



# **Safeguarding and Child Protection Policy**

**Golfa**

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# Safeguarding and Child Protection Policy

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# **Amberleigh is committed to safeguarding and promoting the welfare of children.**

## **1. Introduction**

Amberleigh recognises its duty under the Education Act 2002, Children Act 1987 & 2004 and Local Government Act 2000 to make arrangements to ensure that tasks are carried out with a view to safeguarding and promoting the welfare of children. As a registered children's home, Amberleigh complies with the Education Regulations for Independent School Standards (2014), the Residential Special Schools quality standards (2015), Independent School Standards (Wales) Regulations 2003. The objective of the procedures within this policy are to ensure that appropriate action is taken immediately where it is believed a child may be at risk or it is alleged that a child is suspected of being abused. We will take immediate action when we believe an individual may be at risk or it is alleged that a child is suspected of being abused. The prime concern at all times must be the interests and safety of all members of Amberleigh's community including the children, staff and visitors.

For the purpose of clarity, a child is defined as anyone who has not yet reached their 18<sup>th</sup> birthday. Although a child may have reached 16 years of age, be living independently or is in further education, in hospital or the secure estate, this does not alter the child's status or entitlements to services or protection.

Amberleigh follows local Safeguarding Children Board's policies, procedures, guidance and protocols and the guidance laid out in current DfE/HM Government guidance:

- Keeping Children Safe in Education (2019)
- Working Together to Safeguard Children (2018)
- What to do if you're worried a child is being abused (2015)
- Information Sharing (2015)
- Keeping Learners safe (Welsh Government Guidance) (2015)
- Responding to Incidents of Sexting (UKCCIS) (2016)
- Welsh Government Guidance 'Safeguarding children in education: handling allegations of abuse against teachers and other staff' circular no: 009/2014, Date of issue: April 2014

This policy applies to all staff (including bank staff and students on placements), children and visitors and should be read in combination with the following policies:

- Activities, Holidays and School Trips Policy
- Anti-Bullying Policy
- Behaviour Management Policy
- Complaints Policy
- Compliments Policy
- Equality and Diversity Policy
- Grievance and Disciplinary Procedures
- Health and Safety Policy
- Multi-Media Policy
- Recruitment and Selection Policy
- Special Educational Needs Policy
- Supervision Policy
- Whistle Blowing Policy

### **It is Amberleigh's policy that:**

- All children placed at Amberleigh will be protected from harm.
- All children grow up in an environment that is consistent with the provision of safe and effective care.
- Amberleigh will work in partnership with all relevant agencies to ensure that children are effectively protected from harm.
- All staff at Amberleigh are made aware of the Safeguarding policy and all associated procedures. The implementation of the procedures can only be effective when supported by good practise, and the exercise of professional skill and judgement based on thorough assessment, supported by evidence and critical analysis.
- The implementation of effective recruitment and H.R procedures including checking all staff are safe to work with children. Including online social media checks in line with the update KCSIE 2022.
- All staff are given appropriate training to enable them to do their job effectively.

### **Key Principles for our children are that they:**

- Enjoy the best possible health and are free from abuse, victimisation and exploitation.
- Have a comprehensive range of learning opportunities.
- Have access to play, leisure, sporting and cultural activities
- Are listened to, treated with respect, and have their race and cultural identity recognised.

### **The role of the school is:-**

Everyone who comes into contact with children and their families has a role to play in safeguarding children. School staff are particularly important as they are in a position to identify concerns early and provide help for children, to prevent concerns from escalating. (Source: Keeping Children Safe in Education 2019)

### **Good Practice Aims**

All staff must be alert to the possibility that the child in their care may have, or may in the future, be abused. They must also be aware that abuse can occur in the home, perpetrated by a child or by a member of staff.

The first principle in all situations is that the welfare and protection of the child is paramount. Any suspicions of abuse must be reported in order that decisions can be made regarding a possible investigation. Reporting is a staff responsibility; investigation is the responsibility of the local authority of the area in which the home is situated (See Whistle Blowing Policy and Children's Complaints Protocol). Staff must ensure that they are familiar with these procedures.

All allegations must be taken seriously and the correct procedures followed. Staff have a responsibility to deal with any disclosures sensitively, and listen carefully to a child who discloses abuse, while not asking leading or probing questions which may hamper any subsequent formal investigation. Where a child discloses past or present abuse, workers must not give a guarantee of secrecy as this places the member of staff in a difficult position. They may suffer a conflict between a promise to the child and the procedure. An atmosphere of trust must be developed in which the child understands that the staff member will deal with the information in a way which protects their best interests. Clear information must be given to the child as to what will happen as a result of the disclosure however, guarantees can be given of a sensitive and supportive approach.

Investigating a child's abuse is distressing for all concerned. The impact on both the child and staff should not be under-estimated. A support system needs to be identified for all involved at the outset in order that a climate of openness can be established and maintained. Children should have access to independent persons and staff should have access to individuals outside the direct line of management.

Information about helpful organisations and their phone numbers is distributed to young people at Amberleigh 'Young Peoples Guide' and staff members should be informed of their duty to speak out if they feel that abuse has taken place.

## **2. Recognition and Categories of Abuse**

Abuse and neglect are forms 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 unknown others e.g. via the internet. They may be abused by an adult or adults, or another child or children.

It should be recognised for the purposes of this policy and the KCSIE guidance that due to the specialist expertise of Golfa Hall, Amberleigh Care, Welshpool in working with children who have exhibited harmful or inappropriate sexualised behaviours that much of the guidance will be superseded by policies and procedures of working with young children with HSB which give heightened or increased safeguarding and preventative measures.

### **Physical Abuse**

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

### **Emotional Abuse**

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent 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 to 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 the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including online bullying), 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, though it may occur alone.

### **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or child to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

### **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 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); failing to protect a child from physical and emotional harm or danger; failure to ensure adequate supervision (including the use of inadequate care-givers); or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to a child's basic emotional needs.

### **Female Genital Mutilation (FGM)**

FGM is illegal in England and Wales under the FGM Act 2003. This Act introduces a mandatory reporting duty which requires regulated health and social care professionals and teachers in England and Wales to report 'known' cases of FGM in under 18s which they identify in the course of their professional work, to the police. The Serious Crim Act 2015 has strengthened further the legislation on FGM.

FGM is a form of child abuse and violence against women. FGM involves procedures that include the partial or total removal of the external female genital organs for cultural or non-therapeutic reasons. The practice is exceedingly painful and has serious health consequences both at the time when the mutilation is carried out as well as in later life. The practice is not medically necessary and is not required by any main religion.

For further information, refer to Home Office & DfE (2014) *Female genital mutilation: guidelines to protect children and women*

<https://www.gov.uk/government/publications/female-genital-mutilation-guidelines>

### **Child Sexual Exploitation (CSE)**

CSE involves exploitative circumstances and relationships where young people receive something in return for engaging in sexual activities (for example food, drugs, mobile phone, alcohol, gifts, accommodation, money or sometimes simply affection). Sexual exploitation can take many forms including 'consensual' relationships where sex is exchanged for affection or gifts to serious organised crime by gangs and groups. The main factor that denotes exploitation is an imbalance of power in the relationship. The perpetrator always holds some kind of power over the victim which increases as the exploitative relationship develops. Sexual exploitation involves different degrees of intimidation and coercion including unwanted pressure from peers to have sex, sexual bullying, online bullying and grooming. It is important to note that some children and young people who are being sexually exploited do not exhibit any external signs of this abuse.

Child sexual exploitation may occur without the child being aware of events, or understanding that these constitute abuse.

**Child sexual exploitation is never the victims fault**, even if there is some form of exchange; all children and young people under the age of 18 years have the right to be safe and should be protected from harm.

For further information, refer to DfE (2012) *What to do if you suspect a child is being sexually exploited: A step-by-step guide for frontline practitioners*

<https://www.gov.uk/government/publications/what-to-do-if-you-suspect-a-child-is-being-sexually-exploited>

Child sexual exploitation: definition and guide for practitioners (DfE) (2017)  
[www.safeguardinghandbook.co.uk/cse](http://www.safeguardinghandbook.co.uk/cse)

### **Online Exploitation**

All young people are at risk from online exploitation, and be unaware that this is happening. Online exploitation includes the exchange of sexual communication or images and can be particularly challenging to identify and respond to. Children, young people and perpetrators are frequently more familiar with, and spend more time in, these environments than their parents and carers.

Online child sexual exploitation allows perpetrators to initiate contact with multiple potential victims and offers a perception of anonymity. Where exploitation does occur online, the transfer of images can quickly and easily be shared with others which makes it difficult to contact the potential for further abuse.

### **Children may be perpetrators of abuse**

It must be recognised that children may also be perpetrators of abuse, sometimes at the same time as being abused themselves.

**Further information:** Child sexual exploitation: definition and guide for practitioners (DfE 2017) [www.safeguardinghandbook.co.uk/cse](http://www.safeguardinghandbook.co.uk/cse)

### **Sexual Violence and Sexual Harassment**

'Sexual Violence and Sexual Harassment' is new government guidance, published in December 2017. Please refer to guidance document 'Sexual Violence and Sexual Harassment between children in schools and colleges' (DfE 2017) [www.safeguardinghandbook.co.uk/svsh](http://www.safeguardinghandbook.co.uk/svsh).

This advice to all schools has been heralded for a number of months, after an increase in reports of such behaviour. A lack of guidance has been blamed for some schools continuing to place victims and alleged perpetrators together in classrooms, even where an alleged offender is on bail.

The above government guidance document is for all schools, and covers any pupil under the age of 18 years and should be read in conjunction with other government guidance especially 'Keeping Children Safe in Education' and 'Preventing and Tackling Bullying'.

Sexual Violence refers to criminal acts; rape, assault by penetration and sexual assault, as defined by the Sexual Offences Act 2003. Sexual harassment is described as 'unwanted conduct of a sexual nature'. Importantly, the definition of consent is stated and should help pupils begin to understand more clearly.

This school accepts that Sexual violence and sexual harassment can occur between two children of any sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

This school will treat sexual violence and sexual harassment in line with any other child protection concern and refer onto relevant agencies as stated within our policy, as such this school will adopt the DfE document: Sexual violence and sexual harassment between children in schools and colleges: advice for governing bodies, proprietors, headteachers, principals, senior leadership teams and designated safeguarding leads : May 2018

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, it may also include initiation/hazing they can occur online and offline (both physical and verbal) and are never acceptable. It is important in our setting that all victims are



taken seriously and offered appropriate support in a non-judgemental way and on a case by case basis. Staff will act in the best interest of the child. In light of this this will consider;

- The wishes of the victim in terms of how they want to proceed.
- The nature of the alleged incident
- The ages of the children involved
- Any power imbalance between children
- Is the incident a one-off or a sustained pattern of abuse
- Are there ongoing risks to the victim, other children, school and college staff
- Contextual safeguarding issues
- The rights of children to receive an education

Established research suggests it is more likely that girls will be the victims of sexual violence and more likely that sexual harassment will be perpetrated by boys. This school will have a whole school approach in;

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;

- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”; and

- Challenging behaviours (which are potentially criminal in nature), such as grabbing bottoms, breasts and genitalia. Dismissing or tolerating such behaviours risks normalising them.

- Children with Special Educational Needs and Disabilities (SEND) can be especially vulnerable. Research states that disabled and deaf children are three times more likely to be abused than their peers. Additional barriers can sometimes exist when recognising abuse in SEND children. These can include:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child’s disability without further exploration;

- The potential for children with SEND being disproportionately impacted by behaviours such as bullying and harassment, without outwardly showing any signs;

- Communication barriers and difficulties overcoming these barriers.

- Established research found that children who are Lesbian, Gay, Bi, or Trans (LGBT) can be targeted by their peers. In some cases, a child who is perceived by their peers to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT.

- We as a school will ensure that designated school staff understand consent. It will be especially important if a child is making a disclosure that suggests they might have been raped.

It is our school and community ethos to see sexual violence and sexual harassment in the context of developing a community safeguarding culture, where sexual misconduct is unacceptable, and not ‘banter’ or inevitable part of growing up. It is recognised that these issues are likely to occur particularly in our setting, but they are challenged and discussed by education, care and therapy staff immediately and then followed up in community meetings to educate our pupils on the law and unacceptable behaviour. Our school has developed effective programmes of personal, social and health education (PSHE) and sex and relationships education (SRE) to support our pupils in understanding safeguarding issues. This curriculum also supports pupils in how they can raise a concern they may have about themselves, a friend or peer; and learn to recognise and develop healthy and respectful

relationships, avoiding stereotypes and promoting equality. Pupils are taught that sexual violence and sexual harassment is always wrong.

## Mental Health

It is key that staff are aware of how traumatic adverse childhood experiences can impact the mental health of pupils.

All staff members have a responsibility to promote the mental health of students and each other. However, certain staff members have a specific role in the process.

These are:

- Designated Safeguarding Officers: Richard Knight Head Teacher, Sioned Davies Deputy Head Teacher

- SENCO: Meg Bowen

At the Golfa Hall School we are in the unique position of being part of a 'Therapeutic Community'. This means that pupils benefit from high levels of exposure to highly experienced therapists on a daily basis. The Therapy team can be consulted if concerns are raised and key people are unavailable.

If a member of staff is concerned about the mental health and wellbeing of a student, then in the first instance they should speak to the above school based key people. If a child presents a medical emergency then relevant procedures will be followed, including involving the emergency services.

## Sexting

Sexting is a significant issue for older teenagers and involves the sharing of indecent images of themselves with others. It may be the intention for the image to be shared only with one person, but invariably these pictures or videos are shared across the internet. Such images can be a part of the early stages of grooming, especially when the potential victim has only 'met' the abuser online.

Although sexting is becoming a widespread phenomenon, it is illegal to send or be in possession of indecent images or videos of people under 18 years (Protection of Children Act 1978 and Criminal Justice Act 1988).

## The Law

*Making, possessing and distributing any imagery of someone under 18 years which is indecent is illegal. This includes imagery of yourself if you're under 18.*

Indecent is not definitively defined in law, but images are likely to be considered indecent if they depict:

- a naked young person
- a topless girl
- an image which displays genitals, and
- sex acts including masturbation
- indecent images may also include overtly sexual images of young people in their underwear

These laws weren't created to criminalise young people, but to protect them. Although sharing sexual images of themselves is illegal and risky, it is often the result of curiosity and exploration. The National Police Chiefs' Council (NSPCC) is clear that "youth-produced sexual imagery should be primarily treated as a safeguarding issue".

Schools may respond to incidents without involving the police. However, in some circumstances the police must always be involved.

## Crime recording

When the police are notified about youth-produced sexual imagery, they must record this as a crime. The incident is listed as a crime, and the young person is the suspect. This is, however, not the same as a criminal record.

Every crime reported to the police must have an outcome code. The NSPCC, Home Office and the DBS have agreed a new outcome code for youth-produced sexual imagery.

### Outcome 21

Outcome code 21 allows the police discretion not to take further action if it is not in the public interest, even though there is enough evidence to prosecute. Although recorded by the police, using this outcome code is likely to mean the offence would not appear on a future Enhanced DBS check, although not impossible, as that disclosure is a risk-based decision. Schools can be assured that the police have the discretion they need not to adversely impact young people in the future.

### Handling Sexting Incidents

In August 2016 the UK Council for Child Internet Safety (UKCCIS) published non-statutory guidance on managing incidents of sexting by under-18s. Over 200 organisations were involved in creating the guidance, including the internet industry, government (Home Office and DfE), children's charities, UK Safer Internet Centre, National Crime Agency (including Child Exploitation and Online Protection Centre (CEOP)), Police, and teachers' groups.

The UKCCIS guidance is non-statutory, but should be read alongside 'Keeping Children Safe in Education'.

- Refer to the designated safeguarding lead
- DSL meets with the young people involved
- **Do not view the image unless it is unavoidable**
- Discuss with care manager, therapist unless there is an issue where that's not possible
- Any concern the young person is at risk of harm, contact safeguarding and/or the police

### **Always refer to the police or safeguarding if incident involves:**

- an adult
- coercion, blackmail, or grooming
- concerns about capacity to consent
- images show atypical sexual behaviour for the child's developmental stage
- violent acts are depicted
- image shows sex acts and includes a child under 13 years
- a young person at risk of immediate harm as a result of the disclosure (for example, self-harm or suicide)

### Voyeurism

The Criminal Prosecution Service (CPS) defines 'up skirting' as a colloquial term referring to the action of placing equipment such as a camera or mobile phone beneath a person's clothing to take a voyeuristic photograph without their permission. It is not only confined to victims wearing skirts or dresses and equally applies when men or women are wearing kilts, cassocks shorts or trousers. It is often performed in crowded public places, for example on public transport or at music festivals, which can make it difficult to notice offenders." Changes to the Voyeurism (Offences) Act 2019 include criminalising the act of 'up skirting'.

### Domestic Violence and Abuse

Domestic violence and abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between individuals aged 16 years or over who are,

or have been, intimate partners or family members regardless of gender or sexuality. The abuse can include, but is not restricted to: physical, emotional, psychological, sexual, financial or emotional. Controlling behaviour includes a range of actions designed to make a person inferior and/or dependent by isolating them from sources of support and exploiting their capacities for personal gain depriving them of independence and escape by regulating their everyday behaviour. Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation that is used to harm, punish or frighten their victim.

For further information, refer to Home Office (2015) *Guidance: Domestic violence and abuse* <https://www.gov.uk/domestic-violence-and-abuse>

### **Trafficking**

According to The United Nations Convention against Transnational Organised Crime (the *Palermo Protocol*) describes trafficking as ‘the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercions, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation’.

At a minimum, exploitation includes the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude of the removal of organs.

For further information, refer to DfE and Home Office (2011) *Guidance: Safeguarding children who have been trafficked*

<https://www.gov.uk/government/publications/safeguarding-children-who-may-have-been-trafficked-practice-guidance>

Expert and professional organisations are best placed to provide up-to-date guidance and practical support on specific safeguarding issues. Information for school and residential children’s homes can be found on the NSPCC website. The government also provides broad guidance on abuse issues via the GOV.UK website:

- bullying including online bullying  
<https://www.gov.uk/government/publications/preventing-and-tackling-bullying>  
<https://www.safeguardinghandbook.co.uk/bullying>
- drugs  
<https://www.gov.uk/government/publications/drugs-advice-for-schools>
- faith abuse  
<https://www.gov.uk/government/publications/national-action-plan-to-tackle-child-abuse-linked-to-faith-or-belief>
- forced marriage  
<https://www.gov.uk/forced-marriage>
- gangs and youth violence  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file418131/Preventing\\_youth\\_violence\\_and\\_gang\\_involvement\\_v3\\_March2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file418131/Preventing_youth_violence_and_gang_involvement_v3_March2015.pdf)
- harmful sexual behaviour framework (NSPCC)  
<https://www.safeguardinghandbook.co.uk/hsbf>
- mental health

<https://www.gov.uk/government/publications/the-mental-health-strategy-for-england>

- preventing radicalisation  
<https://www.gov.uk/government/publications/chanceel-guidance>
- sexual violence and sexual harassment between children in schools and colleges (DfE, 2017)  
<https://www.safeguardinghandbook.co.uk/svsh>
- sexual behaviours traffic light tool (Brook)  
<https://safeguardinghandbook.co.uk/brook>
- sexting  
<https://www.ceop.police.uk/Media-Centre/Press-releases/2009/What-does-sexting-mean/>  
<https://www.swgfl.org.uk/sextinghelp>  
<https://www.safeguardinghandbook.co.uk/ukccis>
- teenage relationship abuse <https://www.gov.uk/government/collections/this-is-abuse-campaign>

### **3. Children who may be particularly vulnerable**

Some children are more vulnerable to abuse and neglect than others. Several factors may contribute to this increased vulnerability including societal attitudes and assumptions including prejudice and discrimination; child protection procedures that are inadequately responsive to the diverse situations of children; isolation; social exclusion; communication issues; a child's personality, behaviour, disability and family circumstances and the reluctance on the part of some adults to accept that abuse and neglect can occur.

Amberleigh ensures that all our children receive equal protection recognising that our children are particularly vulnerable as they are/have:

- Disabilities or special educational needs
- Experienced domestic abuse and violence
- Lived in chaotic and unsupportive home environments
- Been affected by parental substance misuse
- Been taken into care and are looked after by the Local Authority
- Experienced bullying or have engaged in bullying behaviours
- Lived in temporary accommodation
- Experienced discrimination and maltreatment on the grounds of race, ethnicity, religion, gender, disability or sexuality
- Been a young carer
- Been involved in child sexual exploitation
- At risk of becoming radicalised or violent extremism
- At risk of being involved in gangs
- At risk of forced marriage
- Do not have English as a first language

This list is not exhaustive and provides examples of additionally vulnerable groups.

Particular vigilance will be given to children who are subject to a child protection plan. Any incidents or concerns involving these children will be reported immediately to the child's social worker.

#### 4. Extremism and radicalisation

Protecting children from the risk of radicalisation is similar in nature to protection children from other harms including drugs, neglect, sexual exploitation and gangs. Amberleigh is committed to building children's resilience to radicalisation by promoting fundamental British values and enabling them to challenge extremist views.

Amberleigh acknowledges its duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This duty is known as the Prevent duty. At Amberleigh we meet this duty by:

- Teaching a broad and balanced curriculum which promotes the spiritual, moral, cultural, social, mental and physical development of children and prepares them for the opportunities, responsibilities and experiences of life.
- Assessing the risk of children being drawn into terrorism. This is based on an understanding of the potential risk in the local area and is shared with partners.
- Protecting children from being drawn into terrorism by having robust safeguarding policies in place to identify children at risk and intervene as appropriate. Amberleigh staff will consider the level of risk and will identify the most appropriate referral including, for example, Channel.
- Set out clear procedures for ensuring that any visiting speakers, invited by staff or the children, are suitable and supervised appropriately.
- Ensure the safeguarding arrangements at Amberleigh take into account the policies and procedures of the Local Safeguarding Children Board (LSCB) or Safeguarding Partnership.
- Arrange staff training that gives individuals the knowledge and confidence to identify children at risk of being drawn into terrorism and to challenge extremist ideas. Through training staff will also know where and how to refer children and young people for further help.
- Ensure that children are safe from terrorist and extremist material when accessing the internet at Amberleigh.

Amberleigh will not tolerate the promotion of extremist religious views and partisan political views of any individual staff member or in the teaching of any subject in school. All members of staff must offer a balanced view and opinion to children while they are in attendance at our schools and children's homes and while taking part in extra-curricular activities that are provided or organised by or on behalf of Amberleigh.

For further information on **Prevent duty guidance**, refer to:

HM Government (July 2015) *Revised Prevent Duty Guidance: for England and Wales*  
<https://www.gov.uk/government/publications/prevent-duty-guidance>

Department for Education (2015) *The Prevent duty: Departmental advice for schools and childcare providers*  
<https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty>

## 5. Roles and Responsibilities

All members of staff (including agency and bank staff) have a responsibility to be aware of the procedures to be followed if they are worried a child or child is being abused.

### 5.1 Duty to Refer

It is the duty of all staff to immediately refer any child protection concerns about a child to Richard Knight, Head Teacher (Designated Safeguarding Lead) or Sioned Davies, Deputy Head Teacher (Designated Safeguarding Lead). For the role of Designated Safeguarding Persons refer to appendix 1). In the absence of the Designated Safeguarding Lead to avoid any unnecessary delays in responding to a child or a young person's needs the Education Manager on either school site should be contacted.

#### Contact details are:

Richard Knight, Head Teacher

Email address: [richard.knight@amberleighcare.co.uk](mailto:richard.knight@amberleighcare.co.uk)

Sioned Davies, Deputy Head Teacher

Email address: [Sioned.Davies@amberleighcare.co.uk](mailto:Sioned.Davies@amberleighcare.co.uk)

Staff are contactable at:

Amberleigh School (Golfa)

Tel: 01938 554111

Amberleigh School (The Oaks)

Tel: 01952 619144

If as a member of staff, you are not satisfied with the Designated Safeguarding Lead's response, e.g. where they decide not to make a referral to Children's Social Care or you are unwilling or unable to make a report to them for whatever reason, you should make a referral yourself to the Safeguarding Partnership by telephoning:

<b>Shropshire (for Oaks)</b>	<b>Powys (for Golfa)</b>
Shropshire Safeguarding Partnership 0345 678 9021. If you need to report concerns out of office hours then please contact the Emergency Duty Team on 0345 6789040. <a href="http://www.safeguardingshropshireschildren.org.uk/reporting-concerns/">http://www.safeguardingshropshireschildren.org.uk/reporting-concerns/</a>	Telephone: 0845 6027050

You can also speak to:

NSPCC: 0800 800 5000

Childline: 0800 1111

Other possible contact points include:

- Any member of Amberleigh's Safeguarding Committee;
- Directors of Amberleigh Care Ltd;
- A police officer;
- An inspector for Her Majesty's Chief Inspector (HMCI)



- An officer of the National Society for the Prevention of Cruelty to Children (NSPCC).

### **5.2 Recognising and responding to concerns**

It is important to remember that children rarely talk about their own abuse, for many reasons, and staff need to be vigilant to physical, emotional, sexual, and behavioural signs which may suggest abuse. If a child chooses to confide in you, disclosing any form of abuse, **the most important thing to do is to listen attentively without asking any leading questions, otherwise later investigation can be compromised.** The child must tell their own story in their own time. Even what seems to be an unbelievable story must be listened to and acted upon. If you make any notes, you must only use the child's own actual words, or the words in which anyone else reports to you. **You must not interrogate anyone or conduct your own investigation or make assumptions based on hearsay.**

### **5.3 Recording of disclosures/concerns**

If note-taking is inappropriate, or not possible at the time, the member of staff involved should immediately afterwards note any key points using the child's own words and phrases, if possible, the record sheet should be *marked* **'Child Protection – Strictly Confidential'**. **These notes must be kept as originals, timed, dated and signed, as they could be used as evidence in court.** As soon as possible the member of staff must seek out a Designated Safeguarding Person. **Disclosed information from a child cannot be discussed with any member of staff, other than a Designated Person.** Following consideration, the Designated Person may decide to make a referral to the Local Safeguarding Children's Board (LSCB) or Safeguarding Partnership.

### **5.4 Physical Evidence**

If any physical injuries or bruising are noticed it is appropriate, as a caring adult, to ask the child how they sustained the bruise, graze scratch, bite or other mark on their body. All such marks or injuries, howsoever caused, must be recorded on as a body map diagram and handed to the Designated Safeguarding Person, with the child's explanation attached. The child must not be examined beneath their clothing. Further investigations must not be conducted and the child should not be asked any leading questions.

### **5.5 Issues of Confidentiality**

If a child requests confidentiality, they must be told that this cannot be promised and it should be explained that staff have a responsibility to share information with those adults who will be able to help protect them from harm. The child should be reassured that only staff who need to know about it will be told. This could result in the child not continuing the conversation, in which case your enquiries should not be pursued but concerns recorded on the record sheet and handed to the Designated Safeguarding Lead. Staff should take care not to discuss information given in confidence outside the appropriate professional contexts. All documentation regarding the disclosure should be treated with the strictest of confidence and should only be shared with others on a need to know basis.

## 5.6 Staff Concerns about Practice

If staff have any concerns about practices in the school or children's home which they feel may put children at risk of abuse or serious harm they should raise these first with the Designated Safeguarding Lead. If they are not satisfied with the way in which Amberleigh is dealing with the situation they can speak directly to the Social Services Manager responsible for Child Protection:

<b>Shropshire (for Oaks)</b>	<b>Powys (for Golfa)</b>
Shropshire Safeguarding Partnership Independent Review Unit Shropshire Council Mount McKinley Anchorage Avenue Shrewsbury Business Park Shrewsbury SY2 6FG  Telephone: 01743 254259/254246	Social Services Dept. Powys County Council/Neuadd Maldwyn Severn Road Welshpool Powys SY21 7AS  Telephone: 01938 551899

Also staff may contact:

<b>For Shropshire, England (Oaks)</b>	<b>For Powys, Wales (Golfa)</b>
Office for Standards in Education, Children's Services & Skills (Ofsted) Store Street Manchester M1 2WD Telephone: 0300 123 1231	Care Inspectorate Wales (CIW) CIW National Office Welsh Government Rhydycar CF48 1UZ Telephone: 0300 7900 126

## 5.7 Making a Referral

When a Designated Safeguarding Person has been informed of a case of suspected abuse or of a child who may be at risk of abuse they must decide whether or not to make a referral to Children's Social Care. Children's Social Care can be contacted for support in relation to this decision making, either using anonymised information or passing on identifying details of a case. Referrals should be made to:

<b>Shropshire (Oaks)</b>	<b>Powys (Golfa)</b>
Initial Contact Team (office hours) Telephone: 0345 678 9021	Initial Contact Team (office hours) Telephone: 0845 602 7050
Emergency Duty Team (out of hours) Telephone: 0345 6789040.	Emergency Duty Team (out of hours) Telephone: 0845 054 4847

All referrals should be made or confirmed using the appropriate pro-forma.

All referrals to the Local Safeguarding Children's Board/Safeguarding Partnership should be screened / evaluated by that agency within 1 working day and a decision made regarding the next course of action. Where there is to be no further action, feedback should be provided to

the Designated Safeguarding Lead about the decision and the reasons for making it in writing within 48 hours.

Where appropriate, the Designated Safeguarding Lead will always bring relevant issues to the notice of the parents/carers, referring authority, children's social care in the child's home area.

### **5.8 Working with Parents and Carers**

Designated Safeguarding Persons and other professionals should aim to work in partnership with parents/carers by attempting to discuss any concerns they have with them where possible. Permission should be sought by the Designated Safeguarding Lead from the person holding parental responsibility for the child before discussing a referral about them with other agencies, unless this process may in itself place a child at risk of significant harm or prejudice a criminal investigation.

Social care advice may be sought on the issue, as appropriate.

### **Contextual Safeguarding**

The DSL will have due regard to safeguarding incidents and/or behaviours that can be associated with factors outside the school and/or can occur between children outside the school. All staff, but especially the designated safeguarding leads should be considering the context within which such incidents and/or behaviours occur. This is known as **contextual safeguarding**, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare. Children's social care assessments should consider such factors, so our school will provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and the full context of any abuse. Additional information regarding contextual safeguarding is available here;

<https://contextualsafeguarding.org.uk/about/what-is-contextual-safeguarding>

### **5.9 Support for Young People following a Referral**

The child can choose an adult to accompany him or her, if she so wishes, to any interview, which may take place as a result of a Child Protection assessment, to offer support. However, the wishes and feelings of the child should be respected should they want to be on their own. If a child requires support from staff this will normally be granted in discussion with the Designated Safeguarding Lead/Person. Interviews with children are undertaken by social workers and specially trained police, and these can be undertaken at the Oaks or Golfa, or at an agreed location or at a special video interview suite, whichever is appropriate.

### **5.10 Multi-Agency Partnership**

As a school and children's home we work in partnership with Children's Social Care in both our locality and young people's home areas. Any conflicts between locally agreed procedures and those of other placing authorities will be discussed and resolved, as appropriate.

In accordance with local procedures we are required to liaise with Shropshire Safeguarding Office (for the Oaks) or Powys Social Services (for Golfa) in all cases of abuse or suspected abuse which have arisen on site. This multi-agency approach enhances the effectiveness of identifying and dealing with child abuse issues that may arise.

## **6. General Strategies**

### **6.1 Regulating and Vetting Visitors**

All visitors to Amberleigh must sign the Visitors' Book on arrival at Reception and sign out on departure and wear a visitors' badge at all times. Arrangements for visiting young people are agreed in advance by the Director of Education, Education Manager, Registered Manager or the Deputy Manager in consultation with the placing authority and parents/carers, as appropriate.

All staff are responsible for ensuring that visitors are carefully monitored, in a manner appropriate to the individual circumstances. Under no circumstances, should any visitors ever have unsupervised access to the children. Staff are expected to challenge anyone on the site if they are unsure of their identity.

## **6.2 Vetting of Staff & Safer Recruitment**

There is always careful selection and vetting of all staff to prevent children from being exposed to potential abusers and nobody commences work unless all checks have been completed. Recruitment of all staff who work with young people at Amberleigh, is in line with 'Safer Recruitment' guidelines. At least one person on every interview panel must have completed 'Safer Recruitment' training.

The following statement is included in all job advertisements, recruitment websites, and candidate information packs. *Amberleigh Care is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment. The successful applicant will be subject to an enhanced disclosure from the DBS.*

'Safer Recruitment' guidance includes checks on staff suitability with the Disclosure and Barring Service (DBS) (formerly Criminal Records Bureau). These checks are carried out on every member of staff and a record to verify the authenticity of identity, qualifications, and satisfactory DBS check is held centrally for each staff member. Alongside of these checks there are robust interview processes, checks for gaps in employment and reference checks. Where agency staff are employed, Amberleigh will seek written confirmation from the relevant agency that all appropriate checks have been carried out and are satisfactory. All agency staff are subject to appropriate identity checks on their arrival.

The recruitment process is robust in seeking to establish the commitment of candidates to support Amberleigh Care's measures to safeguard children and to deter, reject or identify people who might abuse children or are otherwise unsuited to work with them. As part of the recruitment process we will access the new Teacher Services system as part of safer recruitment. This is a database that can be used prior to appointing a teacher to check for prohibitions, sanctions and restrictions that might prevent the individual from taking part in certain activities or working in specific positions.

The relevant checks which are completed before commencement of any new staff or **Supply Staff member** are:-

With regard to **supply staff** the agency should also make sure that these checks are complete and forwarded to the Head or Deputy Head Teacher (and retained) before active teaching engagement begins.

- an identity check;
- a barred list check;
- an enhanced DBS check;
- a prohibition from teaching check (NB This is **not** the same as a barred list check)
- a prohibition check must be made for anyone undertaking 'teaching work' (with or without Qualified Teacher Status)

- further checks on people living or working outside UK, including any restrictions placed on teachers from the European Economic Area (EEA\*); (\*EEA is all countries, plus Iceland, Liechtenstein, and Norway)
- a check of professional qualifications;
- a check to establish the person's right to work in the United Kingdom; and
- a section 128 prohibition check for people in management positions.

All these checks will be entered into the SCR and evidenced by the person making the checks.

All staff members also receive induction training to include appropriate child protection training which is regularly updated.

### **6.3 Induction of Staff**

All new employees are sent a copy of Amberleigh's 'Safeguarding and Child Protection Policy' prior to starting their employment. The new member of staff must meet with a member of senior staff on their first day as part of their induction programme. This meeting covers a wide range of safeguarding issues including health and safety, security, fire procedures and safeguarding procedures.

All staff will receive an induction pack that contains the following:

- Staff code of conduct
- Keeping Children Safe in Education (2019)
- What to do if you're worried a child is being abused (2015)
- Behaviour Policy
- Trigger Plans for Children Missing from care/education
- Keeping Learners safe (Welsh Government Guidance) (2015)
- Responding to Incidents of Sexting (UKCCIS) (2016)
- Welsh Government Guidance 'Safeguarding children in education: handling allegations of abuse against teachers and other staff' circular no: 009/2014, Date of issue: April 2014

Amberleigh recognises the importance of relationships between staff and children and that relationships are based on mutual respect and understanding and the need for clear boundaries in relation to acceptable behaviour, on both sides.

### **6.4 Personal, Social, Health Education & Therapy**

Staff work hard to establish positive and trusting relationships with children, in order for them to seek help when they are worried or have concerns about their own or others' safety. Issues surrounding social awareness, health education and sex education are discussed with children in link worker sessions and taught to all young people during PSHE, life skills lessons, and therapy (both group and individual therapy).

Within PSHE the new curriculum for Relationships Education, and Relationships and Sex Education and Health Education is covered extensively which includes online safety whereby pupils are taught what positive, healthy and respectful online relationships look like. This curriculum supports the guidance document 'Teaching online safety in school (DfE, June 2019).

### **6.5 Children's Rights**

We recognise that children are our primary concern and must be given a voice in matters relating to their care and education. Children's opinions are sought over key decisions which are likely to affect them; their privacy and dignity are respected, as far as is consistent with

good parenting and their need for protection; and all matters related to child protection concerns are kept confidential, with access only to those who need it for the child's protection. Children are informed of how to complain if they are unhappy with any aspect of living at Amberleigh, so that they can feel confident that any complaint will be addressed seriously and without delay. Complaints are reviewed at least once a month by the Education Manager and/or Registered Manager, and issues raised are addressed.

### **6.6 Anti-Bullying Policy**

Amberleigh has, and follows, an anti-bullying policy, with which young people and staff are familiar. Children who are bullied are supported, and those who may bully others are also subject to a risk assessment. Each child will have a plan outlining actions to address and support issues identified. Amberleigh recognises the fact that bullying is the form of abuse most children fear. The Education Manager and the Registered Manager review records of bullying incidents at least once a month in order to take action where feasible to reduce or counteract the risk of bullying.

### **6.7 Missing Children**

Amberleigh has a rigorous approach to monitoring absences quickly with appropriate follow-up to ensure that children's attendance in education is maintained in accordance with our high expectations. Amberleigh also has comprehensive procedures to be followed when a child goes missing from care. These procedures are known to staff, children, parents/carers and referring authorities and ensure that children are protected as quickly as reasonably possible.

It is always important to try to establish why a child went missing in order to identify and address any potential difficulties the child may be experiencing. If abuse is cited, this should be referred to the Designated Safeguarding Lead in accordance with our Safeguarding and Child Protection Policy. The child should also be offered the opportunity to contact an Independent Person e.g. advocate, should it be considered appropriate.

### **6.8 Use of Mobile Phones and other Multi-Media Devices**

Given the potential for misuse, Amberleigh provides comprehensive guidance for staff and children on the use of mobile phones, laptops and other multi-media devices. This guidance includes policies, training, specific lessons and discussions regarding safety responsibilities.

### **6.9 Internet Use and Multi-media Policy**

Amberleigh has a written policy on the acceptable use of its internet and email facilities, which is made clear to staff, children, parents/carers and referring authorities. All staff are aware of, and follow in practice, the school's policy to protect staff and children from harm via the world wide web.

### **6.10 Support**

Child: There is a paragraph written in the Children's Guide to ensure that young people know who to approach at Amberleigh if they have any worries about keeping themselves safe. The numbers for Childline, NSPCC Child Protection Helpline and Shropshire/Powys Safeguarding are also available for young people.

Staff: All staff have individual supervision meetings with a member of senior staff. Children's Social Care may offer support to the Designated Safeguarding Lead and other Designated Safeguarding Persons who could be involved in a child protection investigation.

Family: Summary information regarding child protection is contained in the Statement of Purpose.

Advocacy: is available to all children.

Parents/carers can request to see the Safeguarding and Child Protection Policy if they would like to find out more information about our procedures. Children's Social Care advise us about giving appropriate support to families who may be involved in a child protection investigation or protection plan.

### **6.11 Safeguarding Committee**

Amberleigh has a Safeguarding Committee, the members of the committee are communicated to all staff as well as details being displayed in the house and school.

The Safeguarding Committee consists of the following individuals:

- Managing Director, Kevin Gallagher
- Director of Education, Michelle Maguire
- Director of Therapy, Michelle Russell
- Registered Care Manager (Golfa), Anthony Parry

The role of the Safeguarding Committee is to:

- Review, on an annual basis, the arrangements for safeguarding and promoting the welfare of children, and supporting the implementation of any action plan arising from that review;
- Meet on a monthly basis as part of the management meeting, or more often if required, in order to ensure the welfare of children;
- Oversee and monitor all safeguarding concerns;
- Provide an opportunity to share and ensure best practice across Amberleigh Schools with regard to safeguarding.

In addition, the Managing Director (Kevin Gallagher) must be informed of all safeguarding concerns made to the Designated Safeguarding Lead, as soon as reasonably possible, and in any event within 24 hours of the concern being reported.

### **6.12 Staff Training**

Amberleigh operates best practice with regard to safer recruitment. The Chair of every appointment panel must have successfully completed safer recruitment training.

All Designated Safeguarding Leads (and other Designated Safeguarding Persons) are required to undertake multi-agency safeguarding training and will attend refresher courses in accordance with the recommended timescales or following changes to legislation and or government guidance and in any event within two years.

All staff are required to complete a basic child protection course as part of their induction period. In house child protection training is also provided to all staff as a refresher session. Advanced training is made available to those with specific roles e.g. team leaders, DSO's.

All staff are required to complete basic online Prevent awareness training and for one designated person in each school/house to complete the WRAP (workshop to raise awareness of prevent) training.

All staff receive high quality support, advice and individual supervision meetings with a member of senior staff.

## **7. Concerns involving a member of staff**

To be read in conjunction with Welsh Government Guidance 'Safeguarding children in education: handling allegations of abuse against teachers and other staff' circular no: 009/2014, Date of issue: April 2014.

Any concerns that involve allegations against a member of staff should be referred immediately to the Designated Safeguarding Lead, who will make a decision whether or not to contact the Local Authority Designated Officer (LADO) now known as the Designated Officer (DO) for Shropshire (to discuss and agree further action to be taken in respect of an allegation). In Wales the role of the LADO is taken up by a 'Designated Senior Manager' (DSM) in Children's Social Services.

In the event of the allegation being directly or indirectly made about the Directors, Education Manager and/or the Registered Manager, the staff member should promptly report the allegation to the LADO at Social Services in Shropshire (Oaks) or the Designated Senior Manager at Social Services in Powys (Golfa) and/or to the Police:

<b>Shropshire (Oaks)</b>	<b>Powys (Golfa)</b>
Shropshire Council's LADO Telephone: 03456 789021	Powys Council's DSM Telephone: 0845 602 7050
Police dealing with the Protection of Vulnerable People in Shropshire (West Mercia Police) Telephone: 0300 333 3000	Police dealing with the Protection of Vulnerable People in Powys (Dyfed-Powys Police) Telephone: 01267 222020

Allegations and complaints against staff are minimised by Amberleigh Care by having:

- Safer Recruitment strategies in place
- Appropriate induction and training
- Open and transparent safeguarding ethos
- Professional code of conduct as set out in Staff Handbook
- Regular briefing and discussion of safeguarding issues
- Ensuring that all young people are aware of safeguarding issues through the curriculum, eg PSHE and ICT, covering the topics of the new curriculum for Relationships and Sex Education and also Online safety etc.

## **8. Support for staff subject to allegations**

The Designated Safeguarding Lead will inform any member of staff who is subject to an allegation about that allegation as soon as possible. However, the Designated Safeguarding Lead will have to follow directions from Children's Social Care and/or the police as to what can be shared and when.

It is recognised that any allegation of abuse will cause the member of staff anxiety and advice will be given as to possible avenues of support from, for example, their union, professional association or the Leadership Team.

Any member of staff subject to an allegation will be given a copy of the leaflet "A guide for staff and volunteers who work with children and are faced with an allegation of abuse". The staff member will be kept advised as to the progress of the investigation as far as possible.

## **9. General Guidance to Staff**

### **9.1 Working with Children**

Staff must be aware of the potential problems associated with making physical contact with children, especially with children of the opposite sex. Contact must always be appropriate to the relationship of a professional with a client. Many of our children may have been damaged by inappropriate contact and they may be very sensitive or unable to process personal contact



appropriately. As a staff team we should always be alert and ready to advise our colleagues, if anything might be seen as improper. There may be times when it is appropriate for staff to spend one to one time with a child, for example during 1:1 teaching sessions, key worker meetings. Staff should always ensure that proper safeguards are in place for the protection of both themselves and the child, e.g. making sure that other staff are aware of the teaching session/meeting and will occasionally check that everything is okay. Regard should always be given to the potential additional problems of teaching or caring for children of the opposite sex. Advice should be taken from senior staff regarding what is acceptable or unacceptable risk-taking in this area.

### **9.2 Giving and Receiving Gifts**

Amberleigh accepts that the giving of gifts and presents by staff to children will at times be quite appropriate, e.g. teaching staff giving children rewards for positive behaviour or good work. To safeguard all involved, all gifts given are to be given open and publicly, eg in the community meetings, awards celebrations, during a birthday meal etc. Monitoring of gifts given takes place on a regular basis by senior staff. The receiving of small gifts by staff from children is viewed and treated in the same way.

### **9.3 Film Classifications and Computer Games**

When showing films for young people in school, staff should satisfy themselves that the classification of the film, e.g. 'U', 'PG', '12a', '12' or '15' is appropriate for the age of the young people, even if only one child is in the "wrong" category. Under no circumstances are young people allowed to watch a film where the age classification is above the individual's age. The above conditions also apply to Computer Games.

### **9.4 Safe Working Practice**

All Amberleigh' staff should take normal precautions not to place themselves in a vulnerable position in relation to child protection.

**Failure to report actual or reasonably suspected physical, sexual or emotional abuse or neglect of a child is a disciplinary offence.**

## **10. Consultation**

Where indications of abuse are not clear, or where there may be other possible explanations, advice can be sought at an early stage to assist in deciding whether a referral should be made for the protection of the child.

Any member of Amberleigh personnel suspecting the possibility of abuse should consult with their line manager. The initial concerns should be discussed in order to assess whether a formal referral to the Social Services Department will be available for consultation and will not necessarily request that the child be identified to them. The Social Services Department will record the details of the consultation and any advice given, without recording the name of the child.

A copy of the record will be sent to the individual initiating the consultation to ensure agreement and clarity of advice given. Informal consultation with other agencies may be suggested. When consultation with colleagues or other agencies gives rise to a 'critical threshold of concern', a formal child protection referral should be made to either the Social Services Department or the Police.

The purpose of the consultation is to enable the enquirer to assess his or her concerns and to decide if a formal child protection referral should be made.

## SOCIAL WORKERS ACTING AS APPROPRIATE ADULTS UNDER THE POLICE AND CRIMINAL EVIDENCE ACT – 1984

- The rights of the detainee: the appropriate adult is there to advise him of their rights and to ensure that the interview is conducted fairly and properly.
- To facilitate communication with the person being interviewed.
- The role is in addition to, and is different from, the solicitor's role.
- Not just an observer but to advise the person being questioned and to observe whether or not the interview is being conducted properly and fairly, and to "facilitate communication with the person being interviewed."

### **10.1 Who is an "appropriate adult?"**

For a juvenile, in order of preference:

- a) His parent or guardian (if in care, care authority or voluntary organisation)
- b) A social worker
- c) Failing either of the above, another responsible adult over the age of 18 who is not a police officer; or employed by the police.

On being contacted by police, the social worker should attempt to secure parent or guardian's attendance, with a briefing on the role of the appropriate adult.

On arrival at the police station, identify the custody officer and make a note of their name, as well as that of the interviewing officer.

Ensure the detainee is again advised, even if told already, of their rights to a free solicitor, at any time and the caution, which emphasises they do not need to answer questions. Also the right to consult the Codes at any time. The appropriate adult must countersign copy of document saying rights have been read.

The right to a solicitor or the detainee being told immediately can only be held up for specific reasons.

The detainee must be dealt with quickly and released as soon as the need for detention ceases to apply, be given written details of the offence, with the constable's name and reference number for the case. In the case of a juvenile, or a person with learning disabilities this information will be given to the appropriate adult.

All children regardless of age placed at Amberleigh will be provided with an appropriate adult.

You should see the client alone, or with the solicitor, to explain your role, who you are, etc. You can see the detainee on their own at any time during the detention. You can also call a solicitor as the appropriate adult on behalf of the detainee.

The detainee must be informed of the reason for the detention and their rights, in the presence of the appropriate adult.

The officer may not try to obtain a statement by way of oppression.

There is a special Code for tape recording of evidence; it is good practice to keep notes during the interview, be it taped or not. These Codes are to ensure no matters can take place relevant to questioning with reference to the alleged offence which is not recorded and therefore open to scrutiny to the detainee, her solicitor, courts or CPS later. DO not be put off ensuring you carry out your role properly because of a "shyness" in front of the taped recording equipment and "ceremonies" which can be intimidating.

Detainee and appropriate adult will be shown any written statement made and be asked to sign it as a true record. If you object to this or any other aspect of the detention at any time,

ask to record this on the custody record, which appropriate adult's now have a right to receive a copy. The custody officer must investigate any such complaint. If the appropriate adult refuses to sign it as a true record, this will be recorded in the custody record.

As appropriate adult you can intervene to ensure the detainee understands the question put or line of questioning, and to help him clarify an answer if this seems unclear.

The detainee may not be kept longer than (approximately) 24 hours – depending when the “custody clock” starts to run – without being charged, unless a superintendent or above agrees to the maximum limit of 36 hours. Any detention after this must be agreed by the Court and then no longer than 96 hours (but the Prevention of Terrorism Act is not subject to this).

NB: a juvenile can be further detained if the custody officer believes this is in his best interest.

## **10.2 Record Keeping**

Accurate, concise and clear record keeping in straight forward language is an essential part of an individual employee and professional's accountability towards good child protection practice.

Records should:

- Use clear, straightforward language
- Be signed dated and timed
- Be concise, legible and comply with professional, national and local agency standards and requirements
- Be accurate in fact and distinguish between fact, option, judgment and hypothesis
- Be organised and comprise detailed recording and chronologies and summarise using all contacts
- Be comprehensive
- Clearly record judgements that are made and action decisions taken
- Clarify where decisions have been jointly across agencies or endorsed by a manager
- Record both formal and informal supervision discussion

## **10.3 Supervision**

All members of staff at Amberleigh involved in child protection require appropriate supervision. In line with the supervision procedure all involved will receive adequate supervision and support. This is to ensure that good practice within Amberleigh is soundly based and consistent with All Wales Child Protection Procedures.

## **11. Storage, transfer and retention of child protection records**

Amberleigh follow the principles of record keeping contained within the Data Protection Act 1988, the Human Rights Act 1998 and the Freedom of Information Act 2002 and Advice for Safeguarding Practitioners (2015) HI GOV

[www.safeguardinghandbook.co.uk/informationsharing](http://www.safeguardinghandbook.co.uk/informationsharing).

### **11.1 Storage of child protection records**

All child protection records are kept in individual files, away from the child's own school/care records and stored securely in a locked cabinet with access clearly defined and restricted.

The school file will also be labelled to indicate that additional child protection information is held separately.

### **11.2 Transfer of child protection records**

When a young person transfers to another school, college or social care establishment, their child protection records (if any) must be forwarded to the new placement without delay, and in any case within five working days.

The original child protection records and safeguarding file (where one exists) must be passed on either by hand or sent recorded delivery under separate cover from the regular personal file(s). Care must be taken to ensure confidentiality is maintained at all times and the transfer process is as safe as possible.

If the records are posted, they should be copied and these copies retained until there has been confirmation **in writing** that the originals have arrived at the new establishment.

Whether child protection files are passed on by hand or posted, there should be written evidence of the transfer (such as a slip of paper signed and dated by the member of staff at the receiving establishment). This receipt should be retained for no less than six years.

### **11.3 Retention of child protection records**

Amberleigh will retain the child protection records of any young person for as long as they will remain on the school roll and if they are the last school the young person attends and transfer them in accordance with the process outlined above, where appropriate. If Amberleigh is the last school the young person attends then the records are kept until the young person has their 26<sup>th</sup> birthday and then securely disposed of.

## **Appendix 1**

All Designated Safeguarding Persons have undertaken multi-agency safeguarding training and will attend refresher courses in accordance with the recommended timescale or following changes to legislation and/or DfE guidance and in any event within two years.

### **Role of the Designated Safeguarding Lead is to:**

- Maintain a working knowledge of relevant national guidance in respect of all specific safeguarding issues highlighted in DfE guidance *Keeping children safe in education* (2019) and LSCB or Safeguarding Partnerships policies, procedures, guidance and protocols;
- Ensure that child protection procedures and a written policy are in place and updated as appropriate;
- Ensure that all staff are aware of and follow both the Local Safeguarding Children Board's/Safeguarding Partnership policies, procedures, guidance and protocols and Amberleigh's policy;
- Create an environment where staff feel able to raise concerns and feel supported in their safeguarding role;
- Be available to provide advice/support to staff and for confidential discussions about concerns;
- Be available to provide support to young people;
- Encourage of culture of listening to children and taking account of their wishes and feelings;
- Create an environment where staff feel able to challenge senior leaders over any safeguarding issue, raise concerns which they have about their own safety or the well-being of others and feel supported in their safeguarding role;
- Ensure that records of any concerns/suspected cases of abuse/referrals are kept on the young person in a file that is kept separate to the main pupil file and stored securely;

- Liaise with the person responsible for Training and Development to ensure that all staff receive appropriate Safeguarding training in accordance with their roles and responsibilities;
- Liaise with Amberleigh's Safeguarding and Compliance (Managing Director) about all safeguarding concerns, as soon as possible but in any event within 24 hours of the concern being reported;
- Undertake a review of all child protection referrals made to assess and share any lessons to be learned;
- Act as a case manager in the management of allegations concerning members of staff;
- Participate in local safeguarding arrangements overseen by the LSCB or Safeguarding Partnership.

Where a decision is made to remove an individual because the person poses a risk of harm to children, the Designated Safeguarding Lead must make a referral to the Disclosure and Barring Service, Teaching Regulation Authority and Leadership and/or Society for Education and Training, as required.

Working to safeguard vulnerable children and young people is demanding and can be stressful and distressing. Amberleigh is committed to ensuring that the Designated Safeguarding Lead and other Designated Safeguarding Persons have sufficient authority, time, funding, resources, training, supervision and support to carry out their responsibilities safely and effectively. The Head of Safeguarding and Compliance (Managing Director) for Amberleigh Schools provides supervision and support for the Designated Safeguarding Lead and other Designated Safeguarding Persons.

## Appendix 2


### Amberleigh Care Safeguarding

#### Flow Chart for Reporting Disclosures and Allegations


Young person makes a disclosure. Young person makes an allegation against a member of staff, another adult or young person




The staff member should listen to the young person; reassure them they did the right thing to inform you. Do **NOT** question the young person – only listen to what they have to say.  
Make sure the young person is safe and supported. Do not allow the young person to remove or wash away any evidence (if applicable). Do not agree with the child that you will keep the information confidential.



Inform a Designated Safeguarding Person, Michelle Maguire, Director of Education. If Michelle is not available, then telephone one of the Education Managers for advice. If either is implicated speak to another senior manager, do **NOT** discuss the matter with anyone else as this information is confidential.



Document what the young person said and include any observations you made e.g. young person cried, pointed to a particular part of their body, showed anger (how) etc. You must include time, date and where the discussion took place in your notes. The notes must be signed and print your name next to your signature. Mark the record sheet as '**Child Protection – Strictly Confidential**'.  
Do **NOT** include any of this information on a significant hand over.  
Place the notes in an envelope, seal securely and mark as confidential. Pass to Michelle Maguire or an Education Manager.



### **Points to Note**

- Documentation regarding any safeguarding issues may subsequently be used in court as evidence for either side.
- When recording information about safeguarding issues avoid making any judgements, simply record the facts.
- Interviewing of suspected abuse victims is a specialised procedure which must be completed by individuals trained in such techniques (Police Officers, Social Workers). You must not the young person ask any leading questions otherwise later investigation may be compromised.
- You cannot promise a young person that the matter will be kept confidential (between yourself and the young person). It should be explained to the young person that staff have a responsibility to share information with those adults who will be able to protect them from harm.
- All documentation must be treated with the strictest confidence and will only be shared with others on a need to know basis.

### **Staff Concerns about Practice**

If staff have any concerns about practices in the school or home which they feel may put any young person at risk they should raise these first with a member of the Senior Management Team. If staff are not satisfied with the response they can contact:

Social Services Department, Powys County Council/Neuadd Maldwyn, Severn Road, Welshpool, Powys, SY21 7A

**Tel: 01938 551889**

## Appendix 3

### Safe Working Practice

Amberleigh is committed to safeguarding and promoting the welfare of children therefore staff must act in the best interests of our young people at all times. It is everyone's responsibility to ensure that young people are cared for appropriately and safeguarded from any harm, and their duty of care to promote the health, safety and welfare of all members of our community.

The following is, therefore, a code of appropriate conduct for all adults working in or on behalf of Amberleigh, including those involved in contact visits or any off-site activities. Adherence to this code should ensure that both children and adults are safe from misconduct or unfounded allegations of misconduct.

You must always:

- Follow Amberleigh's policies and procedures, all of which are specifically written with safeguarding in mind.
- Behave in a mature, respectful, safe, fair and considered manner at all times.
- Provide a good example and 'positive role model' to the children.
- Observe other people's right to confidentiality (unless you need to report something to the Designated Safeguarding Lead e.g. concerns about a child protection issue).
- Treat all children equally; never build 'special relationships' with individual young people or bestow favour on particular children.
- For avoidance of doubt for care managers/carers and the whole school community there are circumstances when it is appropriate for staff in school to use "reasonable force" to safeguard children and young people. The term "reasonable force" covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. For avoidance of doubt reasonable force will only be used where de-escalation processes have failed.

When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, this school will consider the risks carefully recognising the additional vulnerability of these groups. This school will consider our duties under the Equality Act 2010 where we make reasonable adjustments, non-discrimination and the Public Sector Equality Duty. This school will by planning positive and proactive behaviour support through individualised pupil risk assessments and staff training in the form of 'Team Teach'. By doing this this school will as far as is possible reduce and minimise the occurrence of challenging behaviour and the need to use reasonable force.

"Reasonable" in these circumstances means "using no more force than is needed". The use of force may involve either passive physical contact, such as standing between pupil's or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom. The Department for Education believes that the adoption of a "no contact" policy at a school can leave staff unable to fully support and protect those in their care. The decision on whether or not to use reasonable



force to control or restrain a child is down to the professional judgement of the staff concerned and should always depend on individual circumstances (see link below)

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

- Report to a member of the Leadership Team (as soon as reasonably possible):

Any difficulties that you are experiencing, for example, coping with an unruly child; situations where you anticipate that you may not be sufficiently qualified, trained or experienced to deal with or handle appropriately;

Any behaviours of another person at Amberleigh which give you cause for concern or breach this code of conduct or other policies and procedures;

Any behaviour or situation which may give rise to complaint, misunderstanding or misinterpretation.