



Safeguarding and Child Protection Policy and Procedure

SPAIN

September 2020

Please note that this policy applies for all children who are present on the school site and should be read in conjunction with our [Covid-19 Addendum Policy](#)

<u>1</u>	<u>SAFEGUARDING IN OUR SCHOOL</u>	5
<u>1.1</u>	<u>Our aims and responsibilities</u>	5
<u>1.2</u>	<u>Definition of safeguarding</u>	6
<u>1.3</u>	<u>Who this policy applies to</u>	6
<u>1.4</u>	<u>Inter-agency working</u>	7
<u>1.5</u>	<u>Definitions and terminology</u>	7
<u>1.6</u>	<u>Related documentation</u>	7
<u>1.7</u>	<u>Safer recruitment</u>	7
<u>1.8</u>	<u>Policy review</u>	7
<u>1.9</u>	<u>Information Sharing</u>	7
<u>2</u>	<u>KEY SAFEGUARDING FACTS</u>	8
<u>3</u>	<u>KEY PEOPLE AND CONTACTS</u>	9
<u>4</u>	<u>TYPES OF ABUSE</u>	11
<u>4.1</u>	<u>Abuse</u>	11
<u>4.2</u>	<u>Physical abuse</u>	11
<u>4.3</u>	<u>Emotional abuse</u>	11
<u>4.4</u>	<u>Domestic abuse</u>	11
<u>4.5</u>	<u>Sexual Abuse</u>	12
<u>4.6</u>	<u>Neglect</u>	12
<u>4.7</u>	<u>Peer on peer abuse</u>	12
<u>4.8</u>	<u>Honour based Violence, including FGM, Forced Marriage and Breast Ironing</u>	13
<u>4.9</u>	<u>Behavioural signs of abuse and neglect</u>	13
<u>4.10</u>	<u>Emotional Wellbeing and Mental Health</u>	14
<u>4.11</u>	<u>Children with Special Educational Needs and/or Disabilities</u>	14
<u>4.12</u>	<u>Signs of abuse or neglect manifested by the parents or other responsible adult</u>	14
<u>4.13</u>	<u>Grooming</u>	15
<u>4.14</u>	<u>Signs of grooming and/or online abuse</u>	15
<u>4.15</u>	<u>Signs of grooming manifested by sex offenders</u>	15
<u>4.16</u>	<u>Modus operandi of institutional grooming</u>	16

Safeguarding and Child Protection Policy and Procedure

<u>4.17</u>	<u>Signs of grooming for radicalisation</u>	16
<u>4.18</u>	<u>Child criminal exploitation and Sexual Violence</u>	17
<u>4.19</u>	<u>Contextual Safeguarding</u>	17
<u>4.20</u>	<u>Child Sexual Exploitation</u>	17
<u>4.21</u>	<u>Children Missing From Education</u>	18
<u>4.22</u>	<u>Children with Family Members in Prison</u>	18
<u>5</u>	<u>STAGES OF CHILD PROTECTION</u>	18
<u>5.1</u>	<u>Early Help</u>	19
<u>5.2</u>	<u>Children in Need</u>	19
<u>5.3</u>	<u>Children suffering or likely to suffer significant harm</u>	19
<u>5.4</u>	<u>What to do if you have a concern about a child</u>	19
<u>5.5</u>	<u>Passing on safeguarding records when a child leaves the school</u>	21
<u>6</u>	<u>WHISTLEBLOWING</u>	21
<u>7</u>	<u>THE ROLE OF THE DESIGNATED SAFEGUARDING LEAD AND DEPUTY DESIGNATED SAFEGUARDING LEAD</u>	22
<u>7.1</u>	<u>Deputy DSL</u>	22
<u>7.2</u>	<u>Inter-agency working</u>	22
<u>7.3</u>	<u>Support for DSL</u>	22
<u>7.4</u>	<u>Manage referrals</u>	22
<u>7.5</u>	<u>Work with others</u>	23
<u>7.6</u>	<u>Training</u>	23
<u>7.7</u>	<u>Raise awareness</u>	24
<u>7.8</u>	<u>Safeguarding Files</u>	24
<u>7.9</u>	<u>Availability</u>	24
<u>7.10</u>	<u>Online Safety</u>	25
<u>8</u>	<u>RESPONSIBILITIES OF THE PROPRIETOR</u>	25
<u>8.1</u>	<u>* Using Children Missing Education Statutory Guidance (Sep 2016)</u>	26
<u>9</u>	<u>INDUCTION</u>	26

<u>10</u>	<u>TRAINING</u>	26
<u>10.1</u>	<u>Staff employed in school</u>	26
<u>10.2</u>	<u>Third-party contractors</u>	26
<u>10.3</u>	<u>Teaching about safeguarding</u>	26
<u>11</u>	<u>ONLINE SAFETY</u>	27
<u>11.1</u>	<u>Youth produced sexual imagery / ‘Sexting’</u>	27
<u>11.2</u>	<u>What is youth produced sexual imagery?</u>	27
<u>11.3</u>	<u>What types of incidents are covered by this policy?</u>	27
<u>11.4</u>	<u>Disclosure</u>	28
<u>11.5</u>	<u>Handling incidents</u>	28
<u>12</u>	<u>LOOKED AFTER CHILDREN</u>	28
<u>13</u>	<u>PEER ON PEER ABUSE</u>	29
<u>13.1</u>	<u>What is peer on peer abuse?</u>	29
<u>13.2</u>	<u>What role does gender play?</u>	30
<u>13.3</u>	<u>When does behaviour become abusive?</u>	30
<u>13.4</u>	<u>How can I identify victims of peer on peer abuse?</u>	30
<u>13.5</u>	<u>Are some children particularly vulnerable to abusing or being abused by their peers?</u>	31
<u>13.6</u>	<u>How prevalent is peer on peer abuse?</u>	31
<u>13.7</u>	<u>What should I do if I suspect either that a child may be being abused, or that a child may be abusing others?</u>	31
<u>13.8</u>	<u>How will the DSL respond to concerns of peer on peer abuse?</u>	31
<u>13.9</u>	<u>How does the school raise awareness of and reduce the risk of peer on peer abuse?</u>	32
<u>14</u>	<u>SEXUAL VIOLENCE AND SEXUAL HARASSMENT BETWEEN CHILDREN</u>	33
<u>15</u>	<u>SIGNPOSTING TO FURTHER INFORMATION</u>	34
<u>16</u>	<u>LOW LEVEL CONCERNS</u>	34
<u>16.1</u>	<u>Code of Conduct</u>	35
<u>16.2</u>	<u>Our low-level concern policy</u>	35
<u>16.3</u>	<u>What is a low-level concern?</u>	35

16.4	What should I do if I have one?	36
16.5	How will my low-level concern be handled?	36
16.6	What records will be kept?	36
17	ALLEGATIONS OF ABUSE MADE AGAINST TEACHERS AND OTHER STAFF	37
17.1	What is an allegation?	37
17.2	What should I do if I have an allegation?	37
17.3	Duties as an employer and an employee	37
17.4	Dealing with an allegation	37
17.5	Suspension of an employee	39
17.6	Support for employees	40
17.7	Timescales	41
17.8	Confidentiality	41
17.9	Oversight and monitoring	42
17.10	Information sharing	42
17.11	Following a criminal investigation or a prosecution	42
17.12	Outcome of an allegation	43
17.13	On conclusion of a case	43
17.14	Malicious or unsubstantiated allegations	43
17.15	Learning lessons	44
17.16	Resignations and ‘settlement agreements’	44
17.17	Record keeping	44
17.18	References	44

1. Safeguarding in our school

1.1. Our aims and responsibilities

Our commitment is to safeguard and promote the welfare, health (including mental health) and safety of our pupils by creating and maintaining an open, safe, caring and supportive atmosphere. This includes:

- Proactively teaching pupils about safeguarding
- Ensuring that systems and procedures are in place to protect pupils
- Acting in the best interests of the child

All staff have the following responsibilities:

- **Contribute to providing a safe environment in which all children can learn and flourish**
- **Know what to do if a child tells you that he or she is being abused or neglected**
- **Know what to do if you are concerned about the behaviour or conduct of an adult in the school**
- **Manage the requirement to maintain an appropriate level of confidentiality**
- **Identify children who may benefit from Early Help**
- **Refer any concern to the Designated Safeguarding Lead (DSL) or the Deputy DSL**
- **Be aware of our local Early Help process and our role in it**
- **Be aware of the process for making a referral to Social Services and understand the role you might be expected to play in statutory assessments**

1.2. Definition of safeguarding

Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

In our school, safeguarding is everyone's responsibility

Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.

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

1.3. Who this policy applies to

This policy applies to all pupils in the school, including those in the early years.

This policy applies to all teaching, non-teaching, residential, pastoral, support, peripatetic, contract staff and ancillary staff, volunteers, non-school based Cognita staff and any other adults working at the school. All references in this document to "staff" or "members of staff" should be interpreted as relating to the aforementioned, unless otherwise stated. It applies to adults in the early years phase of the school. Throughout the document, the term DSL is used for the Designated Safeguarding Lead. For staff in the early years, they should report directly to the Early Years Designated Safeguarding Lead (EYDSL).

This Safeguarding Policy and the Code of Conduct applies to all pupils and adults in the school, including when being educated off-site and undertaking an educational visit. It also applies to students who are on an exchange and being hosted by the school.

1.4. Inter-agency working

The school is committed to inter-agency working in order to secure the best levels of safeguarding for all of its pupils. The school contributes to inter-agency working in accordance with statutory guidance. The school works with social care, the police, health services and other services to promote the welfare of children and protect them from harm. The school will also work within the requirements of their Safeguarding partners

1.5. Definitions and terminology

'Children' includes everyone under the age of 18

'DSL' refers to the school's named Designated Safeguarding Lead

'KCSIE' refers to the United Kingdom's statutory guidance Keeping Children Safe in Education

1.6. Related documentation

This policy should be read in relation to the most recent version of the following documents, to the extent they are applicable in Spain:

National documents:

- LO 2/2006, 3 May, of Education.
- LO 5/2000, 12 January, regarding minors' criminal liability
- LO 1/1996, 15 January, regarding minors' legal protection

This policy is updated annually, drawing on feedback from staff, and is published to all staff and volunteers and placed on the school website. As reference, this policy is based on KCSIE 2020

Internal documents:

- Behaviour Policy
- Digital Safety Policy
- Exclusion Policy
- Policy on Use of Phones and Devices in the Early Years
- Preventing Extremism and Radicalisation Policy
- Safer Recruitment Policy
- Staff Code of Conduct and Acceptable Use Policy

1.7. Safer recruitment

Our school prioritises embedding a culture of safer recruitment as part of our strategy for preventing harm to children. Statutory procedures for checking the suitability of staff and volunteers who work with children are always followed (see Safer Recruitment Policy)

1.8. Policy review

The school carries out an annual review of this policy. This includes an evaluation of the extent to which these policies have been effectively implemented throughout the school. The school will remedy any deficiencies or weaknesses in child protection arrangements without delay and without waiting for the next policy review date, should any be necessary. Staff are invited to contribute to and shape safeguarding arrangements based on reflection and learning. Staff are invited to contribute to the review of this policy.

1.9. Information sharing

Information sharing is vital in identifying and tackling all forms of abuse and neglect. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children. School staff should be proactive in sharing information internally within the school, with Cognita, and with local authorities, as early as possible to help identify, assess and respond to risks or concerns about the safety

and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care. This includes the sharing of information without parental consent where there is good reason to do so, i.e. the risk of harm to the child will be increased.

However, data protection legislation in Spain means that we must consider information sharing with other third parties e.g. with a new school, on a case by case basis, in conjunction with the Group Data Protection Team / Group Legal Team.

Further details on information sharing can be found in Data Protection: Toolkit for Schools - Guidance to support schools with data protection activity, including compliance with the GDPR.

2. Key safeguarding facts

The safety and wellbeing of our pupils is our number one priority

Safeguarding and promoting the welfare of children is everyone's responsibility

We operate within a culture of openness and recognise and accept that abuse can happen in any organisation

*We are a 'sharing organisation'
All concerns should be reported*

All concerns about a child (including signs of abuse and neglect) must be reported immediately to the Designated Safeguarding Lead (DSL) or, in their absence, to the Deputy Designated Safeguarding Lead (DDSL)

In the event that a child is in immediate danger or at risk of harm a referral should be made to Social Services, the Public Prosecutor, the Inspectorate of Education and/or the police immediately*

*Hereinafter, Social Services, Public Prosecutor, the Inspectorate of Education and/or the police will be referred as Authorities.

An allegation about another adult in school should be referred to the Headteacher

An allegation about the Headteacher should be referred to the Cognita Director of Education

Any concern or 'nagging doubt' about an adult or child should be shared with the DSL or Headteacher

3. Key people and contacts

School contacts	
Designated Safeguarding Lead (DSL)	Helen Ormerod
Deputy Designated Safeguarding Lead (Deputy DSL)	Fiona Chapman, Anne McConnell, Emma Duffy, Scott O'Donnell, Jonathan Gunzi, Linda Carruthers, Suzanne Garcia, Andrew McEachan
Designated Practitioner with responsibility for safeguarding in early years	Emma Duffy
Deputy Designated Practitioner with responsibility for safeguarding in early years	Myriam Carillo
Stonewall Champion (s)	Linda Carruthers
Designated Looked After Children Lead	Helen Ormerod
Wellbeing Lead	Helen Ormerod
Prevent Lead	Linda Carruthers
Headteacher/Principal	Neil Tetley

Cognita (proprietor) contacts	
Cognita Safeguarding Adviser (see note below)	Alison Barnett alison.barnett@cognita.com
Chair of Governors (Cognita Director of Education)	Fidelma Murphy fidelma.murphy@cognita.com
Group Director of Education	Simon Camby simon.camby@cognita.com
Cognita (proprietor) board member with responsibility for safeguarding	The Cognita Board Member with responsibility for safeguarding is Chris Jansen, Chief Executive chrisj@cognita.com

Safeguarding and Child Protection Policy and Procedure

Local Authority Contacts	
Our school follows the safeguarding protocols and procedures of our local Social Services/Safeguarding Partners.	<u>Comunidad de Madrid - protocols and procedures</u>
Local authority Social Services referral team(s)	Dirección General de la Familia y el Menor Subdirección General de Infancia y Adolescencia Área de Infancia y Adolescencia C/ Manuel de Falla, 7 CP: 28036 Madrid Teléfonos: 91 420 85 68 / 91 580 34 64
Tutores de menores (part of national police)	For PdH, BdC and Azulinas (Distrito de Chamartin) 915886560 For LST/MM8 (Distrito Ciudad Lineal) 913672597 For Sobradiel (Distrito Hortaleza) 913825040
Contact for Radicalisation concerns	https://stop-radicalismos.ses.mir.es/
Coordination de Agentes Tutores	C/ Albarracion, 31 Tel 91 480 44 66/72 agentetutor@munimadrid.es

Police	
Local Police Emergency	112
Local Police non-emergency	<p>Comisaría de Distrito Madrid Chamartín</p> <p> Avda. Pío XII, 48 28016 - Madrid (Madrid)</p> <p> Tel.: 913227910 Fax: 913227911</p> <p>Comisaría de Distrito Madrid Hortaleza - Barajas</p> <p> C/ Javier del Quinto, s/n 28043 - Madrid (Madrid)</p> <p> Tel.: 913221188 Fax: 913229994</p>

National Contacts	
La Linea de Ayuda a la Infancia	116111
Teléfono de la Esperanza	Tel : +34 91 459 00 55 Tel : 717 003 717
ANAR Foundation	Tel: +34 900 20 20 10 Tel: 116111 https://www.anar.org/
Gender Violence phone	Tel: 016
Bullying helpline	Tel: + 34 900 018 018

Note: The Cognita Safeguarding Adviser is a role which supports the development of effective safeguarding practice within the Cognita family of schools and is not intended to replace, in any way, the statutory referral and reporting requirements.

4. Types of abuse

The term 'abuse' is often used as an umbrella term. All staff should be aware of indicators of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Abuse 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			
Physical abuse	Emotional abuse	Sexual abuse	Neglect

4.1. Abuse

Abuse is 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. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. They may be abused by an adult or adults or by another child or children.

4.2. Physical abuse

Physical abuse is 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 of physical abuse can include:

- *injuries to parts of the body where accidents are unlikely, such as thighs, back, abdomen;*
- *respiratory problems from drowning, suffocation or poisoning;*
- *untreated or inadequately treated injuries;*
- *bruising which looks like hand or finger marks or caused by an implement;*
- *cigarette burns, human bites; or*
- *scarring, scalds and burns.*

4.3. Emotional abuse

Emotional abuse is 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 from 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

4.4 Domestic abuse

Emotional abuse often occurs when the child sees or hears domestic abuse occurring in the home. The cross-government definition of domestic violence and abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse

between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; and emotional. Exposure to domestic abuse and/or violence can have a serious, long lasting emotional psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

Signs of emotional abuse tend to be behavioural rather than physical (see below).

4.5 Sexual abuse

From a broad non-legal perspective, sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not involving 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. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education.

Signs of sexual abuse displayed by children may include:

- *Pregnancy*
- *sexually transmitted infection/diseases;*
- *pain/itching/bleeding/bruising/discharge to the genital area/anus/mouth;*
- *urinary infections;*
- *difficulty walking or sitting or standing;*
- *persistent sore throats; or*
- *stomach ache.*

4.6 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy, for example, 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 of possible neglect include:

- *the child seems underweight or is very small for their age, or their weight deteriorates;*
- *the child seems very overweight for their age;*
- *they are poorly clothed, with inadequate protection from the weather;*
- *they are often absent from school for no apparent reason; or persistently arrive late: or*
- *they are regularly left alone, or in charge of younger brothers or sisters.*

4.7 Peer on peer abuse

All staff must be alert to possible indicators of safeguarding concerns which may indicate peer on peer abuse. This is most likely to include, but may not be limited to:

- *bullying (including cyberbullying);*
- *physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;*
- *sexual violence and sexual harassment;*
- *sexting (also known as youth produced sexual imagery);*

- initiation/hazing type violence and rituals; and
- upskirting

See separate section of this document on peer on peer abuse.

4.8 Honour Based Violence (HBV) (including Female Genital Mutilation (FGM), Forced Marriage (FM) and breast ironing)

HBV includes all incidents or crimes which have been committed to protect or defend the honour of the community and/or the family, and commonly involve practices such as FGM, forced marriage and/or breast ironing. Abuse often involves a wider network of family or community pressure and therefore it is important to be aware of this dynamic and consider risk factors when deciding on action. If staff have a concern that a child may be at risk of Honour Based Violence, they should alert their DSL immediately.

FGM

FGM is abuse that encompasses all procedures involved in the partial or total removal of female external genitalia and is illegal in Spain and UK. Whilst all staff should speak to the DSL (or deputy DSL) with regard to any concerns about FGM, there is a duty on teachers to report FGM. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the teacher **must** report this to the public prosecutor, the criminal courts and/or the police.

Forced Marriage

Forcing a person into marriage is a crime in Spain, England and Wales. FM is one entered into without the full and free consent of one or both parties and where violence, threats or any form of coercion is used to cause a person to enter into a marriage. As reference, the FM Unit provides more guidance, which can be found [here](#). Multi-Agency guidelines, which focus on the role of schools, can be found [here](#).

Breast ironing

Breast ironing, also known as breast flattening, is the pounding and massaging of a pubescent girl's breasts, using hard or heated objects, to try to make them stop developing or disappear. It is typically carried out by the girl's mother, who will say she is trying to protect the girl from sexual harassment and rape to prevent early pregnancy that would tarnish the family name, or to allow the girl to pursue education, rather than be forced into [early marriage](#).

See Annex A of KCSIE for further details.

4.9 Behavioural signs of abuse and neglect

If a child is being abused, their behaviour may change in a number of ways. For example, they may:

- behave aggressively or be disruptive, act out, demand attention and require more discipline than other children;
- become angry or disinterested and/or show little creativity;
- seem frightened of certain adults;
- become sad, withdrawn or depressed;
- have trouble sleeping;
- become sexually active at a young age;
- exhibit inappropriate sexual knowledge for their age or sexualised behaviour in their play with other children;
- refuse to change for gym or participate in physical activities;
- develop eating disorders;
- self-harm;

- refuse to attend school or run away from home;
- lack confidence or have low self-esteem; or
- use drugs or alcohol.

4.10 Emotional Wellbeing and Mental Health

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences, can impact on their mental health, behaviour and education.

All staff should also be aware that deteriorating emotional wellbeing and escalation of 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. Please note, however, only appropriately trained health professionals should attempt to make a diagnosis of a mental health problem.

Staff, however, 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. If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following their child protection policy and speaking to the DSL.

The Department of Education has published advice and guidance on Preventing and Tackling Bullying, and Mental Health and Behaviour in Schools. In addition, Public Health England has produced a range of resources to support secondary school teachers to promote positive health, wellbeing and resilience among young people including its guidance, Promoting Children and Young People's Emotional Health and Wellbeing. Its resources include social media, forming positive relationships, smoking and alcohol. See [Rise Above](#) for links to all materials and lesson plans.

4.11 Children with Special Educational Needs and/or Disabilities

Children with special educational needs (SEN) and/or disabilities are statistically more vulnerable to child abuse, including peer on peer abuse. Additional barriers can exist when recognising abuse and neglect in this group of children. These include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- assumptions that children with SEN and disabilities can be disproportionately impacted by things like bullying without outwardly showing any signs; and
- communication barriers and difficulties in overcoming these challenges.

4.12 Signs of abuse or neglect manifested by the parents or other responsible adult

- Place unrealistic expectations on the child i.e. demand a level of academic or physical performance of which they are not capable;
- offers conflicting or unconvincing explanation of any injuries to the child;
- appears indifferent to or overtly rejects the child;
- denies existence of or blames the child for the child's problems at home or at school;
- sees and describes the child as entirely worthless, burdensome or in another negative light;
- refuses offers of help for the child's problems; or
- is isolated physically/emotionally.

4.13 Grooming

Grooming is the process by which an individual prepares a child, significant adults and the environment for abuse of this child. Children and young people can be groomed online or in the real world, by a stranger or by someone they know. Groomers may be male or female, of any gender identity. They could be any age. Many children and young people do not understand that they have been groomed, or that what has happened is abuse. The signs of grooming are not always obvious. Groomers will also go to great lengths not to be identified.

Children may:

- be very secretive, including about what they are doing online;
- have older boyfriends or girlfriends;
- go to unusual places to meet friends;
- have new things such as clothes or mobile phones that they can't or won't explain;
- have access to drugs and alcohol;
- go missing from home or school;
- display behavioural changes;
- have sexual health issues; or
- present as suicidal, self/harming, feeling depressed, unworthy.

In older children, signs of grooming can easily be mistaken for 'normal' teenage behaviour, but you may notice unexplained changes in behaviour or personality, or inappropriate sexual behaviour for their age. See the Internet Segura for Kids website for further guidance and information about grooming accessible at the URL: <https://www.is4k.es/>.

4.14 Signs of grooming and/or online abuse

A child may be experiencing abuse online if they:

- spend lots, much more, or much less time online, texting, gaming or using social media;
- are withdrawn, upset or outraged after using the internet or texting;
- are secretive about who they're talking to and what they're doing online or on their mobile phone; and/or
- have lots of new phone numbers, texts or e-mail addresses on their mobile phone, laptop or tablet.

4.15 Signs of grooming manifested by sex offenders

It is important to remember that not all sex offenders will exhibit the signs listed below and if an individual exhibits some or all of these signs, it does not mean that they are a sex offender:

- Overly affectionate behaviour with a child
- Affording special attention or preferential treatment to a child
- Excessive time spent alone with a child outside of the classroom/school
- Frequently spending time with a child in private or isolated areas
- Transporting a child to or from the school
- Making friends with a child's parents and visiting their home
- Acting as a child's confidante
- Giving small gifts, money, toys, cards, letters to a child
- Using texts, telephone calls, e-mails or social networking sites to inappropriately communicate with a child
- Flirtatious behaviour or making suggestive remarks or comments of a sexual nature around a child

4.16 Modus operandi of institutional grooming

- Target vulnerable victim: Perpetrators target victims who are vulnerable, isolated, insecure and/or have greater emotional needs.
- Gain victim's trust: Offenders may allow a child to do something (e.g. eat ice cream, stay up late, view pornography) which is not normally permitted by the child's parents or the school in order to foster secrecy.
- Gain the trust of others: Institutional offenders are often popular with children and parents, successfully grooming not only the victim but also other members of the victim's family and the community at large.
- Filling a need/becoming more important to the child: This can involve giving gifts, rewards, additional help or advice, favouritism, special attention and/or opportunities for special trips or outings.
- Isolating the child: The perpetrator may encourage dependency and subtly undermine the victim's other relationships with friends or family members.
- Sexualising the relationship: This can involve playful touches, tickling and hugs. It may involve adult jokes and innuendo or talking as if adults, for example about marital problems or conflicts.
- Maintaining control and secrecy: Offenders may use their professional position to make a child believe that they have no choice but to submit to the offender.

4.17 Signs of grooming for radicalisation

There are no known definitive indicators that a young person is vulnerable to radicalisation, but there are several signs that together increase their risk of being groomed in this way. Signs of vulnerability include:

- Underachievement
- Being in possession of extremist literature
- Poverty
- Social exclusion
- Traumatic events
- Global or national events
- Religious conversion
- Change in behaviour
- Extremist influences
- Conflict with family over lifestyle
- Confused identity
- Victim or witness to race or hate crimes
- Rejection by peers, family, social groups

Additional information regarding the prevention of radicalisation can be found on the following webpages:

- Protocol implemented by the Spanish Ministry of Internal Affairs:
<http://www.interior.gob.es/documents/642012/5179146/PLAN+ESTRAT%C3%89GICO+NACIONAL.pdf/d250d90e-99b5-4ec9-99a8-8cf896cb8c2f>
- Website launched by the Spanish Ministry of Internal Affairs to prevent radicalisation and where complaints can be filed: <https://stop-radicalismos.ses.mir.es/>

4.18 Child Criminal Exploitation and Serious Violence

CCE is where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator

or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. CCE does not always involve physical contact; it can also occur through the use of technology. CCE can include children being forced to work in cannabis factories, forced to shoplift or pickpocket, or to threaten other young people. CCE also involves children and young people being coerced into moving drugs or money across the country; this is commonly referred to as County Lines.

County Lines usually occurs through engaging children into gangs and using them to carry money or drugs from urban areas to suburban and rural areas, market and seaside towns. Further information on the signs of a child's involvement in county lines is available in guidance published by the Home Office [here](#).

All staff should be aware of indicators which may signal that children are at risk from, or are involved with, serious violent crime. These can 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. More information can be found in KCSIE (2020), in the Home Office's '[Preventing youth violence and gang involvement](#)' and its '[Criminal exploitation of children and vulnerable adults: county lines guidance](#)'.

4.19 Contextual Safeguarding

Contextual Safeguarding is an approach to understanding, and responding to, young people's experiences of significant harm beyond their families. It recognises that the different relationships that young people form in their neighbourhoods, schools and online can feature violence and abuse. Parents and carers have little influence over these contexts, and young people's experiences of extra-familial abuse can undermine parent-child relationships.

The contextual safeguarding approach says that children's social care practitioners, child protection systems and wider safeguarding partnerships need to engage with individuals and sectors who do have influence over/within extra-familial contexts, and recognise that assessment of, and intervention with, these spaces are a critical part of safeguarding practices. Contextual Safeguarding, therefore, expands the objectives of child protection systems in recognition that young people are vulnerable to abuse beyond their front doors. This also includes the risk of abuse occurring in or outside of school.

4.20 Child Sexual Exploitation (CSE)

CSE is a form of abuse and occurs where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual activity. 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. In some cases, the abuse will be in exchange for something the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator.

The abuse 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. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual and it should be noted exploitation as well as being physical can be facilitated and/or take place online.

CSE 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. It can include both

contact (penetrative and non-penetrative acts) and non-contact sexual activity and 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).

The above CCE indicators can also be indicators of CSE, as can:

- children who have older boyfriends or girlfriends; and
- children who suffer from sexually transmitted infections or become pregnant.

For more information, see *Child Sexual Exploitation: Guide for Practitioners*

4.21 Children Missing in Education

All staff should be aware that children going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and can also be a sign of child criminal exploitation including involvement in county lines. It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future. Staff should be aware of their school's unauthorised absence and their local authority's children missing from education procedures.

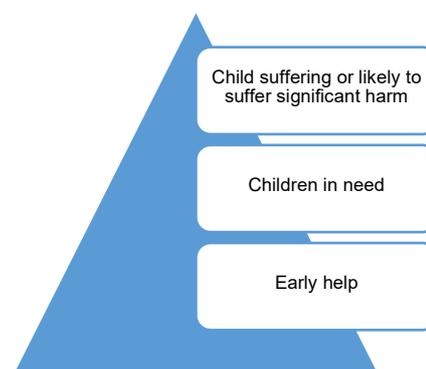
4.22 Children with family members in prison

Schools should be aware if they have any children or young people on their roll whose parent or close family member is in prison and provide additional support. Approximately 200,000 children in England and Wales have a parent sent to prison each year. These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health. NICCO provides information designed to support professionals working with offenders and their children, to help mitigate negative consequences for those children.

5. Stages of child protection

The school can use a range of arrangements depending on the information available. The school will always work cooperatively with external agencies, including the local authority and the police.

The diagram opposite outlines the hierarchy of these approaches.



Where a child is suffering, or is likely to suffer from harm, it is important that a referral to Social Services (and, if appropriate, the police) is made immediately by the DSL, who should follow the local authority's referral process. If the DSL is not available then there should be no delay in the school making a referral.

5.1. Early Help

If early help is appropriate, the DSL or DDSL will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. Staff may be required to support other agencies and professionals in an early help assessment, in some cases acting as the lead professional. Any such cases should be kept under constant review and consideration

given to a referral to Social Services for assessment for statutory services, if the child's situation does not appear to be improving or is getting worse.

Any child may benefit from early help, but all school staff should be particularly alert to the potential need for early help for a child who:

- is disabled and has specific additional needs;
- has special educational needs (whether or not they have a statutory education, health and care plan);
- is a young carer;
- is showing signs of being drawn into anti-social or criminal behaviour, including gang involvement and association with organised crime groups;
- is frequently missing/goes missing from care or from home;
- is misusing drugs or alcohol themselves;
- is at risk of modern slavery, trafficking or exploitation;
- is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse;
- has returned home to their family from care;
- is showing early signs of abuse and/or neglect;
- is at risk of being radicalised or exploited;
- is a privately fostered child and/or
- has already been identified as being LGBTQ+ or is beginning to identify as LGBTQ+.

5.2. Children in Need

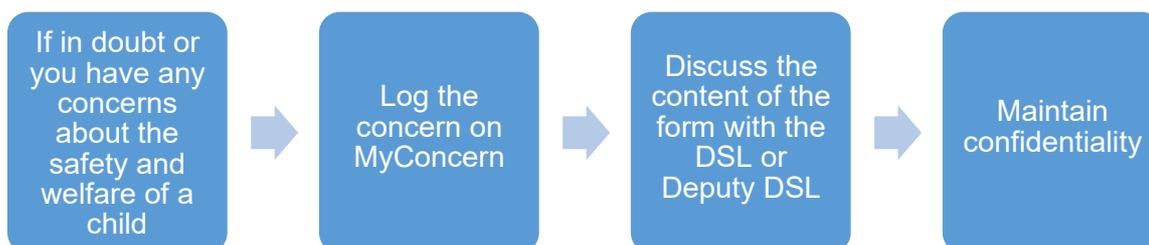
As guidance, A Child in Need is defined under the LO 1/1996, 15 January, regarding minors' legal protection as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision 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.

5.3. Children suffering or likely to suffer significant harm

Local authorities, with the help of other organisations as appropriate have a duty to make enquires under section 18 of the LO 1/1996, 15 January, regarding minors' legal protection if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child's welfare and must be initiated where there are concerns about maltreatment, including all forms of abuse and neglect, female genital mutilation or other so-called honour-based violence, and extra-familial threats like radicalisation and sexual exploitation. Should an investigation occur, then the school's involvement and any action may be determined on the advice given by the investigating agency.

5.4. What to do if you have a concern about a child

5.4.1. This should be read alongside KCSIE (statutory guidance) – Part One and Annex A



Safeguarding and promoting the welfare of children is everyone's responsibility. (KCSIE 2020). All staff should know what to do when a child discloses abuse to them, they have concerns about a child's welfare, or when children or staff raise concerns about a pupil to them.

If a child tells a member of staff that they know about or have been a victim of abuse or neglect the member of staff should:

- Listen carefully and allow the child to speak freely and remain calm. Do not interrupt the child or be afraid of silences.
- Provide reassuring nods and words such as, "I am so sorry this has happened", "You are doing the right thing in talking to me". Avoid saying things like, "I wish you had told me about this earlier" or "I cannot believe what I am hearing". Questioning of the child about what they are saying should not be extensive as partner agencies will lead any investigation. **However, a context around what the child has said should always be sought prior to any referral being made to partner agencies. This should be done by the DSL or DDSL, depending on who obtained the initial disclosure i.e. if a member of teaching staff receives a disclosure or has a concern, the DSL should then also speak to the child, either to corroborate the child's account or to gain further context.** Limit questioning to the minimum necessary for clarification using *What, When, How and Where* but avoid leading questions such as, "Has this happened to your siblings?" Do *not* use questions beginning with *Why* as this can apportion feelings of guilt within a child.
- If the child discloses abuse, then it is appropriate to ask whether any other adults were present and observed the abuse and whether the abuse has happened before
- At an appropriate time tell the child that the matter will be referred in confidence, **always using language that is appropriate to the age and stage of development of the child, allowing for their individual need.**
- Tell the child what will happen next. The child may want to accompany you to see the DSL, otherwise let the child know that someone will come to see them before the end of the day.

5.4.2. Recording

Staff should record the conversation with the child as soon as possible, using MyConcern. Staff should use the specific words that the child used (e.g. if referring to parents of their body), indicating these by using "speech marks/inverted commas". **If a disclosure of abuse has been made by the child, immediately discuss the concerns verbally with the DSL, Deputy DSL or Headteacher prior to writing up the record so that immediate action can be considered.** If the DSL is not available then this should not delay appropriate action being taken and staff should speak to the DDSL, Headteacher or, failing that, a member of the SLT. **Headteachers should be made aware of any referral that is made to Social Care or the police, but staff must not delay if they are unavailable before making the referral.** All documents should be kept in a secure location with restricted access.

5.4.3. Making referrals to statutory agencies

If a child is thought to be at risk of harm

When a child is thought to be at risk of harm or is likely to be at risk of harm (see above), then a referral should be made **immediately** to Social Services, or the Authorities if a criminal act is thought to have occurred. Whilst it is the role of the DSL, any member of staff can make a referral to the Authorities and there should be no delay. *The school does not require parental consent for referrals to be made to statutory agencies.* Consent to do this must **not** be obtained from the parents if to gain consent would put the child's safety at risk or to do so could jeopardise any investigation by partner agencies.

If a child has unmet needs

When a child is not considered at risk of harm, but still has unmet needs that could mean that they are a Child in Need (see above), a referral should be made to the Authorities via the local authority process. The school does not require parental consent for referrals to be made to statutory agencies in these circumstances, however, it is best practice that these concerns should be discussed with the parents and any subsequent referral made transparently with the parent's knowledge.

Confidentiality

Staff should never guarantee confidentiality to pupils or adults wishing to tell them about something serious as this may ultimately not be in the best interests of the child. They should guarantee that they will not tell anyone who does not have a clear need to know and that they will pass on information in confidence only to the people who must be told in order to ensure their safety.

5.5. Passing on safeguarding records when a child leaves the school

Information sharing is vital in identifying and tackling all forms of abuse and neglect. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children. School staff should be proactive in sharing information internally within the school, with Cognita, and with local authorities, as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care. This includes the sharing of information without parental consent where there is good reason to do so, i.e. the risk of harm to the child will be increased.

However, data protection legislation in Spain means that we must consider information sharing with other third parties e.g. with a new school, on a case by case basis, in conjunction with the Group Data Protection Team / Group Legal Team.

6. Whistleblowing

All adults have a responsibility to report any concerns about poor or unsafe practice, including in relation to the care and protection of a pupil or pupils. If a member of staff believes that best practice in this area is not being adhered to or that practice may put a pupil or pupils at risk, they should:

Report any concern to the Headteacher

If the concern relates to the Headteacher, they should:

Report the concern to the Cognita Director of Education

Any whistleblowing concern can also be raised directly with the:

Group Director of Education

[Please see the 'key people and contacts' page in this document for the contact details of the above people within Cognita]

Concerns raised under this Whistleblowing Policy are distinct from concerns or allegations about an adult's suitability to work with or have access to children.

No member of staff will suffer a detriment or be disciplined for raising a genuine concern about unsafe practice, if they do so in good faith and follow the whistleblowing procedures.

Where an adult feels unable to raise a concern about poor safeguarding practice within Cognita or where they feel that their concern is not being addressed, they can raise their concern externally.

7. The role of the Designated Safeguarding Lead and Deputy Designated Safeguarding Lead

The Designated Safeguarding Lead (DSL) is the senior member of staff responsible for leading safeguarding in the school (including online safety). The DSL must be a member of the school leadership team. The DSL takes the lead responsibility for safeguarding and child protection in the school and their job description explicitly reflects this.

7.1. Deputy DSL

The school can appoint a number of Deputy DSLs. Their role is to support the DSL in their safeguarding role. Whilst the *activities* of the DSL can be delegated to DDSLs, the ultimate lead responsibility for child protection must remain with the DSL, and this lead responsibility must not be delegated. The Deputy DSLs are trained to the same level as the DSL and their duties of the Deputy DSLs are reflected explicitly in their job descriptions.

7.2. Inter-agency working

The DSL and Deputy DSLs liaise with the local authority and work in partnership with other agencies in the best interests of children in the school.

7.3. Support for DSL

The DSL is given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters, to take part in strategy discussions and inter-agency meetings, and/or to support other staff to do so, and to contribute to the assessment of children.

There are 4 key elements to the DSL role. They will:

- Manage referrals
- Work with others
- Train
- Raise awareness

7.4. Manage referrals

The DSL is expected to:

- **refer cases of suspected abuse to the local authority children's social care as required;**
- **support staff who make referrals to local authority children's social care;**
- **refer cases where there is a radicalisation concern as required;**
- **support staff who make referrals regarding a radicalization concern;**
- **refer cases where a person is dismissed or has left due to risk/harm to a child to the Disclosure and Barring Service as required; and**

- refer cases where a crime may have been committed to the police as required.

7.5. Work with others

The DSL is expected to:

- liaise with the Headteacher to inform him or her of issues, especially ongoing enquiries and police investigations;
- as required, liaise with the “case manager” (in relation to allegations against adults) and the local Authorities for child protection concerns in cases which concern a staff member;
- liaise with staff (especially pastoral support staff, school nurses, IT technicians, and SENCOs on matters of safety and safeguarding (including online and digital safety) and when deciding whether to make a referral by liaising with relevant agencies; and
- act as a source of support, advice and expertise for all staff.

7.6. Training

The DSL (and any deputies) should undergo training to provide them with the knowledge and skills required to carry out their role, including inter-agency working. This training must be updated at least every two years. The DSL should undertake additional Prevent awareness training to the government Prevent training that all school staff undertake.

Note: The Head and Deputy DSLs should be trained to the same level as the DSL.

In addition to the formal training set out above, the DSLs knowledge and skills should be refreshed via informal updates (this might be via e-bulletins, meeting other designated safeguarding leads, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, and at least annually, to allow them to understand and keep up with any developments relevant to their role so they:

- understand the assessment process for providing early help and statutory intervention, including local criteria for action and local authority children’s social care referral arrangements
- have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so;
- ensure each member of staff has access to, and understands, the school or college’s child protection policy and procedures, especially new and part time staff;
- are alert to the specific needs of children in need, those with special educational needs and young carers;
- are able to keep detailed, accurate, secure written records of concerns and referrals;
- understand and support the school or college with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation;
- are able to understand the unique risks associated with online safety and be confident that they have the relevant knowledge and up to date capability required to keep children safe whilst they are online at school or college;
- can recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online;

- **obtain access to resources and attend any relevant or refresher training courses; and**
- **encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the school or college may put in place to protect them.**

7.7. Raise awareness

The DSL should:

- **ensure the school's safeguarding and child protection policies are known, understood and used appropriately;**
- **ensure the school's safeguarding and child protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with the proprietor regarding this;**
- **ensure the safeguarding and child protection policy is available publicly and parents are aware of the fact that referrals to children's social care or the police about suspected abuse or neglect may be made and the role of the school in this; and**
- **link with the local Social Services/Safeguarding Partners to make sure staff are aware of any training opportunities and the latest local policies on local safeguarding arrangements.**

7.8. Safeguarding Files

As stated above, data protection legislation in Spain means that we must consider information sharing with other third parties e.g. with a new school, on a case by case basis, in conjunction with the Group Data Protection Team / Group Legal Team.

If it is agreed, where children leave the school, DSLs should ensure a copy of their Safeguarding File is transferred to the new school or college as soon as possible. This file should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained. Receiving schools should ensure key staff, such as DSLs and SENCOs, are aware as required.

In addition to the Safeguarding File, the DSL should also consider if it would be appropriate to share any information with the new school in advance of a child leaving. For example, information that would allow the new school to continue supporting victims of abuse and have that support in place for when the child arrives. This should be done with the parent's knowledge unless to do so would place a child or parent at heightened risk.

7.9. Availability

During term time the DSL (or a deputy) will always be available (during school hours) for staff in the school to discuss any safeguarding concerns. Whilst generally speaking the DSL (or deputy) will normally to be available in person, the Headteacher will define what "available" means and whether in exceptional circumstances availability via phone and/or Skype or other such media is acceptable. It is the responsibility of the DSL to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.

7.10. Online Safety

Technology often provides the platform that may facilitate harm. DSLs are responsible for overseeing online safety in schools and should raise awareness in the staff group accordingly, including but not limited to, child sexual exploitation, radicalisation and sexual predation. The school will protect and educate the school community in their use of

technology and has mechanisms to identify, intervene in, and escalate any incident, where appropriate.

There are three main areas of risk:

Content: being exposed to illegal, inappropriate or harmful material.

Contact: being subjected to harmful online interaction with other users.

Conduct: personal online behaviour that increases the likelihood of (or causes) harm; for example the making, sending and receiving of explicit images, or online bullying.

More information can be found [here](#) and in KCSIE 2020.

8. Responsibilities of the proprietor

Cognita is the proprietor of the school. As proprietor, Cognita will comply with all duties under legislation and will always take into account statutory guidance, ensuring that all policies, procedures and training are effective and comply with the law at the time.

It is the responsibility of the proprietor to:

- Ensure that all staff read at least Part One of Keeping Children Safe in Education
- Ensure that staff working with children will also read KCSIE Annex A
- Ensure that all staff follow the requirements of this Safeguarding and Child Protection Policy and Procedure
- Ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities, as set out in Part One of Keeping Children Safe in Education
- Designate a senior board member to take leadership responsibility for safeguarding arrangements
- Ensure that all safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency procedures set up by the Social Services/Safeguarding Partners
- Ensure that appropriate policies and procedures are in place in order for appropriate action to be taken in a timely manner to safeguarding and promote children's welfare
- Ensure that each school works in line with local inter-agency procedures
- Ensure that the Safeguarding Policy is updated annually and made available via the school website
- Provide a Staff Code of Conduct and Acceptable Use Policy
- Ensure that all responsibilities regarding Children Missing from Education* are followed, using as reference Children Missing Education Statutory Guidance (Sep 2016).
- Instruct schools to hold more than one contact number for each child, where possible
- Ensure that schools report to their local authority the removal of a child from the school roll in line with statutory and local authority guidance
- Ensure that all staff undergo safeguarding and child protection training (including online safety) at induction – this must be in line with advice from local Social Services/Safeguarding Partners.
- Recognise the expertise staff build by undertaking safeguarding training and managing concerns on a daily basis
- Ensure that appropriate filters and monitoring systems are in place to keep children safe online; and
- Ensure that children are taught about safeguarding, including online safety

- 8.1. * The proprietor ensures that an annual review of safeguarding arrangements is conducted. This includes a written report which is presented to the Cognita Board.

Members of the proprietorial team working in a governance and oversight role (e.g. Directors of Education) will undertake DSL level training, induction and training

9. Induction

At the point of induction, **all** staff must be provided with, should read and should be trained in:

- Keeping Children Safe in Education 2020 – Part One and Annex A
- The Safeguarding and Child Protection Policy and Procedure, including whistleblowing
- Staff Code of Conduct and Acceptable Use of IT Policy (including staff/pupil relationships and communications)
- Digital Safety Policy (including use of social media)
- Children Missing from Education Policy
- Behaviour Policy; and
- Preventing Extremism and Radicalisation Policy.

At the point of induction, new staff must be informed of the names and role of the Designated Safeguarding Lead and Deputies.

10. Training

10.1. Staff employed in school

All staff employed in school should receive annual safeguarding and child protection training, usually at the commencement of the academic year. Staff should also receive safeguarding and child protection updates regularly throughout the year, provided by the DSL, in order to provide them with relevant skills and knowledge to safeguard children effectively. (KCSIE 2020)

10.2. Third-party contractors

It is good practice for those employed as third-part contractors who work regularly in school with opportunity for contact with pupils to have basic safeguarding training at a level appropriate to their role.

10.3. Teaching about safeguarding

The school is committed to proactively teaching children about safeguarding, including online safety, as part of our approach to offering a broad and balanced curriculum. Through ongoing work with the children, we aim to build resilience so that every child knows that we are a 'telling school' and that speaking up about any concern is valued and actively promoted. This includes raising a concern about themselves or about another.

Safeguarding is taught in the following way:

Through our PSHE programme

Relationships education is taught in our primary schools.

Our approach to this is to have both single sex and joint sessions in the summer of Year 6.

Relationships and sex education (RSE) is taught in our senior school.

Our approach to this is to follow the PSHEE programme as specified in the schemes of work.

We actively promote the view that children should feel able to raise any concerns that they may have. This includes when they have a concern about a friend or peer. We take the following measures to ensure that children know how to raise a concern: worry boxes, direct contact with tutors and class teachers, posters in the school to highlight who to contact, annual well-being surveys.

11. Online safety

All staff should be aware of the risks posed to children by technology and the internet and should understand their role in preventing, identifying and responding to harm caused by its use.

All staff should be familiar with the school's Digital Safety Policy, which sets out the school's approach to online safety in further detail, as well as the school's Youth Produced Sexual Imagery Policy (see later in this document).

11.1. Youth produced sexual imagery/'Sexting'

Whilst many professionals refer to the issue as 'sexting', there is no clear definition of 'sexting'. According to research, many professionals consider sexting to be 'sending or posting sexually suggestive images, including nude or semi-nude photographs, via mobiles or over the internet.' Yet, recent NSPCC research has revealed that when children are asked 'What does sexting mean to you?' they are more likely to interpret sexting as 'writing and sharing explicit messages with people they know.'¹ Similarly, a recent ChildLine survey has revealed that many parents think of sexting as flirty or sexual text messages, rather than images.

This policy only covers the sharing of sexual imagery by children. Possessing, creating, sharing and distributing sexual photos and videos of under-18s is illegal, and therefore causes the greatest complexity for schools (amongst other agencies) when responding. It also presents a range of risks which need careful management. On this basis, this policy introduces the phrase 'youth produced sexual imagery' and uses this instead of 'sexting'.² This is to ensure clarity about the issues this advice addresses.

11.2. What is youth produced sexual imagery?

'Youth produced sexual imagery' best describes the practice because:

- 'Youth produced' includes children sharing images that they, or another child, have created of themselves.
- 'Sexual' is clearer than 'indecent'. A judgement of whether something is 'decent' is both a value judgement and dependent on context.
- 'Imagery' covers both still photos and moving videos (and this is what is meant by reference to imagery throughout the policy).

11.3. What types of incidents are covered by this policy?

Yes:

- A child creates and shares sexual imagery of themselves with a peer (also under the age of 18)
- A child shares sexual imagery created by another child with a peer (also under the age of 18) or an adult
- A child is in possession of sexual imagery created by another child

¹ For the purposes of this policy 'child', 'youth' and 'young person' refers to anyone under the age of 18; 'adult' refers to anyone aged 18 or over

²This is in accordance with the new advice Sexting in schools and colleges: responding to incidents and safeguarding young people, which has been published by the UK Council for Child Internet Safety

No:

- The sharing of sexual imagery of children by adults as this constitutes child sexual abuse and schools should always inform the police
- Children sharing adult pornography or exchanging sexual texts which do not contain imagery³
- Sexual imagery downloaded from the internet by a child⁴
- Sexual imagery downloaded from the internet by a child and shared with a peer (also under the age of 18) or an adult⁵

11.4. Disclosure

All members of staff (including non-teaching staff) should be aware of how to recognise and refer any disclosure of incidents involving youth produced sexual imagery. This will be covered within staff training. Disclosure about youth produced sexual imagery can happen in a variety of ways. The child affected may inform a class teacher, the DSL in school, or any member of the school staff. They may report through an existing reporting structure, or a friend or parent may inform someone in school or a colleague, or inform the police directly. Any direct disclosure by a child should be taken very seriously. A child who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure in school is a last resort and they may have already tried to resolve the issue themselves.

11.5. Handling incidents

All incidents involving youth produced sexual imagery should be responded to in line with this policy. When an incident involving youth produced sexual imagery comes to a member of staff's attention:

- The incident should be referred to the DSL as soon as possible
- The DSL should hold an initial review meeting with appropriate school staff
- There should be interviews with the children involved (if appropriate)
- Parents of each child should be informed at an early stage and involved in the process unless there is good reason to believe that involving parents would put the child at greater risk of harm and jeopardise any police/social care investigation; and
- At any point in the process, if there is a concern a child has been harmed or is at risk of harm, a referral should be made to the Authorities (as defined above) immediately

12. **Looked After Children**

A child who is being 'looked after' by their Local Authority is usually known as a 'Child in Care' or a 'Looked After Child'. They might be living with foster parents or at home with their parents under an order granted to Social Services, or in residential children's homes, or other residential settings like schools or secure units.

A child who is adopted is **not** a Looked After Child. Occasionally, children are placed into Local Authority foster care under an order when an adoption breaks down and the adoptive parents relinquish the child. Once a definitive order is agreed, the child remains on long term foster care. The adoptive parents may or may not have continued contact with the child, depending on the situation and the emotional impact on the child.

³ All such incidents should be responded to with reference to the School's Online Safety Policy at Appendix C, and in line with the school's Safeguarding Policy

⁴ As above

⁵ As above

An interim order will remain in place until care proceedings are concluded. At the conclusion of care proceedings in any situation, the child will either stay in long term foster care (under a definitive order) until they reach the age of 18 years, return to their parents (usually under a Supervision Order), reside with other family members/friends, or in some cases be adopted. In all of the latter situations, it is most usual for parents to have agreed contact arrangements with their child.

A child may also have been placed in care voluntarily by their parents who are struggling to manage their children's behaviour, or meet their child's needs due to their own illnesses or disabilities (under section 172 of the Spanish Civil Code). In these cases, rehabilitation will always be the aim, but if this is not possible, the Social Services will apply for an Interim Order and finally a Full Order. Usually, these parents will have continued contact with their child.

As a result of their experiences both before and during care, Looked After Children are at greater risk than their peers; they are, for example, four times more likely than their peers to have a mental health difficulty. Providing a secure, caring environment and enabling such children to develop strong, trusting and stable relationships with professionals is critical to their safety and wellbeing.

Cognita ensures that staff receive training on Looked After Children, including on the reasons children become looked after, their legal status, the support that staff can provide to keep such children safe and the ways in which they can maximise educational stability for Looked After Children.

The Looked After Lead, in collaboration with the DSL (a) is responsible for ensuring that any looked after children are adequately supported by staff in school; (b) has contact details of the child's social worker and the name and contact details of the Virtual School Head for children in care; (c) ensures that relevant staff members have sufficient information about the child's looked after legal status and care arrangements; (d) works with the Virtual School Head to discuss how staff can best support the progress of Looked After Children in the school and meet the needs in the child's Personal Education Plan; and (e) attends Looked After Children reviews and other meetings they are required to attend.

13. Peer on peer abuse

All staff should be alert to the risk of peer on peer abuse and understand their role in preventing, identifying and responding to it. Staff should know that children are capable of abusing their peers. They should never dismiss abusive behaviour as a normal part of growing up, 'banter' or 'just having a laugh' and should not develop high thresholds before taking action. Abuse is abuse and peer on peer abuse should be taken as seriously as abuse by adults.

13.1. What is peer on peer abuse?

For these purposes, peer on peer abuse is any form of abuse perpetrated by a child towards another child. It can take many different forms, including, but not limited to, serious bullying (including cyber-bullying)⁶, relationship abuse⁷, domestic violence⁸, child sexual exploitation⁹,

⁶ Please see the school's Anti-Bullying Policy.

⁷ <https://www.disrespectnobody.co.uk/relationship-abuse/what-is-relationship-abuse/>

⁸ This type of abuse relates to abuse between children aged 16 and 17 who are or have been intimate partners or family members. The abuse includes but is not limited to psychological, physical, sexual, financial and emotional.

⁹ This is a form of sexual abuse where children are sexually exploited for money, power or status. This abuse can be perpetrated by other children or by adults. It can involve violent, humiliating and degrading sexual assaults. In some cases, children are persuaded or forced

youth and serious youth violence¹⁰, upskirting (see below), harmful sexual behaviour¹¹ (see below) and gender-based violence¹².

These categories of abuse rarely take place in isolation and often indicate wider safeguarding concerns. For example, a teenage girl may be in a sexually exploitative relationship with a teenage boy who is himself being physically abused by a family member or by older boys. Equally, while children who abuse may have power over those who they are abusing, they may be simultaneously powerless to others.

Youth produced sexual imagery can but does not always constitute abusive behaviour. All incidents involving youth produced sexual imagery should be responded to with reference to the school's policy and in accordance with this policy (see above).

13.2. What role does gender play?

Children of all gender identities can both perpetrate and be the victim of peer on peer abuse, but this often manifests itself differently. Girls seem to be at greater risk of sexual assault and/or exploitation, whereas boys seem to be at greater risk of physical gang-related violence and serious youth violence.

13.3. When does behaviour become abusive?

It can be difficult to distinguish between abusive behaviour, which should be dealt with in accordance with the procedure set out below, and behaviour which does not constitute abuse, such as low level bullying (where the school's Anti-Bullying Policy should be followed) or age appropriate sexual experimentation.

Among the factors which may indicate that behaviour is abusive include:

- a) where it is repeated over time and/or where the perpetrator intended to cause serious harm:
- b) where there is an element of coercion or pre planning and
- c) where there is an imbalance of power, for example, as a result of age, size, social status or wealth.
- d) where the behaviour focuses on a specific person with the intention of converting him or her into a victim and/or to cause a serious harm.; and/or
- e) the state of defenselessness of the victim.

This list is not exhaustive and staff should always use their professional judgment and discuss any concerns with the DSL.

13.4. How can I identify victims of peer on peer abuse?

Identifying peer on peer abuse can be achieved by being alert to children's well-being and to general signs of abuse. Signs that a child may be suffering from peer on peer abuse overlap with those relating to other types of abuse – see indicators of abuse, earlier in this document.

Signs can include:

- a) failing to attend school, disengaging from classes or struggling to carry out school related tasks to the standard you would ordinarily expect.
- b) physical injuries.
- c) having difficulties with mental health and/or emotional wellbeing.

into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation does not always involve physical contact and can happen online.

¹⁰ Serious youth violence is any of the most serious offences where the victim is aged 19 or below, including murder, manslaughter, rape, wounding with intent and causing grievous bodily harm. Youth violence also includes assault with injury offences.

¹¹ This is any sexual behaviour by a child or young person which is outside of developmentally "normative" parameters. This can (but does not always) include abusive behaviour such as sexual assaults.

¹² This is violence that is directed against one gender as a result of their gender.

- d) becoming withdrawn, shy, experiencing headaches, stomach aches, anxiety, panic attacks, suffering from nightmares or lack of sleep or sleeping too much.
- e) drugs and/or alcohol use.
- f) changes in appearance and/or starting to act in a way that is not appropriate for the child's age.

This list is not exhaustive and the presence of one or more of these signs does not necessarily indicate abuse.

13.5. Are some children particularly vulnerable to abusing or being abused by their peers?

Any child can be affected by peer on peer abuse and staff should be alert to signs of such abuse amongst all children. Research suggests that:

- a) peer on peer abuse is more prevalent amongst children aged 10 and older, although it also affects younger children, including by way of harmful sexual behaviour.
- b) children who are particularly vulnerable to abuse or to abusing others include those who have (i) witnessed or experienced abuse or violence themselves; (ii) suffered from the loss of a close family member or friend; or (iii) experienced considerable disruption in their lives.
- c) children with SEN/D and those who identify as LGBT+ are particularly vulnerable to both abuse and peer on peer abuse.

13.6. How prevalent is peer on peer abuse?

By way of reference, recent research suggests that peer on peer abuse is one of the most common forms of abuse affecting children in the UK. For example, more than four in ten teenage schoolgirls aged between 13 and 17 in England have experienced sexual coercion (Barter et al 2015). Two thirds of contact sexual abuse experienced by children aged 17 or under was perpetrated by someone who was also aged 17 or under (Radford et al 2011) and over a third of young boys in England admitted to watching porn and having negative attitudes towards women (University of Bristol and University of Central Lancashire, 2015).

13.7. What should I do if I suspect either that a child may be being abused, or that a child may be abusing others?

If a member of staff thinks for whatever reason that a child may be at risk of abuse from another child or young person, or that a child may be abusing others, the member of staff should report their concern to the DSL without delay in accordance with this policy. If a child is in immediate danger, or at risk of harm, a referral to Authorities and the Public Prosecutor should be made immediately.

13.8. How will the DSL respond to concerns of peer on peer abuse?

The DSL will discuss the behaviour with the member of staff and will, where necessary, take any immediate steps to ensure the safety of the victim(s) or any other child. Where the DSL considers or suspects that the behaviour might constitute abuse, Authorities and the Public Prosecutor will be contacted immediately and, in any event, within 24 hours of the DSL becoming aware of it. The DSL will discuss the incident with Social Services and agree on a course of action, which may include (a) taking any steps to ensure the safety and wellbeing of any children affected; (b) further investigation; (c) referral to other agencies such as the police and the Prosecution Services (where a crime may have been committed), a specialist harmful sexual behaviour team.

Any response should be decided in conjunction with Social Services and other relevant agencies and should:

- investigate the incident and the wider context and assess and mitigate the risk posed by the perpetrator(s) to the victim(s) and to other children;

- consider that the abuse may indicate wider safeguarding concerns for any of the children involved
- treat all children (whether perpetrator or victim) as being at risk - while the perpetrator may pose a significant risk of harm to other children, s/he may also have considerable unmet needs and be at risk of harm themselves;
- take into account the complexity of peer on peer abuse and of children's experiences and consider the interplay between power, choice and consent. While children may appear to be making choices, if those choices are limited, they are not consenting
- take appropriate action in respect of the perpetrator – any action should address the abuse, the causes of it, attitudes underlying it and the support that may be needed if the perpetrator is at risk. Factors to consider include: the risk the perpetrator(s) poses and will continue to pose to other children, their own unmet needs, the severity of the abuse and the causes of it. Disciplinary action may be appropriate, including (a) to ensure that the perpetrator takes responsibility for and realises the seriousness of his or her behaviour; (b) to demonstrate to the perpetrator and others that abuse can never be tolerated; and (c) to ensure the safety and wellbeing of the victim and other children in the school. Permanent exclusion will only be considered as a last resort and only where necessary to ensure the safety and wellbeing of the victim(s) and other children in the school
- provide on-going support to victim(s) including by (a) ensuring their immediate safety; (b) responding promptly and appropriately to the abuse; (c) assessing and addressing any unmet needs; (d) following the procedures set out in this Safeguarding Policy (including where the child is in need of early help or statutory intervention); (e) monitoring the child's wellbeing closely and ensuring that s/he receives on-going support from all relevant staff members within the school; (f) engaging with the child's parents and any external agencies to ensure that the child's needs are met in the long-term
- consider the lessons that can be learnt from the abuse and put in place measures to reduce the risk of such abuse recurring. This may include, for example: gender and equalities work, work around school safety, security and supervision, awareness raising for staff, students and parents about a particular form of abuse, training for staff on handling certain types of incidents or abuse.

13.9. How does the school raise awareness of, and reduce the risk, of peer on peer abuse?

Staff are trained on the nature, prevalence and effect of peer on peer abuse, and how to prevent, identify and respond to it. The school actively seeks to prevent all forms of peer on peer abuse by educating students and staff, challenging the attitudes that underlie such abuse, encouraging a culture of tolerance and respect amongst all members of the school community, and responding to all cases of peer on peer abuse and any cases of bullying (no matter how trivial) promptly and appropriately.

Children are educated about the nature and prevalence of peer on peer abuse via PSHE, they are told what to do if they witness or are victims of such abuse, the effect that it can have on the victims and the possible reasons for it, including vulnerability of the perpetrator. They are regularly informed about the school's approach to such issues, including its zero tolerance policy towards all forms of bullying and peer on peer abuse.

14. Sexual Violence and Sexual Harassment between Children

Peer on peer abuse can include two specific forms, known as Sexual Violence and Sexual Harassment. Any response to these should fall within, and be consistent with, the school's wider approach to peer-on-peer abuse (see above).

Sexual Violence includes sexual offences which fall under the LO 1/2004, December 28, on comprehensive measures to protect against gender-based violence and the Spanish Criminal Code.

Sexual Harassment refers to 'unwanted conduct of a sexual nature'. This can occur *online* (including, but not limited to non-consensual sharing of images, making sexual comments on social media) and *offline* (including but not limited to making sexual comments, sexual taunting or 'jokes', and physical contact, for example, brushing against someone deliberately or interfering with their clothes).

Sexual Violence and Sexual Harassment can:

- **occur between any two children, or a group of children against one individual or group**
- **be perpetrated by a child of any age against a child of any age**
- **be perpetrated by a child of any sexual orientation against a child of any sexual orientation**
- **include behaviours that exist on an often progressive continuum and may overlap**
- **be online and offline (physical or verbal)**

Upskirting

As reference, under the Voyeurism Act 2019, "Upskirting is a new criminal offence and typically refers to the taking of a photo under someone'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. In Spain, upskirting is considered a sexual offence.

Children with Special Educational Needs (SEN) are more vulnerable, and there may be barriers in recognising abuse in this group of children. In addition, children who are perceived by their peers to be LGBT or identify themselves as LGBT may be more vulnerable.

Advice from the Department for Education on [Sexual Violence and Sexual Harassment Between Children in Schools and Colleges](#) (2017) provides information about what sexual violence and sexual harassment is, how to minimise the risk of it occurring, and what to do when incidents occur, or are alleged to have occurred. The DfE advice highlights best practice and cross-references other advice, statutory guidance and the legal framework. The school will apply the principles set out in it when considering their approach to sexual violence and sexual harassment between children.

Key Points: The above guidance

- stresses the importance of making it clear that sexual violence and sexual harassment are not acceptable, will never be tolerated, and are not an inevitable part of growing up
- highlights the risks of tolerating or dismissing any forms of sexual violence or sexual harassment, and encourages early intervention to avoid potential escalation;
- advises on how to embed training and education on these issues within a strong pastoral system, and a planned taught programme across the whole curriculum
- encourages forums that enable children to talk about issues openly
- includes a list of possible topics that any taught programme could cover - including consent, gender roles, stereotyping and equality, healthy relationships, and power imbalances in relationships;
- advises on how to manage a disclosure, either from the child who has suffered abuse or from other children;
- provides guidance on when to carry out a risk and needs assessment for children affected by sexual violence or sexual harassment;

- provides guidance on initial considerations which schools should take into account when faced with a concern or allegation of sexual violence or sexual harassment - including the age and developmental stages of the children, and any power imbalance between them; and
- provides guidance on difficult scenarios which schools might encounter, for example, how to handle an incident between two pupils which is alleged to have taken place away from school premises

15. Signposting to further information

Any person that has a concern about a child within the school must follow the procedures outlined within this document.

If staff have any concerns about a child's welfare, they should act on them immediately. Where a child is suffering, or is likely to suffer from harm, it is important that a referral to Social Services (and if appropriate the police) is made immediately.

Annex A of KCSIE contains guidance on the following issues:

- **Children and the court system**
- **Children missing from education**
- **Children with family members in prison**
- **Child sexual exploitation**
- **Child criminal exploitation: county lines**
- **Domestic abuse**
- **Homelessness**
- **So-called 'honour-based' violence**
- **Preventing radicalisation**
- **Peer on peer abuse**
- **Sexual violence and sexual harassment between children in schools and colleges**
- **Upskirting**

16. Low level concerns

The safety and wellbeing of children in our school is dependent on the vigilance of all our staff and their prompt communication to the DSL or Headteacher of any concerns, no matter how small, about any conduct by an adult which causes you to doubt that adult's suitability to work with or have access to children. All references in this section to "adult" should be interpreted as meaning any adult (defined above) and any visitor, unless otherwise stated. The school is conscious of its duty of care to pupils and will always act, including if alerted to the possibility of abuse arising from situations or persons outside the school setting.

The notification and prompt handling of all concerns about adults, including those raised by individuals about themselves, is fundamental to safeguarding children. It helps to identify and prevent abuse and to protect adults against misunderstandings or misinterpretations. It also encourages openness, trust and transparency and it clarifies expected behaviours. Those raising concerns or reporting allegations in good faith will always be supported, and adults in respect of whom concerns, or allegations have been raised will not suffer any detriment unless the concern or allegation is found to be substantiated.

We are a 'telling' organisation

If you are concerned about the behaviour or actions of any adult...
speak to the DSL or Headteacher

16.1. Code of Conduct

All staff must behave responsibly and professionally in all dealings with children and specifically with pupils for whom they have a duty of care. All staff must follow the procedures set out in our 'Staff Code of Conduct including Acceptable Use Policy'. Staff should always avoid behaviour which might be misinterpreted by others. As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and all members of staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Staff should note that it is an offence for a person aged 18 or over and in a position of trust to touch a child in a sexual way or have a sexual relationship with a child, even if the relationship is consensual. A position of trust could arise even if the member of staff does not teach the child.

Cognita does not permit the use of personal mobile phones and cameras by staff where children are present. The school has a specific Early Years Policy for The Use of Mobile Phones and Devices that recognises and manages the risks by a means appropriate to the setting.

16.2. Our low-level concern policy (including Self Reporting)

The overarching aim of the school's Low-Level Concern Policy is to facilitate a culture in which the clear values and expected behaviours which are set out in our Code of Conduct are lived, constantly monitored, and reinforced by all staff. In particular, the intention of this policy is to:

- maintain a culture of openness, trust and transparency in which staff are confident and clear about expected behaviours of themselves and their colleagues, the delineation of boundaries and reporting lines;
- ensure staff feel empowered to raise any low-level concern, whether about their own or a colleague's behaviour, where that behaviour might be construed as falling short of the standards set out in our Code of Conduct; and
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised – maintaining on the one hand confidence that concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from false allegations or misunderstandings.

16.3. What is a low-level concern including those which are self-reports?

A low-level concern for this purpose is any concern, no matter how small and even if no more than a 'nagging doubt', that an adult may have acted in a manner inconsistent with the school's Code of Conduct or simply – even if not linked to a particular act or omission – a sense of unease as to the adult's behaviour particularly towards or around children.

Self-Reporting

From time to time an individual may find him/herself in a situation which might appear compromising to others or which could be misconstrued. Equally, an individual may for whatever reason have behaved in a manner which on reflection he/she considers falls below the standard set out in the Code of Conduct.

Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived. As such, the school sees self-reporting of low-level concerns as an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

Low-Level Concerns about an adult

From time to time an individual may notice behaviour or actions in others which leave them concerned. These are behaviour or actions which fall short of a formal allegation of abuse. These tend to be behaviours which indicate that our Code of Conduct has not been met. Any such concerns can be dealt with as a Low-Level Concern.

A low level concern for this purpose is any concern, no matter how small and even if no more than a 'nagging doubt', that an adult may have acted in a manner inconsistent with the school's Code of Conduct or simply – even if not linked to a particular act or omission – a sense of unease as to the adult's behaviour particularly towards or around children.

A self-report also falls under our Low Level Concerns Policy and can be as described above. Where a staff member wishes to work outside out of their contract with Cognita, they should first seek agreement with their Headteacher and a written confirmation placed in their employee file.

16.4. What should I do if I have one?

Where a low-level concern (including self-reports) exists, it should be reported to the DSL or to the Headteacher as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident).

16.5. How will my low-level concern be handled (including self-reports)?

The DSL will discuss all low level concerns s/he receives with the Headteacher as soon as possible and in any event within 24 hours of becoming aware of it. The Headteacher will, in the first instance, satisfy him/herself that it is a low-level concern and should not be reclassified as an *allegation* and dealt with under the appropriate procedure (outlined later in this document). The circumstances in which a low-level concern might be reclassified as an allegation are where:

- a) the threshold is met for an allegation (see below)
- b) there is a pattern of low-level concerns which collectively amount to an allegation or
- c) there is other information which when taken into account leads to an allegation.

Having established that the concern is low-level, the DSL or Headteacher as appropriate will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training etc. The person to which the Low Level Concern relates should be informed of any concern raised about them once all risk has been identified and assessed.

16.6. What records will be kept?

Where a low-level concern has been communicated, or a self-report raised by an individual about themselves, a confidential record will be kept in a central file which logs all low-level concerns and will be retained until the staff member reaches normal pensionable age or 10

years after if longer. This is necessary to enable any patterns to be identified. However, no record will be made of the concern on the individual's personnel file (and no mention made in job references) unless either:

- a) the concern (or group of concerns) has been reclassified as an allegation as above; or
- b) the concern (or group of concerns) is sufficiently serious to result in formal action under the school's grievance, capability or disciplinary procedure.

17. Allegations of abuse made against teachers and other staff

The purpose of this section of the policy is to outline how allegations against adults will be handled.

17.1. What is an allegation?

Allegations represent situations that might indicate a person would pose a risk of harm to children if they continue to work in regular or close contact with children in their present position, or in any capacity. This policy applies to all adults in the school if it is alleged that they have:

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

An allegation may be triggered by one specific incident or by a pattern of behaviour by the adult, or low-level concerns which when considered *collectively* amount to an allegation.

17.2. What should I do if I have an allegation?

Allegations about staff or volunteers should be reported to the Headteacher immediately. The Headteacher will liaise with the Social Services as set out below and inform the Director of Education.

The adult to whom the concern or allegation relates should not be informed.

If the allegation is about the Headteacher, it must be referred to the Director of Education immediately, without informing the Headteacher.

The Director of Education will liaise with Children's Social Care Services as set out below and inform the Cognita Group Director of Education.

17.3. Duties as an employer and an employee

This policy relates to members of staff and volunteers who are currently working in any school, regardless of whether the school is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

Cognita has a duty of care to all employees. Cognita will provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time, supports the person who is the subject of the allegation.

17.4. Dealing with an allegation

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above or may do so

without warranting consideration to the Authorities. In these cases, local arrangements will be followed to resolve cases without delay. Some rare allegations will be so serious they require immediate intervention by the Authorities

Initial discussion

The Headteacher or Director of Education will not undertake any investigation before first speaking to the Authorities. The Headteacher (or Director of Education where there is an allegation against the Headteacher) ['case manager'] will inform the Authorities of all allegations that come to the school's attention and appear to meet the criteria. After first notifying the Authorities, the Headteacher (or Director of Education) must notify the Group Director of Education, Head of HR and the Regional Safeguarding Advisor of the allegation and the action taken.

The purpose of an initial discussion is for the Authorities and the case manager (school initially) to consider the nature, content and context of the allegation and agree a course of action. The Authorities may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and about the individual's current contact with children. There may be situations when the case manager will want to involve the police and/or the Public Prosecutor immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with Authorities order to help determine whether specific involvement from Authorities is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the case manager and the Authorities, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the Authorities what action should follow both in respect of the individual and those who made the initial allegation.

Inter-agency Strategy Discussion

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion will be convened by the Authorities. If the allegation is about physical contact, the strategy discussion or initial evaluation with the Authorities will take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where a strategy discussion is needed, or Authorities need to be involved, the case manager (school) will **not** inform the accused person until those agencies have been consulted and have agreed what information can be disclosed to the accused. The case manager should only inform the accused person about the allegation after consulting the Authorities and actions have been decided. It is extremely important that the case manager provides the accused with as much information as possible at that time.

Where it is clear that an investigation by the Authorities is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the Authorities will discuss the next steps with the case manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual

should be suspended only if there is no reasonable alternative (see guidance on suspension, below).

According to the Public Prosecution order 10/2005 of 6 October 2005 regarding how to deal with school abuse, the intervention of the Public Prosecutor should be on a subsidiary basis understanding that if the application of the school measures is enough to deal with the case, the Public Prosecutor should not intervene. Notwithstanding, and as a general rule, the Public Prosecutor has to intervene in cases of severe abuse and/or minor abuse but repeated over time.

Internal investigations

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the Authorities will discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, an internal investigation will be agreed upon and should normally be undertaken by a senior member of school staff. Where necessary, due to lack of resource or the nature or complexity of the allegation, the allegation will require an independent investigator. An independent investigator will be appointed by the Head of HR on behalf of the Group Director of Education.

Where a safeguarding concern or allegation triggers another procedure, such as grievance or disciplinary, that procedure shall only be followed once the immediate safeguarding concern or allegation has been fully investigated.

17.5. Suspension of an employee

Cognita will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension will be considered prior to taking that step.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases, this will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the Authorities as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Within Cognita, suspension requires the authorisation of the Group Director of Education (or Director of Education in their absence). Our group policy is to hold a conversation with the case manager, Head of HR and Group Director of Education to reach a rounded decision about whether suspension is the correct course of action.

Suspension will be considered only in a case where there is cause to suspect a child or other children at the school are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager will consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved.

The case manager will also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the Authorities have no objections to the member of staff continuing to work during the investigation, the case manager will aim to be as inventive as possible to avoid suspension.

Based on assessment of risk, the following alternatives will be considered by the case manager before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager will consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the competent Authorities. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. Cognita will make clear to the suspended employee where they can obtain support. The person will be informed at the point of their suspension who their named contact is within the organisation and will be given their contact details.

Social Services or the police cannot require the case manager to suspend a member of staff or a volunteer, although the case manager will give appropriate weight to their advice. The power to suspend is vested in Cognita as proprietor of the school.

Where a strategy discussion or initial evaluation concludes that there should be enquiries by Authorities, they should coordinate and decide whether the accused member of staff needs to be suspended from contact with children in order to inform the school consideration of suspension. Authorities involvement does not make it mandatory to suspend a member of staff; this decision will be taken on a case-by-case basis having undertaken a risk assessment.

17.6. Support for employees

Cognita has a duty of care to their employees. Cognita will act to manage and minimise the stress inherent in the allegations process. Support for the accused individual is vital to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the Authorities. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to an employee support service provided by Cognita.

The case manager will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are

suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of the child or children involved will be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or Authorities need to be involved, the case manager will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed but the parents or carers of the child will be told the outcome in confidence.

Parents and carers will also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing. If parents or carers wish to apply to the court to have reporting restrictions removed, they will be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Authorities as appropriate, will consider what support the child or children involved may need.

17.7. Timescales

It is in everyone's interest to resolve cases as quickly as possible and ensure consistency with a fair and thorough investigation. All allegations will be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegation.

For cases where it is clear immediately that the allegation is unsubstantiated or malicious, it is aimed that they will be resolved within one week. Any concerns about safeguarding will always be discussed with the Authorities.

17.8. Confidentiality

When an allegation is made, the school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. It is not possible to publish any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). These restrictions apply until the point that the accused person is charged with an offence and it is publicly disclosed by the Judge whether the Authorities authorized the disclosure of information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied with regard to adults if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

As for the above purposes, "publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public." This means that a parent who, for example, published details of the allegation on a social networking site, would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher and/or the pupil by members of the public).

Authorities will not normally provide any information to the press or media that might identify an individual who is under investigation

The case manager will take advice from the , Authorities to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when, it should arise.

17.9. Oversight and monitoring

The Authorities have overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues. Authorities will provide advice and guidance to the case manager, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for:

- liaising with the specific Authorities (e.g. Public Prosecutor, Social Services, etc.);
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Prosecution Service about whether to: charge the individual; continue to investigate; or close the investigation. Dates for subsequent reviews, should be set at the meeting if the investigation continues.

17.10. Information sharing

In a strategy discussion or the initial evaluation of the case, the agencies involved will 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, the employer will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This will be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

Social Services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

17.11. Following a criminal investigation or a prosecution

The police and/or Courts should inform the employer when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, Authorities should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the Authorities should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation

or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

17.12. Outcome of an allegation

The following definitions will be used when determining the outcome of allegation investigations:

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

17.13. On conclusion of a case

There is a legal requirement for employers [Cognita] to make a referral to the Authorities where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, Cognita will refer the case to the Authorities. In the case of a member of teaching staff at a school, the matter will be referred to the Authorities to consider prohibiting the individual from teaching in relation to their professional misconduct.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil.

17.14. Malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, Authorities will determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Headteacher and proprietor will consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she were not a pupil.

17.15. Learning lessons

At the conclusion of a case in which an allegation is substantiated, the Authorities may review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school or college's procedures or practice to help prevent similar events in the future. This will include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether suspension was justified. Lessons will also be learnt from the use of suspension when the individual is subsequently reinstated. The Authorities and case manager will consider how future investigations of a similar nature could be carried out without suspending the individual.

17.16. Resignations and 'settlement agreements'

If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up in accordance with Spanish Criminal Law.

If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent the proprietor from making a referral to the Authorities even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the proprietor would not be complying with its legal duty to make the referral to the competent Authorities.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused will be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, will continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

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

17.17. Record keeping

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

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where Authorities in the future will need to check information about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

17.18. References

Cases in which an allegation was 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 also not be included in any reference.

Safeguarding and Child Protection Policy and Procedure

Ownership and consultation	
Document sponsor (role)	Group Director of Education
Document author (name)	Simon Camby – Group Director of Education Alison Barnett – Safeguarding Adviser
Expert advice	ISI Consultancy (Sara Wiggins, Lead Consultant) – 28.08.2018 Garrigues Lawyers – September 2018

Document application and publication	
England	No
Wales	No
Spain	Yes

Version control	
Implementation date	September 2020
Review date	When government guidance is revised