [kentchildrenslado@kent.gov.uk](mailto:kentchildrenslado@kent.gov.uk)
  - **Childrens Specialist Services**
    - Central Duty Team: 03000 411111
    - Out of Hours Number: 03000 419191
  - **Early Help and Preventative Services**
    - Tunbridge Wells - 03000 41 62 00 - [TunbridgeWellsEarlyHelp@kent.gov.uk](mailto:TunbridgeWellsEarlyHelp@kent.gov.uk)
  - **Kent Police**
    - 101 (or 999 if there is an immediate risk of harm)
  - **Kent Safeguarding Children Board (KSCB)**
    - [kscb@kent.gov.uk](mailto:kscb@kent.gov.uk)
    - 03000 421126
  - **Kent Prevent Education Officer**
    - Kent and Medway - Sally Green

- 03000 413439
- [Sally.green2@kent.gov.uk](mailto:Sally.green2@kent.gov.uk)

## Appendix 1: Categories of Abuse

All staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases multiple issues will overlap with one another.

**Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. They may be abused by an adult or adults or another child or children. It should be noted that abuse can be carried out both on and offline and be perpetrated by men, women and children. All members of staff should read and understand part one of 'Keeping Children Safe in Education' 2022 and staff who have direct contact with pupils should also read annex A.

**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. They may also include 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.

### Signs that MAY INDICATE Sexual Abuse

- Sudden changes in behaviour and school performance
- Displays of affection which are sexual and age inappropriate
- Self-harm, self-mutilation or attempts at suicide
- Alluding to secrets which they cannot reveal
- Tendency to cling or need constant reassurance
- Regression to younger behaviour for example thumb sucking, playing with discarded toys, acting like a baby
- Distrust of familiar adults e.g. anxiety of being left with relatives, a child minder or lodger
- Unexplained gifts or money
- Depression and withdrawal
- Fear of undressing for PE
- Sexually transmitted disease
- Fire setting

**Physical abuse:** a form of abuse which 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.

### Signs that MAY INDICATE physical abuse

- Bruises and abrasions around the face
- Damage or injury around the mouth
- Bi-lateral injuries such as two bruised eyes
- Bruising to soft area of the face such as the cheeks
- Fingertip bruising to the front or back of torso
- Bite marks

- Burns or scalds (unusual patterns and spread of injuries)
- Deep contact burns such as cigarette burns
- Injuries suggesting beatings (strap marks, welts)
- Covering arms and legs even when hot
- Aggressive behaviour or severe temper outbursts.
- Injuries need to be accounted for. Inadequate, inconsistent or excessively plausible explanations or a delay in seeking treatment should signal concern.

**Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It 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. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature 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. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

#### **Signs that MAY INDICATE emotional abuse**

- Over reaction to mistakes
- Lack of self-confidence/esteem
- Sudden speech disorders
- Self-harming
- Eating Disorders
- Extremes of passivity and/or aggression
- Compulsive stealing
- Drug, alcohol, solvent abuse
- Fear of parents being contacted
- Unwillingness or inability to play
- Excessive need for approval, attention and affection

**Neglect:** 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); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

#### **Signs that MAY INDICATE neglect**

- Constant hunger
- Poor personal hygiene
- Constant tiredness
- Inadequate clothing
- Frequent lateness or non-attendance at School
- Untreated medical problems

- Poor relationship with peers
- Compulsive stealing and scavenging
- Rocking, hair twisting and thumb sucking
- Running away
- Loss of weight or being constantly underweight
- Low self esteem

## **Appendix 2: Specific Safeguarding Issues**

### **(Also See Annex B of Keeping Children Safe in Education 2022)**

#### **Children Missing Education**

MHS recognises that all children, regardless of their circumstances, are entitled to a full time education which is suitable to their age, ability, aptitude and any special educational needs they may have. MHS is aware that a child going missing from education is a potential indicator of abuse or neglect.

MHS has a procedure in place for responding to unauthorised absence and for dealing with children that 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 their going missing in future.

As far as possible, two emergency contact numbers should be held for all pupils.

#### **Looked After Children and Previously Looked After Children**

A previously looked after child potentially remains vulnerable and all staff should be mindful and understand the specific needs of these children. It is important that staff work closely with other agencies and take prompt action on any concerns to safeguard these children, who are a particularly vulnerable group.

Designated teachers will have responsibility for promoting the educational achievement of any child who has left care through adoption, special guardianship or child arrangement orders or who was adopted from state care outside England and Wales in accordance with sections 4 to 6 of the Children and Social Work Act 2017 (See KCSIE 2022 for further guidance on the Designated Teacher Role).

#### **Mental Health**

All staff should be aware that 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. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. However, staff in school are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one.

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences (including bereavement), this can have a lasting impact throughout childhood, adolescence and into adulthood and can impact on their mental health, behaviour, and education.

If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken by informing the DSL.

#### **Domestic Abuse**

Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. That abuse can be, but is not limited to, psychological, physical, sexual, financial or emotional. Children can be victims of domestic abuse. They may see, hear, or experience the effects of abuse at home

and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). All of which can have a detrimental and long-term impact on their health, well-being, development, and ability to learn.

## Child Sexual Exploitation (CSE)

All MHS staff at have been made aware of the revised definition of Child Sexual Exploitation, as issued in the Department for Education in February 2017 <https://www.gov.uk/government/publications/child-sexual-exploitation-definition-and-guide-for-practitioners>

*'Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.'*

MHS identifies that both CSE and CCE are forms of abuse that occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into taking part in sexual or criminal activity, in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator and/or through violence or the threat of violence. CSE and CCE can affect children, both male and female and can include children who have been moved (commonly referred to as trafficking) for the purpose of exploitation.

Like all forms of child sex abuse, child sexual exploitation:

- can affect any child or young person (male or female) under the age of 18 years, including 16 and 17 year olds who can legally consent to have sex;
- can still be abuse even if the sexual activity appears consensual;
- can include both contact (penetrative and non-penetrative acts) and noncontact sexual activity;
- can take place in person or via technology, or a combination of both;
- can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence;
- may occur without the child or young person's immediate knowledge (e.g. through others copying videos or images they have created and posted on social media);
- can be perpetrated by individuals or groups, males or females, and children or adults.

The abuse can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse; and

- is typified by some form of power imbalance in favour of those perpetrating the abuse.

Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources.

Every member of staff at MHS recognises that children at risk of CSE need to be identified and issues relating to CSE should be approached in the same way as protecting children from other risks. They are aware that sexual exploitation can take many forms ranging from the seemingly 'consensual' relationship where sex is exchanged for affection or gifts, to serious organised crime by gangs and groups. What marks out exploitation is an imbalance of power in the relationship. The perpetrator always holds some kind of power over the victim which increases as the exploitative relationship develops. Sexual exploitation may involve varying degrees of coercion, intimidation or enticement, including unwanted pressure from peers to have sex, sexting, sexual bullying including cyberbullying and grooming. However, it also important to recognise

that some young people who are being sexually exploited do not exhibit any external signs of this abuse or recognise this as abusive.

## Child Criminal Exploitation (CCE): County Lines

Criminal exploitation of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity: drug networks or gangs groom and exploit children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns. Key to identifying potential involvement in county lines are missing episodes, when the victim may have been trafficked for the purpose of transporting drugs and a referral to the National Referral Mechanism should be considered. Like other forms of abuse and exploitation, county lines exploitation:

- can affect any child or young person (male or female) under the age of 18 years;
- can affect any vulnerable adult over the age of 18 years;
- can still be exploitation even if the activity appears consensual;
- can involve force and/or enticement-based methods of compliance and is often accompanied by violence or threats of violence;
- can be perpetrated by individuals or groups, males or females, and young people or adults; and
- is typified by some form of power imbalance in favour of those perpetrating the exploitation.

Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, cognitive ability, physical strength, status, and access to economic or other resources. It is important to note that the experience of girls who are criminally exploited can be very different to that of boys. The indicators may not be the same, however professionals should be aware that girls are at risk of criminal exploitation too. It is also important to note that both boys and girls being criminally exploited may be at higher risk of sexual exploitation.

### Serious Crime Involvement

There are a number of indicators which may signal that children are at risk from, or are involved with serious violent crime. These may include:

- increased absence from school
- a change in friendships or relationships with older individuals or groups
- a significant decline in performance
- signs of self-harm
- a significant change in well-being
- signs of assault or unexplained injuries
- unexplained gifts or new possessions

These could indicate that children have been approached by, or are involved with individuals associated with criminal networks or gangs" (DfE)

Advice can be found in the "Home Office's Preventing youth violence and gang involvement and its criminal exploitation of children and vulnerable adults: county lines guidance." (DfE)

See also the Children's Society County Lines Toolkit

## **‘Honour based’ violence** (including Female Genital Mutilation and Forced Marriage)

Members of staff at MHS are aware that ‘Honour-based’ violence (HBV) encompasses a range of crimes which have been committed to protect or defend the honour of the family and/or the community, including Female Genital Mutilation (FGM), forced marriage, and practices such as breast ironing.

Abuse committed in the context of preserving “honour” often involves a wider network of family or community pressure and can include multiple perpetrators. It is important to be aware of this dynamic and additional risk factors when deciding what form of safeguarding action to take.

The indicators of HBV and associated factors will be covered with staff within the school safeguarding training. All members of staff are alert to the possibility of a child being at risk of HBV, or already having suffered HBV. All members of staff are aware that all forms of HBV are abuse (regardless of the motivation) and will be handled and escalated as such. Staff will speak with DSL if they are concerned about HBV.

All members of staff will follow the school and KSCB procedures, using existing national and local protocols for multi-agency liaison with police and children’s social care.

## **Serious violence**

All staff are aware of the indicators, which may signal children are at risk from, or are involved with serious violent crime.

These may include: increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries.

Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation.

All staff are aware of the range of risk factors which increase the likelihood of involvement in serious violence, such as being male, having been frequently absent or permanently excluded from school, having experienced child maltreatment and having been involved in offending, such as theft or robbery.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418131/Preventing\\_youth\\_violence\\_and\\_gang\\_involvement\\_v3\\_March2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418131/Preventing_youth_violence_and_gang_involvement_v3_March2015.pdf)

## **Female Genital Mutilation (FGM) mandatory reporting duty**

Staff with teaching responsibilities have a **specific legal duty to act** with regards to concerns about female genital mutilation (FGM), but all staff should speak to the DSL where there are concerns. Staff must personally report to the police cases where they discover that an act of FGM appears to have been carried out. Unless the teacher has a good reason not to, they should also still consider and discuss any such case with the DSL and involve children’s social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. where the teacher does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, teachers should follow local safeguarding procedures.

The DSL will complete the FGM e-Learning package (<https://www.fgmelearning.co.uk/>). The DSL will also ensure that information and training is made available as appropriate to all members of staff. This includes:

- “FGM The Facts”:  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/482799/6\\_1587\\_HO\\_MT\\_Updates\\_to\\_the\\_FGM\\_The\\_Facts\\_WEB.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482799/6_1587_HO_MT_Updates_to_the_FGM_The_Facts_WEB.pdf)
- “FGM an Overview:” [Female genital mutilation: resource pack - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482799/6_1587_HO_MT_Updates_to_the_FGM_The_Facts_WEB.pdf)
- [Summary of the FGM mandatory reporting duty](#)

## Forced Marriage

The Forced Marriage Unit has published the following guidance on forced marriages:

[The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage and Multi-agency practice guidelines: Handling cases of forced marriage](#)

Staff should report concerns regarding forced marriage to the DSL or can contact the Forced Marriage Unit if they need advice or information. Contact: 020 7008 0151 or email: [fmu@fco.gov.uk](mailto:fmu@fco.gov.uk)

## Radicalisation

MHS recognises that exposure of children (and adults) to extremist ideology can hinder their social development and educational attainment alongside posing a very real risk that they could support or partake in an act of violence. Radicalisation of young people can be compared to grooming for sexual exploitation.

Extremism goes beyond terrorism and is defined in the Government’s Counter Extremism Strategy as vocal or active opposition to our fundamental values, including the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. We also regard calls for the death of members of armed forces as extremism. Extremists often target the vulnerable – including the young – by seeking to sow divisions between communities on the basis of race, faith or denomination; justifying discrimination towards women and girls; seeking to persuade others that minorities are inferior; or arguing against the primacy of democracy and the rule of law in our society.

MHS will ensure all members of staff complete an approved training package which includes guidance on how to identify people who may be vulnerable to being drawn into terrorism, and how to refer them into the Channel process ie. the Home Office training on Prevent <https://www.elearning.prevent.homeoffice.gov.uk/>. The DSL will attend additional training which includes further information on the Prevent Duty.

Every member of staff at MHS recognises that children exposed to radicalisation and extremism is no different to safeguarding against any other vulnerability and should be approached in the same way as protecting children from other risks. All members of the community at MHS will report concerns regarding radicalisation and extremism to the DSL who will follow local and national guidance.

## The Prevent duty/Channel

MHS recognises its duty under section 26 of the Counter-Terrorism and Security Act 2015 (the CTSA 2015), to have “due regard to the need to prevent people from being drawn into terrorism”. The DSL and the Deputy DSL have

undertaken Prevent Duty and trained the Staff body in line with guidance. Any Prevent referrals or concerns will be passed to the Channel panel for assessment.

Staff should read the Governments Channel Duty Guidance: Protecting people vulnerable to being drawn into terrorism for further information.

## Appendix 3: Keeping yourself safe when responding to allegations (the 6 R's – what to do if...)

### 1. Receive

- Keep calm
- Listen to what is being said without displaying shock or disbelief
- Take what is being said to you seriously
- Note down what has been said, verbatim as far as possible.
- Keep to the facts, do not add your opinion

### 2. Respond

- Reassure the pupil that they have done the right thing in talking to you
- Be honest and do not make promises you cannot keep e.g. "It will be alright now"
- **Do not promise confidentiality;** you have a duty to refer
- Reassure and alleviate guilt, if the pupil refers to it e.g. "you're not to blame"
- Reassure the child that information will only be shared with those who need to know

### 3. React

- React to the pupil only as far as is necessary for you to establish whether or not you need to refer the matter, but do not interrogate for full details
- **Do not** ask leading questions; "Did he/she....?" Such questions can invalidate evidence.
- **Do** ask open "TED" questions; Tell, explain, describe
- Do not criticise the perpetrator; the pupil may have affection for him/her
- Do not ask the pupil to repeat it all for another member of staff
- Explain what you have to do next and who you have to talk to

### 4. Record

- Make some brief notes at the time on any paper which comes to hand and write them up as soon as possible
- Do not destroy your original notes
- Record the date, time, place, any non-verbal behaviour and the words used by the child. Always ensure that as far as possible you have recorded the actual words used by the child.
- Record statements and observable things rather than your interpretations or assumptions

### 5. Remember

- Contact the Designated Safeguarding Lead (DSL) IMMEDIATELY
- The DSL may be required to make appropriate records available to other agencies
- KSCB: [www.kscb.org.uk](http://www.kscb.org.uk)

### 6. Relax

- Get some support for yourself, dealing with disclosures can be traumatic for professionals

## Appendix 4: National Support Organisations

### Support for staff

- Education Support Partnership: [www.educationsupportpartnership.org.uk](http://www.educationsupportpartnership.org.uk)
- Professional Online Safety Helpline: [www.saferinternet.org.uk/helpline](http://www.saferinternet.org.uk/helpline)
- Annex B: Further information ([keepingchildrensafeineducation.co.uk](http://keepingchildrensafeineducation.co.uk))

### Support for Pupils

- NSPCC: [www.nspcc.org.uk](http://www.nspcc.org.uk)
- ChildLine: [www.childline.org.uk](http://www.childline.org.uk)
- Papyrus: [www.papyrus-uk.org](http://www.papyrus-uk.org)
- Young Minds: [www.youngminds.org.uk](http://www.youngminds.org.uk)
- The Mix: [www.themix.org.uk](http://www.themix.org.uk)

### Support for adults

- Family Lives: [www.familylives.org.uk](http://www.familylives.org.uk)
- Crime Stoppers: [www.crimestoppers-uk.org](http://www.crimestoppers-uk.org)
- Victim Support: [www.victimsupport.org.uk](http://www.victimsupport.org.uk)
- Kidscape: [www.kidscape.org.uk](http://www.kidscape.org.uk)
- The Samaritans: [www.samaritans.org](http://www.samaritans.org)
- Mind: [www.mind.org.uk](http://www.mind.org.uk)
- NAPAC (National Association for People Abused in Childhood): [www.napac.org.uk](http://www.napac.org.uk)
- MOSAC: [www.mosac.org.uk](http://www.mosac.org.uk)
- Action Fraud: [www.actionfraud.police.uk](http://www.actionfraud.police.uk)

### Support for Learning Disabilities

- Respond: [www.respond.org.uk](http://www.respond.org.uk)
- Mencap: [www.mencap.org.uk](http://www.mencap.org.uk)

### Domestic Abuse

- Refuge: [www.refuge.org.uk](http://www.refuge.org.uk)
- Women's Aid: [www.womensaid.org.uk](http://www.womensaid.org.uk)
- Men's Advice Line: [www.mensadviceline.org.uk](http://www.mensadviceline.org.uk)
- Mankind: [www.mankind.org.uk](http://www.mankind.org.uk)

### Honour based Violence

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

### Sexual Abuse and CSE

- Lucy Faithfull Foundation: [www.lucyfaithfull.org.uk](http://www.lucyfaithfull.org.uk)
- Stop it Now!: [www.stopitnow.org.uk](http://www.stopitnow.org.uk)
- Parents Protect: [www.parentsprotect.co.uk](http://www.parentsprotect.co.uk)
- CEOP: [www.ceop.police.uk](http://www.ceop.police.uk)
- Marie Collins Foundation: [www.mariecollinsfoundation.org.uk](http://www.mariecollinsfoundation.org.uk)
- Internet Watch Foundation (IWF): [www.iwf.org.uk](http://www.iwf.org.uk)

### Online Safety

- Childnet International: [www.childnet.com](http://www.childnet.com)
- UK Safer Internet Centre: [www.saferinternet.org.uk](http://www.saferinternet.org.uk)
- Parents Info: [www.parentinfo.org](http://www.parentinfo.org)
- Internet Matters: [www.internetmatters.org](http://www.internetmatters.org)
- Net Aware: [www.net-aware.org.uk](http://www.net-aware.org.uk)
- Get safe Online: [www.getsafeonline.org](http://www.getsafeonline.org)

### Radicalisation and hate

- Educate against Hate: [www.educateagainsthate.com](http://www.educateagainsthate.com)
- Counter Terrorism Internet Referral Unit: [www.gov.uk/report-terrorism](http://www.gov.uk/report-terrorism)
- True Vision: [www.report-it.org.uk](http://www.report-it.org.uk)

Preventing youth violence and gang involvement and its Criminal exploitation of children and vulnerable adults: county lines guidance." (DfE)

Children's Society County Lines Toolkit

Working with others Statutory guidance PACE Code C 2019 – Appropriate adult.

## Appendix 5: KSCB Guidelines



### Child in Need

#### How does Kent define a "child in need"?

Whenever a child or young person under the age of 18 is considered to be in need of local authority services in order to achieve or maintain a reasonable standard of health or development, Kent Specialist Children's Services will complete an assessment. The assessment will include contributions from Health and other professions and will pay special attention to the views of the parents or carers and of the child. The assessment will help decide what services may be appropriate to the child's needs and result in an agreed plan which will be reviewed regularly.

#### Children in Need of Protection from Significant Harm

Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer, the local authority is required under section 47 of the Children Act 1989 to make enquiries, to enable it to decide whether it should take any action to safeguard and promote the welfare of the child. All agencies have a duty to assist and provide information in support of child protection enquiries. An assessment of the child's needs will be carried out. The assessment will:

- Identify the causes for concern;
- Evaluate the strengths of the family;
- Evaluate the risk to the child;
- Consider the child's needs for protection;
- Evaluate information from all sources and previous agencies involvements;
- Consider the ability of the parents & wider family & social networks to safeguard and promote the child's welfare;
- Consider how any risks identified can be managed.

### How to Report a Child in Need

#### What are my responsibilities?

Your concerns should be discussed with your line manager or colleague prior to making a referral if this does not cause delay. You should, if possible, inform the family that you have made a referral to Children's Social Services. This should only be done when sharing the information will not place a child at increased risk of significant harm. Where a child is in immediate danger an urgent referral should be made to the Police. Emergency medical attention can be secured by calling an ambulance.

#### What should raise my concerns regarding possible abuse?

The threshold criteria for referral into the child protection process is as follows:

- A child with unexplained injuries, suspicious injuries or where there is an explanation which is inconsistent with the injury
- A child who has disclosed abuse

- A child who has suffered, or are suffering specific incidents of neglect or emotional abuse that are impairing or will impair their development e.g. failure to seek necessary medical attention, non-organic faltering growth which has been investigated medically and no organic cause found, problems associated with a parent or carers lifestyle - e.g. chaotic drug use, children or young people involved in one serious or several lesser incidents of domestic violence or where there are serious concerns about the risk of significant harm to an unborn child.

*The context of the abuse should always be considered when determining entry into the child protection system.*

## **What to do if a child talks to you about abuse or neglect**

In these situations, you must:

- Listen to the child. DO NOT directly question the child
- Do not stop a child who is freely recalling significant events
- Make an accurate record of the information you have been given taking care to record the timing, setting and people present, the child's presentation as well as what was said
- Explain that you cannot promise that you will keep the information secret or not to speak to others about the information they have shared
- Explain that you will need to get help to keep the child safe
- DO NOT ask the child to repeat their account of events to anyone

*Failure to follow these guidelines may result in a situation where the child is unprotected and the perpetrator of the abuse not prosecuted.*

**[www.kscmp.org.uk/guidance/worried-about-a-child](http://www.kscmp.org.uk/guidance/worried-about-a-child)**

## Appendix 6: DSL Job Description

JOB DESCRIPTION: Designated Safeguarding Lead

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### MAIN AREAS OF RESPONSIBILITY

- To lead on the responsibility of safeguarding and child protection policies and practice (including online safety).
- To deliver briefings, communicate the School's policy and disseminate good practice with staff and advise on training needs.
- To act as a source of support, advice and expertise to staff on matters of safety and safeguarding and when deciding whether to make a referral.
- To develop links and liaise as required with Kent Safeguarding Board and any other external agencies.

### RESPONSIBLE TO:

- The Governing Body
- 

### Designated Lead for Safeguarding and Child Protection

#### Developing Policy and Practice

- Ensure that the Safeguarding and Child Protection Policy is reviewed annually by the Governing Body and is available publicly.
- To undertake appropriate Child Protection Training every 2 years in order to:
  - Understand the assessment process for providing Early Help and intervention, e.g. through locally agreed common and shared assessment processes such as early help assessments.
  - Have a working knowledge of how Kent Safeguarding Board conducts Child Protection Case Conferences and be able to attend these effectively when required to do so.
- To receive and coordinate referrals, arranging action and reviewing services for children and families.

- Plan and complete professional assessments of need and risk in respect of parents and carers using the Department of Health and the Local Authority criteria for children in need and significant harm.
- To maintain accurate, confidential and up to date documentation on all cases of safeguarding and child protection. Ensure that all safeguarding records are forwarded to any new school the child may attend separately from the main record.
- To liaise with the Head to inform him or her of issues especially ongoing situations.
- To be involved in the recruitment of staff through the scrutiny of their application forms and at the interview stage.
- To chair termly Child Protection committee meetings.

#### **Staff training and advice**

- Ensure each member of staff has access to and understands the school's Safeguarding and Child Protection Policy and procedures, especially new and part time staff.
- Work directly with children in need and their families to promote, strengthen and develop the potential of parents/carers and their children in order to prevent children becoming looked after and/or suffering significant harm.
- To act as a source of support, advice and expertise to staff on matters of safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies.
- To encourage a culture of listening to children and taking account of their wishes and feelings on any measure the school might have taken to protect them.
- To contribute to staff development, including responsibility for the delivery of the safeguarding element of the induction programmes for teaching and non-teaching staff and arrangements for staff training.
- Identify vulnerable children within the setting and ensure that all relevant staff are made aware of who these children are.

#### **Developing links with local agencies**

- Take the lead responsibility in coordinating a multi-agency approach to prevent and address child protection issues and children in need within the setting.
- To liaise and co-ordinate with colleagues within own setting and outside organisations regarding the Common Assessment

#### **Other**

- To maintain confidentiality at all times.

## **Appendix 7: Managing Allegations Against Staff Whistleblowing Procedure**

### **WHISTLEBLOWING PROCEDURE – CHILD PROTECTION AND SAFEGUARDING**

Marlborough House School is dedicated to providing the utmost care for its pupils and staff and volunteers. We aim to ensure that all members of the school community feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately if they consider that a colleague has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children (this includes behaviour that may have happened outside of School (transferable risk))

(Refer to DFE Guidance - DBS Harm Test)

Staff/volunteers who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult position. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff/volunteers must remember that the welfare of the child is paramount. This policy enables staff/volunteers to raise concerns or allegations in confidence and for a sensitive enquiry to take place.

Marlborough House School takes responsibility for ensuring that all members of the school community are aware of whistleblowing procedures and made to feel comfortable that they can voice their concerns no matter what the circumstances.

Further information is available in Working Together to Safeguard Children Guidance and KCSIE 2022 – Part Four.

#### **Allegations that may meet the harms threshold**

#### **Reporting concerns to the School**

If you have a concern about another member of staff (including Supply Staff) you should report it to the Head. Complaints about the Head should be reported to the Chair of Governors.

All concerns will be listened to and taken seriously by the school. If you are in any doubt as to whether a concern is valid, you should report it, and the school can decide to what extent it needs to be investigated.

#### **Wider disclosure**

We encourage all our staff to follow the internal procedures outlined in this procedure, but understand that in some cases you may feel it is necessary to take your concerns to external agencies. This should, however, be done only as a last resort. Staff should only approach external agencies regarding their concerns without discussing them internally first if:

- they feel that they are being discriminated against and that there is no internal authority that can be contacted with trust
- they reasonably believe that they will be victimised if they follow internal procedures for whistleblowing
- they believe that the concern that they have raised has not been taken seriously or acted upon correctly.

We urge staff who take their concerns to external agencies to be careful not to disclose any confidential information. Information that is confidential and should therefore not be disclosed should be outlined in your contract of employment. **Note: it is against the law to publish any information which may lead to the identification of a teacher who is subject to an allegation.**

The authorities that may be of help to you are:

- Children's Social Care Services
- Police
- NSPCC
- *Health & Safety Executive*
- *Local Citizens Advice Bureau*
- *Department for Education*
- *ISI*

## Confidentiality

All concerns will be treated in confidence, and the school is committed to protecting the identity of whistleblowers as far as is possible. However, in some circumstances it may not be possible to do this, for example: if it will prevent a thorough investigation taking place; if there is reason to reveal the name by law; if the whistleblower has to give evidence at any hearings.

In cases where identities are revealed for whatever reason, the school will do its best to support all parties involved and protect them from discrimination and victimisation.

Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over, and we urge staff to closely follow all guidelines relating to confidentiality. Any member of staff that has acted knowingly against this, or revealed confidential information unnecessarily or for vicious reasons, may face prosecution.

## Anonymous allegations

We would encourage staff to put their name to concerns made as it will aid a more thorough investigation. However, the school will investigate all anonymous allegations seriously; following the proceedings outlined in this policy as far as is possible.

## **False allegations**

MHS encourages all of its staff to voice their concerns and allegations safe in the knowledge that those who make allegations in good faith that do not prove to be true will not be reprimanded.

Cases in which an allegation is proven to be false, unsubstantiated or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious will not be included in any reference.

The school may take disciplinary action against staff who make claims that are found to be knowingly false, malicious, or for personal gain.

## **The Whistleblowing Procedure**

### **The role of the whistleblower**

Concerns will usually be dealt with in this way:

1. Staff will raise their concern directly with the Head. Staff will be dealt with in confidence and invited to an interview to discuss the allegation. Staff can go straight to the Chair of Governors with their concern, but they will be asked to explain why they did not feel comfortable taking it to the Head.
2. The Head will contact the area LADO for advice and follow that advice. If they decide that it is a genuine concern, and that it is appropriate to follow the whistleblowing procedure, they may take the matter to the chair of the governing body.
3. If there is any reason that the member of staff making the complaint or raising the concern feels that they are unable to speak to the Head or governing body, they should contact the relevant authority.

## **Role of the Head**

### ***Hold an interview***

Once an allegation has been brought to their attention, the Head or Chair of Governors will hold an interview with the person making the allegation, in confidence. This will take place immediately if there is concern that a child is at risk of harm, or within 3 days if this is not the case. During this interview they will:

- get as much information about the basis of the allegation as they can, and will record what is discussed
- discuss the next action points and steps that will be taken with the staff member who has raised the allegation, and ensure that they fully understand what is going to happen; if the standard whistleblowing procedure is not going to be followed, this should be explained and an alternative procedure outlined
- provide support to the whistleblower; they may be worried about their position, getting someone else into trouble, or what they suspect may be happening.

Staff may want to seek the support of their trade union when going through whistleblowing procedures. Staff are allowed to take a representative from their trade union to their interview and subsequent meetings.

### ***Decide on a course of action***

If it is decided that no further action will be taken this will be explained to the whistleblower within 5 days. This may be because:

- the Head/Chair of Governors does not feel that there is enough evidence to warrant a continued investigation and that is unlikely that any malpractice has occurred or will occur
- there is a belief that the whistleblower is not acting in good faith
- the matter has already been raised and is being investigated

### **Role of the Head and governing body**

The person who receives the report – whether it is the Head or governing body – must act on the concern fully. If there is a good reason not to, this will be reported back to the whistleblower.

The Head or Chair of Governors will decide whether any external authorities need to be reported to on the matter, or whether it is a case for internal investigation.

Where further enquiries are required to enable a decision about how to proceed, the LADO and Head/Chair of Governors should discuss how and by whom the investigation will be undertaken. Where there is a lack of appropriate resource within the school or college, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator.

The decision and progress of the case will be reported back to the whistleblower.

The outcomes of any investigations will be reported to the whistleblower in writing to their home address within 14 days. If they do not receive any information and this time has passed, they may appeal for information through the Head /Chair of Governors or the relevant authority.

### **Role of the Designated Safeguarding Lead**

Looking after the welfare of the child - the DSL is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care.

### **Recording, monitoring and evaluation**

All staff concerned and involved with any allegation or investigation should keep good records of meetings they attend, discussions that are held, and any outcomes or action points that have been decided.

The Head and/or governing body will review and evaluate all allegations, how they have been dealt with, and their outcomes, to prevent similar future cases, and ensure that procedures are being used correctly and are effective.

Consideration will be given as to whether it is appropriate to make a referral to the TRA in regards to teacher misconduct.

This policy will be reviewed annually and any relevant cases that have come up during the past year will be taken into account when it is being reviewed.

## **Supporting those involved**

### **Duty of care**

The welfare of a child is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. Support will be offered at such a time and the sensitivity of the situation recognised.

Information is confidential and will not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation. MHS will endeavour to:

- manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary;
- advise the individual to contact their trade union representative, or a colleague for support;
- appoint a named representative to keep the person informed about progress of the case;
- provide access to counselling or medical advice where appropriate. For staff in schools maintained by the local authority this may include support via the local authority's occupational health arrangements;
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence;
- Parents or carers of the child or children involved will be:
- formally told about the allegation as soon as possible. The Head will consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member;
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2011.

### **Confidentiality and Information sharing**

In an allegations management meeting or during the initial assessment of the case, everybody involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim

Where the police are involved, wherever possible MHS will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process.

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

### **Allegation outcomes**

The outcome of an allegation are set out below:

- 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 cause harm to the person 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. The term, therefore, does not imply guilt or innocence; or,
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services; or
- MHS ceases to use the person's services, a referral will be made to the DBS for consideration of whether inclusion on the barred lists is required.

In the case of a member of teaching staff, the Head will consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO, the Head and the DSL (in the case of a pupil) will consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

## Outcomes

If the whistleblower is dissatisfied and feels that an allegation that they have made has not been dealt with seriously or properly, they can take the matter up with Kent County Council/ISI. MHS will try their best to deal with allegations fairly and effectively and in accordance with KCSIE 2022 guidance.

Concerns that do not meet the harm threshold

MHS recognises that some concerns do not meet the harm threshold (low level concerns) but should be given due consideration and recorded appropriately. Concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the School; or as a result of vetting checks undertaken.

A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of MHS may have acted in a way that:

- is inconsistent with the Staff Behaviour policy, 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 LADO.

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

- being over 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; or,
- using inappropriate sexualised, intimidating or offensive language

It is important that all staff feel secure and able to share these low-level concerns to ensure a culture of openness and transparency. Any concerns will be dealt with sensitively and proportionately and the sharing of these concerns will allow any unprofessional behaviour to be dealt with at an early stage.

Low-level concerns must be reported to the Head. Reports about supply staff and contractors will be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

MHS encourages all staff to feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

Low-Level concerns should be submitted in writing, including the content and context of the concern. These records will be analysed for any patterns and will be referred to the LADO where necessary. Records and resulting actions will be kept until the staff member leaves the School. Low-level concerns will not be included in references unless they meet the threshold for LADO referral and were substantiated.

### **Responding to low-level concerns**

The Head will collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

The information collected will help to categorise the type of behaviour and determine what further action may need to be taken. This will be recorded along with the rationale for any decisions and actions taken.

## Appendix 8: Handling Allegations of Non-Recent Abuse

### 1. Background and introduction

#### 1.1 This guidance note

1.1.1 This note provides guidance to school leaders responding to an allegation of non-recent abuse (also known as historical abuse) against any adult who worked for the school at the time of the alleged abuse. This includes teaching, residential, pastoral, support, peripatetic and contract staff, leaders, volunteers, governors and owners.

1.1.2 For the purposes of this note, we use the term 'victim', which is a widely recognised and understood term. It is important that schools recognise that not everyone who has been subjected to abuse considers themselves a victim or would want to be described in this way. Many, for example, prefer to be referred to as a 'survivor'. Schools should be conscious of this when managing any allegation and be prepared to use any term with which the individual reporting the allegation is most comfortable with.

1.1.3 Every allegation is unique and whilst the guidance set out below should generally be applied to all allegations of non-recent abuse, clearly individual cases may of necessity need to be handled differently, and individual advice sought as needed.

#### 1.2 What is a 'non-recent' or 'historical' allegation and how do such allegations come to light?

1.2.1 There is no legal or statutory definition of non-recent or historical abuse. The NSPCC defines an allegation of non-recent abuse as *"an allegation of neglect, physical, sexual or emotional abuse made by or on behalf of someone who is now 18 years or over, relating to an incident which took place when the alleged victim was under 18 years old."*

<https://www.nspcc.org.uk/preventing-abuse/signs-symptoms-effects/non-recent-abuse>

1.2.2 It is not unusual for people to disclose experiences of abuse only when they reach adulthood. These allegations may come to the school's attention in a number of ways, including: (a) direct contact from the alleged victim or a friend or family member of the alleged victim; (b) a response to questions put to alumni in a letter or questionnaire or as part of a discussion at an event; (c) contact from a member of the public, police, local authority, health or another external agency which has been made aware of the allegation; (d) the monitoring of information services and social media use; and/or (e) a legal claim.

### 2. Responding to an allegation

#### 2.1 The starting position

2.1.1 The starting position is that a school's response to an allegation of non-recent abuse should be of as high standard as its response to an allegation of current abuse, regardless of the length of time that has passed since the alleged abuse took place.

#### 2.2 How should staff react to an individual disclosing non-recent abuse?

- 2.2.1 In much the same way that they should respond to an allegation of current abuse. Staff should listen to the individual and respond with empathy in a non-judgmental way; reassure the individual that their allegation will be taken seriously and dealt with professionally; emphasise confidentiality but not secrecy, explaining that you will need to share the information with other professionals to ensure that the allegation can be investigated and (where relevant) that other children can be safeguarded; and reassure the individual that they have done the right thing in coming forwards and that others may be safeguarded as a consequence. If possible, the professional should establish if the adult has any knowledge of the alleged abuser's recent or current whereabouts and contact with children.
- 2.2.2 As with an allegation of current abuse, staff should record the allegation in detail, either contemporaneously or immediately after receiving it.

2.3 What immediate steps should you take in response to an allegation?

- 2.3.1 The allegation should be reported to the Head immediately. Where it is not clear from the allegation, the Head should carry out some immediate checks of the school's personnel and pupil files to ascertain: (a) when the alleged victim was a pupil at the school; and (b) when the accused individual worked at the school and contact the LADO.
- 2.3.2 Schools should:
- (a) report all allegations of non-recent abuse to the Police, in accordance with KCSIE 2022, part four. Making a report allows the police to take the appropriate steps to investigate where crimes have been committed and helps to ensure that other children are not put at risk. Even where the alleged perpetrator of the abuse is believed to be deceased, the police should still be informed as they may wish to investigate the allegation to determine whether any others were involved and/or they may wish to speak to the alleged victim and to offer him or her support. Where the alleged victim informs the school that he or she has already reported the allegation to the police, the school should ask for the contact details of the relevant police officer so that they can ensure that a crime report has been made, provide the police with all relevant information, and liaise with them on the management of the allegation where necessary;
  - (b) follow its local Safeguarding Partnerships (LSCB) procedures which may require allegations of non-recent abuse to be referred to the LADO or, in some cases, to children's social care (who should then inform the Local Authority Safeguarding Manager and LADO where appropriate). Where the school's LSCB procedures are silent on this point, we would always advise schools to refer the allegation directly to its LADO because the LADO can normally advise the school on the handling of the allegation and can help to manage any potential on-going risk to children. If the alleged perpetrator is working with or in contact with children in another area, then the school's LADO can refer the allegation to the LADO in that area who can inform the alleged perpetrator's current employer (where relevant). This is essential to ensure that any on-going risks to children are mitigated as far as possible;
  - (c) make a Serious Incident Report to the Charity Commission where the school is a charity. Please see Charity Commission [Guidance](#) on this issue;
  - (d) contact their current insurers as soon as possible to inform them of an allegation (irrespective of whether a civil claim is being threatened). The relevant insurance policy is

likely to be the one which was in place at the time of the alleged abuse, which could be many years ago. It is essential that early efforts are made to identify the relevant historic policy and to contact the insurer. Insurance policies often include cover for legal expenses and insurers will often recommend firms of solicitors to advise schools about potential claims, although schools are not necessarily limited to instructing a firm on an insurer's panel; and

- (e) unless asked not to do so by the LADO or Police, schools should undertake some due diligence at this point. From a review of its files schools should be able to identify: (a) whether the appropriate employment or other checks were carried out on the accused individual; (b) whether the school was made aware of any allegations about inappropriate conduct during his or her employment or engagement by the school; (c) how and when the employment or engagement by the school came to an end; (d) if the school was aware of any allegations or misconduct, whether proper referrals were made to the relevant agencies at that time; and (e) what records you have of any references given by the school to future employers. Whatever information you find should normally be shared with the LADO or the Police where either is carrying out an investigation.

2.3.3 It will be important that a thorough investigation takes place into whether the alleged abuse happened. In some cases the abuser might already have been convicted in a criminal court of abusing the alleged victim. In other cases establishing what has happened may require more careful investigation. Whenever the Police or other statutory agencies are handling or investigating an allegation of abuse, it will not normally be appropriate for the school to carry out its own investigation for fear of inadvertently prejudicing any such investigation. Unless these statutory agencies ask you to or agree that you are able to, the school should refrain from any internal investigation until the external investigations have been completed.

### **3. Communication with victims**

- 3.1 Schools should always treat alleged victims with care and compassion. Communication with the alleged victim should be handled diligently and following consultation with the Local Authority and the Police to ensure that any messages are consistent.
- 3.2 Schools should offer the alleged victim support so that he or she can access therapeutic or other services, as appropriate. Schools should also consider taking further steps to support the alleged victim, asking her/him what s/he would like by way of support. A meeting with the Head or Chair of Governors should be considered, as well as offering the alleged victim an opportunity to participate in any review looking at learning lessons (see below).
- 3.3 Schools are sometimes hesitant about making apologies to victims because they fear that doing so will amount to an admission of liability which could affect the willingness of an insurer to provide cover in relation to any claims made. However, Section 2 of the Compensation Act 2006 states that: *"An apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty"*.
- 3.4 In some circumstances it is therefore possible for a school to issue an apology to a victim. It is quite common for schools to wish to do so and receiving an apology can often be very helpful for victims. Care should be taken to ensure that the wording of an apology does not compromise the school's position and it is important to take legal advice and to consult the school's insurer which will usually want to be fully informed and to have the opportunity to provide input on the wording of any apology.

#### **4. Where the alleged perpetrator works in the school**

- 4.1 Where the alleged perpetrator works in the school (either because he or she has remained there since the original events complained of, or because the allegations relate to conduct at a previous school or other employer), the school should follow its child protection policy and Part Four of KCSIE 2022, in the same way that it would when facing an allegation of current abuse; discussing with the LADO and Police how to manage the risk that the individual may pose to children in school today, and what steps should be taken to mitigate that risk.

#### **5. Defending or settling legal claims**

##### **5.1 Insurers and evidence**

- 5.1.1 As set out above, schools should contact their insurer(s) as soon as possible following an allegation of non-recent abuse. Whilst the insurer will usually appoint one of its panel lawyers to act, the school should establish at the outset the scope of the lawyer's retainer, its rights to information and to participate in decisions as a client, and the lawyer's approach to abuse litigation.
- 5.1.2 Schools should also promptly ensure any relevant documentation, including contemporaneous policies and evidence, is located and preserved once on notice of a potential non-recent allegation.

##### **5.2 Liability**

- 5.2.1 Any employer can in certain circumstances be "vicariously liable" for the actions of its employees or of people akin to employees (such as religious ministers and potentially in certain circumstances even volunteers). Victims of abuse who seek to pursue civil compensation claims will in most cases seek to bring a claim against the school which employed or engaged the alleged abuser rather than against the individual perpetrator. This is partly because victims often prefer not to have any dealings with the perpetrator but also because the school is more likely to be able to satisfy a damages payment or settlement. The law in this area is complex and it would be prudent for a school faced with a civil claim to seek advice at an early stage about whether it may be liable for the alleged abuse. Where the perpetrator has already been convicted in a criminal court for abusing the alleged victim, given the lower burden of proof which applies in civil proceedings, it is very likely that a civil court would be satisfied that the alleged abuse happened. As set out above, in other cases establishing what has happened may require more careful investigation.
- 5.2.2 It is increasingly seen as good practice not to contest liability unless an investigation reveals that there are very compelling reasons to believe that the allegations are untrue or that the abuse occurred in circumstances where the school had no legal liability. Any decision will need to be discussed and agreed with the school's insurers and any solicitors appointed to handle the claim.

##### **5.3 Limitation**

- 5.3.1 One of the legal arguments that may be available to a school defending a non-recent abuse claim is that the claim is time barred. The starting point under The Limitation Act 1980 is that a claim arising out of sexual abuse must be made within three years of the act complained of. In most cases the three-year period will not start to run until the victim reaches 18. After that, the court

has a discretion to extend the period in which a claim can be brought, and it is common for courts to do this.

5.3.2 In deciding whether to extend the limitation period the court will weigh up a number of factors, including: the length of the delay in bringing a claim; the reason for the delay; whether the cogency of the evidence in the claim would be affected by the delay; and the prejudice which would be suffered by the parties as a result of the court's decision. In practice, the onus is likely to be on the school to show that it would suffer serious prejudice if the limitation period were extended. Perhaps the clearest example would be where the alleged abuser had died, so it was no longer possible for the institution to obtain evidence to deal with the claim. Even in those circumstances it may be difficult to persuade a court to deny a claimant the opportunity to bring a claim purely on the basis of the passage of time.

5.3.3 It is increasingly seen as good practice not to rely on a limitation defence in any case of alleged child sexual abuse. Any decision will need to be discussed and agreed with the school's insurers and any solicitors appointed to handle the claim.

#### 5.4 Damages and costs

5.4.1 The level of damages to which a victim of abuse is entitled is highly dependent on the facts of each case, including the severity of the abuse and the short and long-term effects of that abuse. In most cases evidence from a consultant psychiatrist will be obtained by one, or both, parties to help to establish precisely what effect the abuse has had.

5.4.2 A claimant is entitled to claim two types of damages. "General Damages" are compensation for the assaults themselves and for any psychological damage which the abuse caused. "Special Damages" are compensation for losses suffered as a result of the psychological damage. Victims may claim, for example, that their career has suffered as a result of the abuse and that they have lost significant earnings over their whole working life. Judges tend to take a reasonable approach to these claims and will weigh up the likely effects of the abuse and of any other factors which may have affected the claimant's career.

5.4.3 The Jackson reforms which came into force in April 2013 have shifted the balance of risk of litigation in favour of defendants. Previously, defendants could be liable to pay not only the claimant's legal costs of bringing a claim but in addition a 100% uplift on those costs known as a "success fee" if the claimant's solicitors were acting on a "no win, no fee" basis. Defendants are no longer required to pay such uplift. However, a process called "qualified one-way costs shifting" also means that defendants will often not be able to recover their legal costs from the claimant even if the claim is ultimately unsuccessful, except in exceptional circumstances. Even if a mutually acceptable settlement can be agreed quickly, a school will generally be required, as part of that settlement, to pay the claimant's reasonable legal costs incurred up to that point.

5.4.4 Legal costs in non-recent abuse claims can escalate quickly, in particular because both sides may want to instruct a barrister and, as mentioned above, an expert psychiatrist to assess the effects of the abuse on the claimant.

#### 5.5 Settlement agreements

5.5.1 Once due diligence has established that there is likely to be liability on the part of the school, the swiftest and most cost-effective way to resolve non-recent abuse claims can often be to have a without prejudice meeting or a mediation so all the relevant issues can be discussed and an agreement reached. Agreeing a settlement gives the parties scope to include terms which

would not be ordered by a court if the claim were to go to trial. For example, schools can offer an apology or offer to make specific contributions towards medical or psychiatric treatment for the claimant.

- 5.5.2 It is increasingly seen as good practice not to include terms as to confidentiality in settlement agreements, unless requested by the claimant. This is because schools should not be preventing victims of abuse from speaking out about their experiences. In addition, these clauses are very difficult to enforce and can be interpreted by others as an attempt to “gag” the victim. If the claimant requests terms as to confidentiality (for example, some victims may be concerned about the amount of compensation paid becoming public), the school should request that such terms are drafted by the claimant's solicitors for agreement between the parties. The school should always be prepared to release the claimant from any confidentiality clause if the claimant so requests. Any decision will need to be discussed and agreed with the school's insurers and any solicitors appointed to handle the claim.

## **6. Communications and handling sensitive information**

- 6.1 Communications and information sharing should be considered very carefully throughout. Good communication can lead to a situation well managed; whereas poor or ill-timed communication can lead to significant harm to the alleged victim or perpetrator, other individuals and, in many cases, the school itself.
- 6.2 Where the Police or other statutory agencies are investigating the allegation, schools should always consult with, coordinate and share communications with these agencies. Schools should also seek professional advice from legal and communications experts on its communications, as well as the other aspects of its response. Although each case is different, there are some general principles worth always bearing in mind:
- 6.2.1 remember all audiences, including, first and foremost, the alleged victim(s) and his or her parents. Schools should also consider other alumni affected by the allegation and their families, current and former staff, children in the school today and their parents, the media and members of the public;
- 6.2.2 consider the school's duties to the alleged victim and the alleged perpetrator, as well as any legal duties to maintain the anonymity of either, or both. Risks of self-harm by alleged perpetrators are well documented, and schools should discuss with the Police and LADO suitable risk management strategies;
- 6.2.3 show leadership and act fast. Where possible, and at the right time, reassure the school community that the school is taking the matter seriously and is in control. Provide an opportunity for other alumni to share any concerns with either an appointed member of the senior management team, the Police or with an organisation such as the NSPCC;
- 6.2.4 prepare for media attention and draft holding statements. Explain how your governors, staff and members of your school community should respond if they are contacted by the media; and
- 6.2.5 be clear in the communications, express your concern for those involved and always tell the truth. A cover-up is fatal and can become the focus of the media story: the school must not only do but be seen to have done the right thing.
- 6.3 Schools should be reassured that laws protecting personal data and confidential or private information need not, and should not, interfere with making the right choices about proper record-keeping and information sharing concerning abuse claims and related incidents. Aside from the fact that the stakes are higher - in legal, ethical and reputational terms - for mishandling or failing to act on an abuse claim than

for, say, a breach of data protection laws, it will generally be the case that these laws do allow for proper recording and retention of relevant information, whether or not a legal claim is in prospect. The same applies to appropriate sharing: with authorities, advisers, and in some cases internally at the school or with those directly affected.

- 6.4 Nevertheless schools do need to take care to record potentially highly sensitive information properly, fairly and accurately, and share it securely and only with the right people. This note should be read alongside each of KCSIE 2022, the school's child protection policy, and any other school policies applicable to the sharing, recording and retaining of documents and personal information.

## **7. Learning lessons**

- 7.1 Schools should always consider whether the allegation, or the school's response to it, have highlighted any weaknesses in the school's safeguarding systems, looking at what the school could do better or differently in the future, and revising its procedures and training accordingly. Questions that schools should ask themselves include:
- 7.1.1 did the allegation reveal inadequate boundaries between children and adults in the school, and is today's school content that these boundaries are in place and adhered to?
  - 7.1.2 has the incident highlighted any training needs?
  - 7.1.3 how was the individual perpetrator recruited and should the school revise its recruitment practices going forwards?
  - 7.1.4 did anyone have concerns about the individual perpetrator at the time and did they raise these concerns with the School's Head or DSL?
  - 7.1.5 how did the school support and care for the victim(s) and was this appropriate?
  - 7.1.6 has the incident highlighted any weaknesses in the school's wider systems or procedures?
- 7.2 Schools may want to commission an external specialist to carry out this review and recommend steps that the school can take to protect children in the future. There are many different types of review available and schools should consider their options, the identity of the expert(s) and the terms of reference for any review carefully.

**Updated September 2022**

