

## Child Protection and Safeguarding Policy

(This policy applies to all pupils including those in the EYFS)

**Reviewed** February 2024  
**Next Review** August 2024  
**Owner** Assistant Head - DSL

Date of Review	Author	Page / Para	Synopsis of Amendment
04.02.24	MC	1	October 2023 amendments moved to newly created Appendix 5
		2	Title of Appendix 4 added to contents page and page numbers corrected
		3	Key Contact info: Swim Centre DSL and DDSL added MASH email address updated
		4	Policy aims: 'adults at risk' added to the first bullet point
		5 Section 2	Added legislation and statutory guidance: Working Together to Safeguard Children 2015 (updated December 2023); The Mental Capacity Act 2005; The Care Act 2014; Care and Support Statutory Guidance (updated January 2022); NSPCC Adults at Risk Policy and Procedures 2022, Wavepower 2024
		6	Definition of an Adult at Risk added Equality statement - addition of 'adults at risk'
		P.24 Section 16	Added policies and procedures: Data Protection, Equality, Lettings, Mount Kelly Swim Centre Terms and Conditions of Hire, Mount Kelly Swim Centre Pool Operating Safety Procedures which include arrangements for Child Admissions and Young Swimmers, Mount Kelly Swim Centre Filming and Photography Policy, School Contractors
		46	'ASA Amateur Swimming' (now 'Swim England') and Mount Kelly Enterprises Ltd sections originally on page 46 moved to Appendix 4
		Appendix 4 (48)	Section on the Mount Kelly Swim Centre added, including flow chart

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## Key Contact Information

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The Head Master and Principal	Mr Guy Ayling	<a href="mailto:headmaster@mountkelly.com">headmaster@mountkelly.com</a> 01822 813127
Deputy DSL (School Nurse)	Mrs Hannah Adams	<a href="mailto:adamsh@mountkelly.com">adamsh@mountkelly.com</a> 01822 813100 / 07778910106
Head of Prep	Mr Dominic Floyd	<a href="mailto:floydd@mountkelly.com">floydd@mountkelly.com</a> 01822 61244 / 07949 030466
Safeguarding Officers – College (Level 3 trained)	Mrs Charlotte Bates	<a href="mailto:batesc@mountkelly.com">batesc@mountkelly.com</a>
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	Mrs Louise Walker	<a href="mailto:walkerl@mountkelly.com">walkerl@mountkelly.com</a>
Safeguarding Officers – Prep (Level 3 trained)	Mrs Val Petch	<a href="mailto:petchv@mountkelly.com">petchv@mountkelly.com</a>
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Other staff trained to the same level as Designated Safeguarding Lead	Mr Drew Bott	<a href="mailto:bottd@mountkelly.com">bottd@mountkelly.com</a>
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Chairman of the Governors	Mr Ian McQueen	<a href="mailto:chairman@mountkelly.com">chairman@mountkelly.com</a>
Safeguarding Governor	Mrs Kirstin Lewis	<a href="mailto:cpgovernor@mountkelly.com">cpgovernor@mountkelly.com</a>
Deputy Safeguarding Governor	Mrs Wendy Davis	<a href="mailto:dcpgovernor@mountkelly.com">dcpgovernor@mountkelly.com</a>
Assistant Head Personalised Learning	Mrs Maria Rogers	<a href="mailto:rogersm@mountkelly.com">rogersm@mountkelly.com</a>
Mount Kelly Enterprises Limited - DSL	Mr Caolan Wukics	<a href="mailto:wukicsc@mountkelly.com">wukicsc@mountkelly.com</a>
MK Swim Centre DSL	Mr Andrew Williams	<a href="mailto:williamsa@mountkelly.com">williamsa@mountkelly.com</a>
MK Swim Centre DDSL	Miss Liz Vernon	<a href="mailto:vernonl@mountkelly.com">vernonl@mountkelly.com</a>
HR Manager	Miss Nicola Harvey	<a href="mailto:harveyn@mountkelly.com">harveyn@mountkelly.com</a>
Independent Listener	Mrs Rachel Debenham	<a href="mailto:r.debenham@wellington-school.org.uk">r.debenham@wellington-school.org.uk</a> 07909927066
Devon Children and Young Person's Referral	Devon MASH (Multi Agency Safeguarding Hub) 0345 155 1071 / <a href="mailto:mashsecure@devon.gov.uk">mashsecure@devon.gov.uk</a>	
Devon Children's Services	Emergency Out of hours	0845 6000 388
Early Help	<a href="mailto:earlyhelpsouthsecure-mailbox@devon.gcsx.gov.uk">earlyhelpsouthsecure-mailbox@devon.gcsx.gov.uk</a>	
Devon Local Authority Designated Officers	LADO	01392 384 964
Local Police	Central referral unit	101
NSPCC	Whistleblowing	0800 028 0285
	Helpline	0808 800 500
Professionals Online Safety Helpline	POSH	<a href="mailto:helpline@saferinternet.org.uk">helpline@saferinternet.org.uk</a> 0344 381 4772

## 1. Safeguarding Statement

*The welfare of the child is paramount*

**Mount Kelly** School recognises our moral and statutory responsibility to safeguard and promote the welfare of all pupils and expects all staff, governors and volunteers to share this commitment. We endeavour to provide a safe and welcoming environment where children are respected and valued. We are alert to the signs of abuse and neglect and follow our procedures to ensure that children receive effective support, protection and justice. We listen to our pupils and take seriously what they tell us, children are aware of the adults they can talk to if they have a concern. When there are concerns for a child's welfare we may need to share information and work in partnership with other agencies. We will ensure concerns are discussed with parents/carers first unless we have reason to believe that by doing so would be contrary to the child's welfare. Child protection forms part of the school's safeguarding responsibilities and we take a zero-tolerance approach to abuse. The Child Protection and Safeguarding policy underpins and guides our school's procedures and protocols to ensure its pupils and staff are safe.

All staff will adopt the view that, **'it could happen here'**

**Mount Kelly operates safeguarding procedures in accordance with locally agreed inter-agency procedures as laid down by the Devon Children and Families Partnership. (DCFP)**

### Policy Aims

The school aims to ensure that:

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

## 1. Legislation and statutory guidance

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

The following safeguarding legislation and guidance has been considered when drafting this policy:

- The Children Act 1989 (and 2004 amendment), which provides a framework for the care and protection of children
- Section 175 of the Education Act 2002
- Section 157 of the Education Act 2002
- Part 3 of the Schedule Independent Schools Standards) (England) Regulations 2015
- The National Minimum Standards for Boarding 2022
- The Safeguarding Vulnerable Groups Act 2006
- The Teacher Standards 2012
- HM Gov Information Sharing 2018
- What to do if you're worried a child is being abused 2015
- The Prevent Duty: Departmental Advice for Schools and Childcare Providers – June 2015
- Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers 2018
- Sexual violence and sexual harassment between children in schools and colleges 2018
- Disqualification under the Childcare Act (2006) as amended 2018
- Children Missing in Education 2016
- Multi-agency statutory guidance on female genital mutilation, April 2016
- Statutory framework for the EYFS
- Relationships Education, Relationships and Sex Education (RSE) and Health Education Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers, 2019
- Working Together to Safeguard Children 2015 (updated December 2023)
- The Mental Capacity Act 2005
- The Care Act 2014
- Care and Support Statutory Guidance (updated January 2022)
- NSPCC Adults at Risk Policy and Procedures 2022
- Wavepower (2024)

## 2. Definitions

Safeguarding and promoting the welfare of children means:

- 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
- Taking action to enable all children to have the best outcomes

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

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

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

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

**Child** includes everyone under the age of 18.

**The DCFP** is the Devon and Families Partnership (DCFP) is responsible for promoting the welfare of local children, including identifying and responding to their needs. It is made up of Devon County Council, Devon CCG, South Devon & Torbay CCG and Devon & Cornwall Police. This policy and School safeguarding procedures are in accordance with the procedures of the DCFP.

An **Adult at Risk** (previously known as a Vulnerable Adult) is any person who is aged 18 years or over who is or may be in need of community care services by reason of mental or other disability, age or illness **and** who is or may be unable to take care of him or herself, or unable to protect themselves against significant harm or exploitation.

## 3. Equality Statement

Some children and adults at risk have an increased risk of abuse, and additional barriers can exist for some children with respect to recognising or disclosing it. We are committed to anti-discriminatory practice and recognise children's diverse circumstances. We ensure that all children and adults at risk have the same protection, regardless of any barriers they may face.

**We give special consideration to children who:**

- Have special educational needs (SEN) or disabilities
- Are young carers
- May experience discrimination due to their race, ethnicity, religion, gender identification or sexuality
- Have English as an additional language

- Are known to be living in difficult situations – for example, temporary accommodation or where there are issues such as substance abuse or domestic violence
- Are at risk of FGM, sexual exploitation, forced marriage, or radicalisation
- Are asylum seekers
- Are at risk due to either their own or a family member's mental health needs
- Are looked after or previously looked after

#### 4. Roles and Responsibilities

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

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

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

#### All staff

All staff, Governors and volunteers will read and understand KCSIE Part 1 or Annex B, if not working directly with children, of the Department for Education's statutory safeguarding guidance, Keeping Children Safe in Education, and confirm they have read and understood it. All staff will make a declaration that at the start of each academic year to say they have reviewed the guidance.

**All staff will be aware of:**

- Our systems which support safeguarding, including this child protection and safeguarding policy, the staff code of conduct, the role and identity of the designated safeguarding lead (DSL) and deputies, the behaviour policy, and the safeguarding response to children who go missing from education
- The early help process and their role in it, including identifying emerging problems, liaising with the DSL, and sharing information with other professionals to support early identification and assessment
- The process for making referrals to children's social care and for statutory assessments that may follow a referral, including the role they might be expected to play
- What to do if they identify a safeguarding issue or a child tells them they are being abused or neglected, including specific issues such as FGM, and how to maintain an appropriate level of confidentiality while liaising with relevant professionals
- The signs of different types of abuse and neglect, as well as specific safeguarding issues, such as child-on-child abuse, sexual exploitation (CSE) child criminal exploitation (CCE), indicators of being at risk from or involved with serious violent crime, FGM, radicalisation and serious violence (including that linked to county lines)
- The importance of reassuring victims that they are being taken seriously and that they will be supported and kept safe
- The fact that children can be at risk of harm inside and outside of their home, at school and online
- The fact that children who are (or who are perceived to be) lesbian, gay, bi or trans (LGBTQ+) can be targeted by other children
- What to look for to identify children who need help or protection

**The Designated Safeguarding Lead (DSL)**

The DSL is a member of the senior leadership team.

The DSL takes lead responsibility for child protection and wider safeguarding matters in the school. This includes online safety, and understanding our filtering and monitoring processes on school devices and school networks to keep pupils safe online.

Roles and responsibilities will include:

- Availability - being available during school hours
- Manage referrals - to e.g. Childrens Social Care, Channel programme, Disclosure and Barring service, the Police
- Working with others - e.g. a point of contact with safeguarding partners, a source of support and advice for staff, to promote supportive engagement with parents and/or carers and the SLT/Governing body
- Information sharing and managing the child protection files
- Raising Safeguarding and Child Protection Awareness
- Updating training, knowledge and skills required to carry out the role of DSL
- Providing support to staff



- Knowing what local specialist support is available to support all children involved (including victims and alleged perpetrators) in sexual violence and sexual harassment, and be confident as to how to access this support
- Holding and sharing information
- Will complete the “Audit of Statutory Duties and Associated Responsibilities” (S175/157 audit) to be submitted annually to the Education Safeguarding Team working on behalf of Devon County Council

The DSL will also keep the Head Master informed of any issues, and liaise with local authority case managers and designated officers for child protection concerns as appropriate.

### **The Deputy Designated Safeguarding Lead(s)**

Are trained to the same standard as the Designated Safeguarding Lead and, in the absence of the DSL, carries out those functions necessary to ensure the ongoing safety and protection of pupils. In the event of the long-term absence of the DSL a deputy will be appointed to assume all of the functions above.

### **The Safeguarding Officers**

Are trained to the same standard as the Designated Safeguarding Lead and work with the DSL and DDSLs to ensure the ongoing safety and protection of pupils by supporting management of the reporting system (MyConcern), providing support to staff and understanding the views of children.

### **The Governing Body**

- Will facilitate a whole-school approach to safeguarding, ensuring that safeguarding and child protection are at the forefront and underpin all relevant aspects of process and policy development
- Will appoint a Governor to chair the Safeguarding committee which will have oversight of safeguarding matters, meeting termly with particular responsibility for reviewing the DSL’s Devon s157/175 annual Audit of Statutory Duties and Associated Responsibilities for Schools
- The Governing Body will approve this policy annually and ensure it complies with the law and hold the Head Master to account for its implementation
- The Governing Body will appoint a senior board level lead to monitor the effectiveness of this policy in conjunction with the full Governing Body. This is always a different person from the DSL
- The Chair of Governors will act as the ‘case manager’ in the event that an allegation of abuse is made against the Head Master, where appropriate
- All governors will read Keeping Children Safe in Education

### **The Head Master**

The Head Master is responsible for the implementation of this policy, including:

- Ensuring that staff (including temporary staff) and volunteers are informed of our systems which support safeguarding, including this policy, as part of their induction

- Communicating this policy to parents via the school website
- Ensuring that the DSL has appropriate time, funding, training and resources, and that there is always adequate cover if the DSL is absent
- Ensuring that all staff undertake appropriate safeguarding and child protection training and update this regularly
- Ensure that the school has appropriate filtering and monitoring systems in place, and review their effectiveness. This includes:
  - Making sure that the leadership team and staff are aware of the provisions in place, and that they understand their expectations, roles and responsibilities around filtering and monitoring as part of safeguarding training
  - Reviewing the [DfE's filtering and monitoring standards](#), and discussing with IT staff and service providers what needs to be done to support the school in meeting these standards
- Acting as the 'case manager' in the event of an allegation of abuse made against another member of staff or volunteer, where appropriate.
- Making decisions regarding all low-level concerns
- Ensuring the relevant staffing ratios are met in our Early Years setting and making sure each child in the Early Years Foundation Stage is assigned a key person

## **5. Confidentiality**

- Mount Kelly recognises that in order to effectively meet a child's needs, safeguard their welfare and protect them from harm the school must contribute to inter-agency working in line with Working Together to Safeguard Children (2018) and share information between professionals and agencies where there are concerns
- Timely information sharing is essential to effective safeguarding
- Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children.
- The Data Protection Act (DPA) 2018 and UK GDPR do not prevent, or limit, the sharing of information for the purposes of keeping children safe
- If staff need to share 'special category personal data', the DPA 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information without consent if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk
- All staff must be aware that they cannot promise a child confidentiality which might compromise the child's safety or wellbeing
- However, we also recognise that all matters relating to child protection are personal to children and families. Therefore, in this respect they are confidential and the Head Master or DSLs will only disclose information about a child to other members of staff on a need to know basis
- We will always undertake to share our intention to refer a child to MASH with their parents /carers unless to do so could put the child at greater risk of harm, or impede a criminal investigation. If in doubt, we will contact the MASH consultation line

## 6. Recognising abuse and acting

- Staff, volunteers and governors must follow the procedures set out below in the event of a safeguarding issue. (Please note – in this and subsequent sections, you should take any references to the DSL to mean “the DSL or deputy DSL”)

### **If you have concerns a child is AT RISK and / or is suffering or likely to suffer harm, or is in immediate danger – ACT IMMEDIATELY**

- Make a referral to children’s social care via the Multi-Agency Safeguarding Hub (MASH) and/or the police **immediately** if you believe a crime has been committed and / or a child is suffering or likely to suffer from harm, or in immediate danger. **Anyone can make a referral**
- A referral does not require parental consent in such circumstances
- Tell the DSL as soon as possible if you make a referral directly

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

- Where possible, speak to the DSL first to agree a course of action. If agreed the concern can be logged on **MyConcern** for the record. *(See page 15 flowchart)*
- If in exceptional circumstances the DSL is not available, this should not delay appropriate action being taken. Speak to a member of the senior leadership team and/or take advice from local authority children’s social care. You can also seek advice at any time from the NSPCC helpline on 0808 800 5000
- Share details of any actions you take with the DSL as soon as practically possible and log on **MyConcern**
- Make a referral to local authority children’s social care directly, if appropriate (see ‘Referral’ below). Share any action taken with the DSL as soon as possible

### **Early help**

- If early help is appropriate, the DSL 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 practitioner
- The DSL will keep the case under constant review and the school will consider a referral to local authority children’s social care if the situation does not seem to be improving. Timelines of interventions will be monitored and reviewed

### **If a child makes a disclosure to you**

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

- Remember that no child should be made to feel ashamed about making a disclosure
- Listen to them and reassure them that they are being taken seriously, that they will be supported and kept safe
- Under no circumstances give an impression that they are creating a problem by reporting abuse, sexual violence or sexual harassment

- Allow them time to talk freely and do not ask leading questions. Use TED questions if required. (Tell me, explain, describe)
- Stay calm and do not show that you are shocked or upset
- Tell the child they have done the right thing in telling you. Do not tell them they should have told you sooner
- Explain what will happen next and that you will have to pass this information on. Do not promise to keep it a secret
- Write up your conversation on **MyConcern** as soon as possible in the child's own words. Stick to the facts, and do not put your own judgement on it. If you do not have access to **MyConcern** contact the DSL and / or a DDSL.
- Alternatively, if appropriate, make a referral to children's social care and/or the police directly and tell the DSL as soon as possible that you have done so

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

- The Department for Education's Keeping Children Safe in Education explains that FGM comprises "all procedures involving partial or total removal of the external female genitalia, or other injury to the female genital organs"
- FGM is illegal in the UK and a form of child abuse with long-lasting, harmful consequences. It is also known as 'female genital cutting', 'circumcision' or 'initiation'
- Possible indicators that a pupil has already been subjected to FGM, and factors that suggest a pupil may be at risk, are set out Appendix 3
- **Any teacher** who discovers (either through disclosure by the victim or visual evidence) that an act of FGM appears to have been carried out on a **pupil under 18** must immediately report this to the police, **personally**. This is a statutory duty, and teachers will face disciplinary sanctions for failing to meet it
- Unless they have been specifically told not to disclose, they should also discuss the case with the DSL and involve children's social care as appropriate
- **Any other member of staff** who discovers that an act of FGM appears to have been carried out on a **pupil under 18** must speak to the DSL and follow our local safeguarding procedures
- The duty for teachers mentioned above does not apply in cases where a pupil is *at risk* of FGM or FGM is suspected but is not known to have been carried out. **Staff should not examine pupils**
- **Any member of staff** who suspects a pupil is *at risk* of FGM or suspects that FGM has been carried out or discovers that a pupil **aged 18 or over** appears to have been a victim of FGM, must speak to the DSL and follow our local safeguarding procedures

### **Making a Referral**

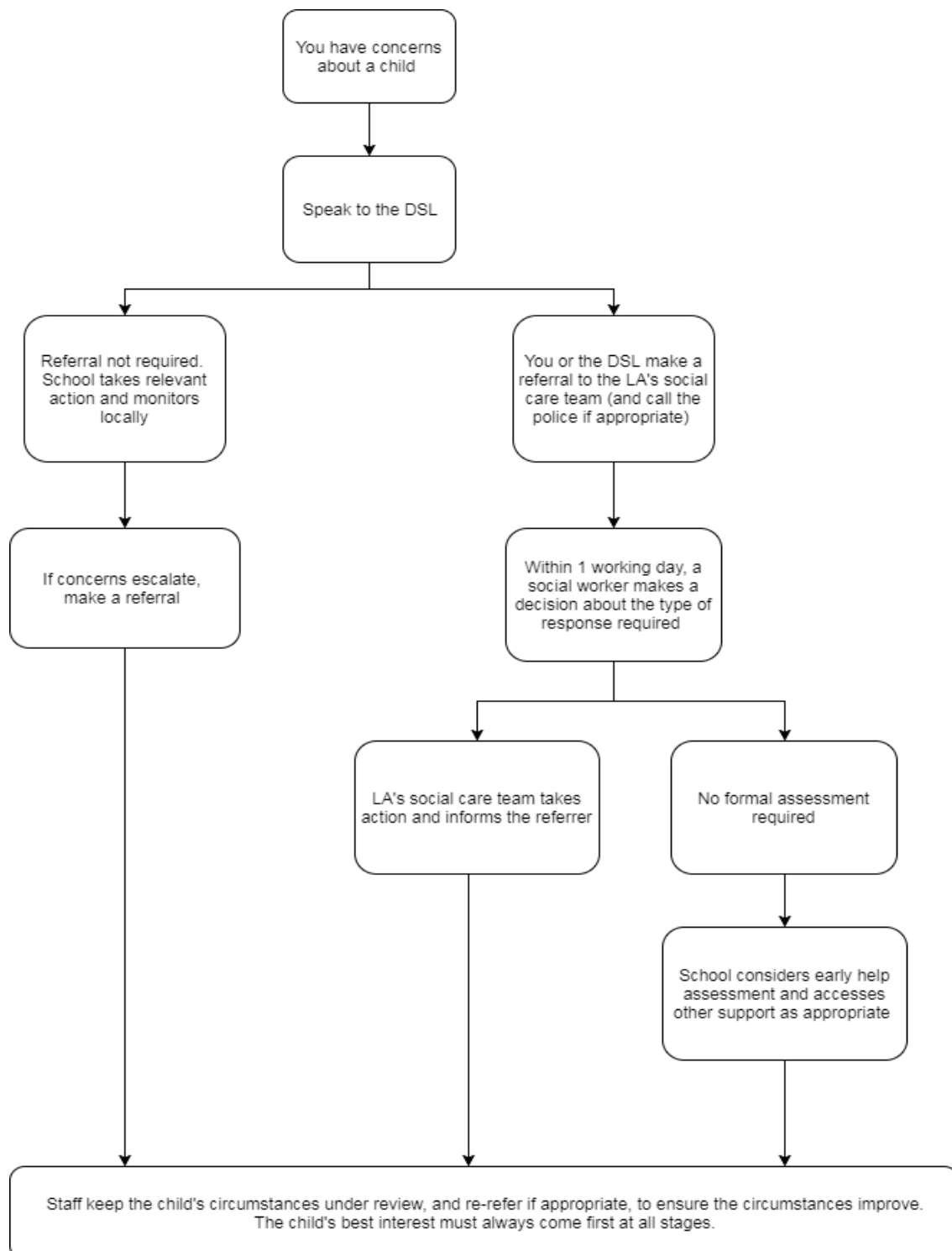
- Concerns about a child or a disclosure should be discussed with the DSL who will help decide whether a referral to children's MASH or other support is appropriate in accordance with the **Devon Children's and Family Partnership Threshold Tool**

- If a referral is needed then the DSL should make it. However, anyone can make a referral and if for any reason a staff member thinks a referral is appropriate and one hasn't been made they can and should consider making a referral themselves
- It is DCFP procedure that the child (subject to their age and understanding) and the parents will be told that a referral is being made, unless to do so would increase the risk to the child
- The local authority will make a decision within 1 working day of a referral about what course of action to take and will let the person who made the referral know the outcome
- The DSL or person who made the referral must follow up with the local authority if this information is not made available, and ensure outcomes are properly recorded
- If after a referral the child's situation does not appear to be improving the designated safeguarding lead (or the person that made the referral) should press for re-consideration to ensure their concerns have been addressed, and most importantly the child's situation improves
- If the child's situation does not seem to be improving after the referral, the DSL or person who made the referral must follow local escalation procedures to ensure their concerns have been addressed and that the child's situation improves

The DCFP escalation policy can be found here:

[https://www.proceduresonline.com/swcpp/devon/p\\_escalation.html](https://www.proceduresonline.com/swcpp/devon/p_escalation.html)

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



### **If you have concerns about extremism**

- If a child is not suffering or likely to suffer from harm, or in immediate danger, where possible speak to the DSL first to agree a course of action
- If in exceptional circumstances the DSL is not available, this should not delay appropriate action being taken. Speak to a member of the senior leadership team and/or seek advice from local authority children's social care. Make a referral to local authority children's social care directly, if appropriate (see 'Referral' above). Inform the DSL or deputy as soon as practically possible after the referral
- Where there is a concern, the DSL will consider the level of risk and decide which agency to make a referral to. This could include [Channel](#), the government's programme for identifying and supporting individuals at risk of being drawn into terrorism, or the local authority children's social care team
- The Department for Education also has a dedicated telephone helpline, 020 7340 7264, which school staff and governors can call to raise concerns about extremism with respect to a pupil. You can also email [counter.extremism@education.gov.uk](mailto:counter.extremism@education.gov.uk). Note that this is not for use in emergency situations
- In an emergency, call 999 or the confidential anti-terrorist hotline on 0800 789 321 if you:
  - › Think someone is in immediate danger
  - › Think someone may be planning to travel to join an extremist group
  - › See or hear something that may be terrorist-related

### **If you have a mental health concern**

- Mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation
- Staff will be alert to behavioural signs that suggest a child may be experiencing a mental health problem or be at risk of developing one.
- If you have a mental health concern about a child that is also a safeguarding concern, take immediate action by following the usual safeguarding referral procedures
- If you have a mental health concern that is **not** also a safeguarding concern, speak to the DSL to agree a course of action
- The DSL will work with the School Nurse in the event of a pupil presenting with a mental health issue

### **Concerns about a staff member, supply teacher or volunteer**

- If you have concerns about a member of staff (including a supply teacher or volunteer or the DSL / DDSLs), or an allegation is made about a member of staff posing a risk of harm to children, speak to the Head Master
- If the concerns/allegations are about the Head Master, speak to the Chair of Governors, without informing the Head Master
- The Head Master / Chair of Governors will then follow the procedures set out in appendix 2, if appropriate

## **Child-on-child abuse (including sexual violence, sexual harassment and harmful sexual behaviours)**

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

We also recognise the gendered nature of child-on-child abuse (i.e. that it is more likely that girls will be victims and boys perpetrators). However, all child-on-child abuse is unacceptable and will be taken seriously.

Child-on-child abuse is when children abuse other children. This type of abuse can take place inside and outside of school and online.

We also recognise that even if there are no reported cases of child-on-child abuse, such abuse may still be taking place and is simply not being reported

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

- Bullying (including cyber-bullying, prejudice-based and discriminatory bullying)
- Domestic abuse in intimate personal relationships
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse)
- Sexual violence, such as rape, assault by penetration and sexual assault (this may include an online element which facilitates, threatens and/or encourages sexual violence)
- Sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse
- Causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party
- Consensual and non-consensual sharing of nudes and semi nude images and/or videos (also known as sexting or youth produced sexual imagery)
- Upskirting, which typically involves taking a picture under a person’s clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm
- Initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element)

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

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

- Is serious, and potentially a criminal offence



- Could put pupils in the school at risk
- Is violent
- Involves pupils being forced to use drugs or alcohol
- Involves sexual exploitation, sexual abuse or sexual harassment, physical abuse, indecent exposure, sexual assault, initiations, upskirting or sexually inappropriate pictures or videos (including sexting)

If staff have any concerns about child-on-child abuse, or a child makes a report to them, they will follow the procedures set out in section 7 of this policy.

**Mount Kelly aims to reduce the likelihood of child on child abuse through;**

- The reinforcement of the Mount Kelly Values (Compassion, courage, humility, respect, commitment, integrity)
- Training staff to be aware of, recognise, manage and report incidents of child on child abuse
- High expectations of behaviour
- Clear consequences for unacceptable behaviour
- Raising awareness amongst pupils by providing a developmentally appropriate PSHE curriculum which develops their understanding of healthy relationships, acceptable behaviour, consent and keeping themselves safe.
- Providing a reporting system via a QR code published in Houses and on noticeboards
- Maintaining an open-door policy for any pupil to raise concerns with staff, knowing that they will be listened to, valued and believed
- Challenging any form of derogatory or sexualised language or behaviour, including requesting or sending sexual images
- Being vigilant to issues that particularly affect different genders – for example, sexualised or aggressive touching or grabbing towards female pupils, and initiation or hazing type violence with respect to boys
- Robust risk assessments and providing targeted work for pupils identified as being a potential risk to other pupils and those identified as being at risk.
- Ensuring staff are trained to understand that a pupil harming a peer could be a sign that the child is being abused themselves, and that this would fall under the scope of this policy

Any concerns, disclosures or allegations of child on child abuse in any form should be referred to the DSL using the school's child protection procedures as set out in this policy. Where a concern of abuse has been disclosed to the DSL(s), advice and guidance will be sought from Local Authority Safeguarding Hub and where it is clear a crime has been committed or there is a risk of crime being committed the Police will be contacted.

Working with external agencies the school will respond to the unacceptable behaviour. If a pupil's behaviour negatively affects the safety and welfare of other pupils then safeguards will be put in place to promote the well-being of the pupils affected and the victim and perpetrator will be provided with support.

Further information and advice is available in the Devon multi-agency protocol, "Working with Sexually Active Young People", available from the [South West Child Protection Procedures](#).

## **Sharing of nudes and semi-nudes ('youth produced sexual imagery' or 'sexting')**

The practice of children sharing images and videos via text message, email, social media or mobile messaging apps has become commonplace. However, this online technology has also given children the opportunity to produce and distribute sexual imagery in the form of photos and videos. Such imagery involving anyone under the age of 18 is illegal.

Youth produced sexual imagery refers to both images and videos where;

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

All incidents of this nature should be treated as a safeguarding concern and in line with the 2020 guidance 'Sharing nudes and semi-nudes: advice for education settings working with children and young people'<sup>1</sup>.

Cases where sexual imagery of people under 18 has been shared by adults and where sexual imagery of a person of any age has been shared by an adult to a child is child sexual abuse and should be responded to accordingly.

### **Your responsibilities when responding to an incident**

If you are made aware of an incident involving sexting, you must report it to the DSL immediately.

You must **not**:

- View, download, share or print the imagery yourself, or ask a pupil to share or download it. If you have already viewed the imagery by accident, you must report this to the DSL
- Delete the imagery or ask the pupil to delete it
- Ask the pupil(s) who are involved in the incident to disclose information regarding the imagery (this is the DSL's responsibility)
- Share information about the incident with other members of staff, the pupil(s) it involves or their, or other, parents and/or carers
- Say or do anything to blame or shame any young people involved
- You should explain that you need to report the incident, and reassure the pupil(s) that they will receive support and help from the DSL.

### **Initial review meeting**

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<sup>1</sup> [Sharing nudes and semi-nudes](#)

Following a report of an incident, the DSL will hold an initial review meeting with appropriate school staff. This meeting will consider the initial evidence and aim to determine:

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

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

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

If none of the above apply then the DSL, in consultation with the Head Master and other members of staff as appropriate, may decide to respond to the incident without involving the police or children's social care

The DSL will record all incidents of youth produced sexual imagery, including both the actions taken, actions not taken, reasons for doing so and the resolution in line with safeguarding recording procedures.

## **Curriculum coverage**

Pupils are taught about the issues surrounding the sharing of nudes and semi-nudes as part of our PSHE education. Teaching covers the following in relation to sexting:

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

Pupils also learn the strategies and skills needed to manage:

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

## **7. Reporting systems for our pupils**

- When there is a safeguarding concern, the School will ensure the pupil's wishes and feelings are taken into account when determining what action to take and what services to provide. We recognise the importance of ensuring pupils feel safe and comfortable to come forward and report concerns and/or allegations.
- To achieve this we will:
  - Make pupils aware of when and to whom they should report concerns through discussion in PSHE lessons and tutor sessions. Pupils will be signposted to the School's Pastoral and Safeguarding Teams
  - Make it clear to pupils that their concerns will be taken seriously, and that they can safely express their views and give feedback

## **8. Staff mobile phones and cameras**

- College and Prep staff are allowed to bring their personal phones to school for their own use, but have to use them with discretion
- Staff will not take pictures or recordings of pupils on their personal phones or cameras
- We will follow the General Data Protection Regulation and Data Protection Act 2018 when taking and storing photos and recordings for use in the school

### **EYFS staff personal mobile phones**

- EYFS Staff will not carry personal mobile phones while working
- The EYFS Manager will keep a mobile phone within the learning environment for emergencies (e.g. lockdown procedures)
- EYFS Staff may use their mobile phones during break / lunchtimes in an agreed area not used by children.
- A mobile phone will be taken on all school trips. This is in line with the statutory framework for the Early Years Foundation Stage, which states that providers should take contact telephone numbers and a mobile phone on outings

## **9. Notifying parents**

- The School will normally seek to discuss any concerns about a pupil with their parents. This must be handled sensitively and the DSL will make contact with the parent in the event of a concern, suspicion or disclosure
- However, if the school believes that notifying parents could increase the risk to the child or exacerbate the problem, advice will first be sought from the MASH
- Where there are concerns about forced marriage or honour based violence parents should not be informed a referral is being made as to do so may place the child at a significantly increased risk

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

- We recognise that pupils with special educational needs (SEN), disabilities and certain health issues can face additional safeguarding challenges. Additional barriers can exist when recognising abuse and neglect in this group, including:
- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration
- pupils being more prone to peer group isolation than other pupils
- the potential for pupils with SEN and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs
- communication barriers and difficulties in overcoming these barriers
- we offer extra pastoral support for pupils with SEN and disabilities. This includes:
  - A personalised learning profile
  - Drop in sessions with the personalised learning department

## **11. Pupils with a social worker**

- Pupils may need a social worker due to safeguarding or welfare needs. We recognise that a child's experiences of adversity and trauma can leave them vulnerable to further harm as well as potentially creating barriers to attendance, learning, behaviour and mental health
- The DSL and all members of staff will work with and support social workers to help protect vulnerable children
- Where we are aware that a pupil has a social worker, the DSL will always consider this fact to ensure any decisions are made in the best interests of the pupil's safety, welfare and educational outcomes. For example, it will inform decisions about:
  - › Responding to unauthorised absence or missing education where there are known safeguarding risks
  - › The provision of pastoral and/or academic support

## 12. Looked-after and previously looked-after children

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

- Appropriate staff have relevant information about children's looked after legal status, contact arrangements with birth parents or those with parental responsibility, and care arrangements
- The DSL has details of children's social workers and relevant virtual school heads
- We have appointed an appropriately trained teacher as SENDCo, to take the lead on promoting the educational achievement of looked-after and previously looked-after children

**As part of their role, they will:**

- Work closely with the DSL to ensure that any safeguarding concerns regarding looked-after and previously looked-after children are quickly and effectively responded to

## 13. Record-keeping

- All safeguarding concerns, discussions, decisions made and the reasons for those decisions, must be recorded using **MyConcern**. If you are in any doubt about whether to record something, discuss it with the DSL
- Non-confidential records will be easily accessible and available. Confidential information and records will be held securely and only available to those who have a right or professional need to see them
- Child protection files will be kept **until the pupil's 26th birthday** (7 years after they reach the school leaving age)
- If a child for whom the school has, or has had, safeguarding concerns moves to another school, the DSL will ensure that their child protection file is forwarded promptly and securely, and separately from the main pupil file. In addition, if the concerns are significant or complex, and/or social services are involved, the DSL will speak to the DSL of the receiving school and provide information to enable them to have time to make any necessary preparations to ensure the safety of the child

## 14. Training

**All staff**

- All staff members will undertake safeguarding and child protection training at induction, including on whistle-blowing procedures, to ensure they understand the school's safeguarding systems and their responsibilities, and can identify signs of possible abuse or neglect. This training will be regularly updated and will be in line with advice from the 3 safeguarding partners
- Staff will have training on the government's anti-radicalisation strategy, Prevent, to enable them to identify children at risk of being drawn into terrorism and to challenge extremist ideas

- Staff will receive appropriate online safety training to enable them to understand the risks (Content, Contact and Conduct) and to help them understand how to respond to an online safety incident
- Staff will also receive regular informal safeguarding and child protection updates (for example, through emails, e-bulletins and staff meetings) as required
- Contractors who are provided through a private finance initiative (PFI) or similar contract will also receive safeguarding training
- Volunteers will receive appropriate training, if applicable

### **The DSL, Deputies and Safeguarding Officers**

- The DSL, Deputies and Safeguarding Officers will undertake child protection and safeguarding training at least every 2 years
- In addition, they will update their knowledge and skills at regular intervals and at least annually (for example, through e-bulletins, meeting other DSLs, or taking time to read and digest safeguarding developments) including inter-agency workings
- They will also undertake Prevent awareness training alongside online safety training.

### **Governors**

**All governors receive training about safeguarding, to make sure they have the knowledge and information needed to perform their functions and understand their responsibilities**

- As the Chair of Governors may be required to act as the 'case manager' in the event that an allegation of abuse is made against the Head Master, they receive training in managing allegations for this purpose

### **Recruitment – interview panels**

- At least one person conducting any interview for a post at the school will have undertaken safer recruitment training

### **EYFS Staff**

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

### **Whistle-blowing**

- We recognise that children cannot be expected to raise concerns in an environment where staff fail to do so
- All staff should be aware of their duty to raise concerns, where they exist, about the management of child protection, which may include the attitude or actions of colleagues, poor or unsafe practice and potential failures in the school's safeguarding arrangements. If it becomes necessary to consult outside the school, they should speak in the first instance, to the LADO following the Whistleblowing Policy

- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

#### **15. Links with other policies and procedures**

- Anti-bullying
- Attendance, Registration, Supervision and Missing Pupils
- Code of Conduct – Staff
- Complaints
- Curriculum
- Data Protection
- Equality
- First Aid
- Health and Safety
- Independent Listener
- Lettings
- Mobile Devices
- Mount Kelly Swim Centre Terms and Conditions of Hire
- Mount Kelly Swim Centre Pool Operating Safety Procedures which include arrangements for Child Admissions and Young Swimmers
- Mount Kelly Swim Centre Filming and Photography Policy
- Online Safety
- Pupil Behaviour and Discipline
- Recruitment and Selection
- School Contractors
- Teaching and Learning
- Relationship, Health and Sex Education Policy
- Substance Misuse and Drugs Policy
- Volunteers
- Whistleblowing



## **Appendix 1**

### **Types of Abuse:**

- Physical Abuse
- Emotional Abuse (including Domestic Abuse)
- Sexual Abuse (including child sexual exploitation)
- Neglect

### **Signs of Abuse in Children:**

The following non-specific signs may indicate something is wrong:

- Significant change in behaviour
- Extreme anger or sadness
- Aggressive and attention-seeking behaviour
- Suspicious bruises with unsatisfactory explanations
- Lack of self-esteem
- Self-injury
- Depression
- Age inappropriate sexual behaviour
- Child Sexual Exploitation

### **Risk Indicators**

The factors described in this section are frequently found in cases of child abuse. Their presence is not proof that abuse has occurred, but:

- Must be regarded as indicators of the possibility of significant harm
- Justifies the need for careful assessment and discussion with designated / named / lead person, manager, (or in the absence of all those individuals, an experienced colleague)
- May require consultation with and / or referral to Children's Services

The absence of such indicators does not mean that abuse or neglect has not occurred.

### **In an abusive relationship the child may:**

- Appear frightened of the parent/s
- Act in a way that is inappropriate to her/his age and development (though full account needs to be taken of different patterns of development and different ethnic groups)

### **The parent or carer may:**

- Persistently avoid child health promotion services and treatment of the child's episodic illnesses
- Have unrealistic expectations of the child
- Frequently complain about/to the child and may fail to provide attention or praise (high criticism/low warmth environment)
- Be absent or misusing substances
- Persistently refuse to allow access on home visits

- Be involved in domestic abuse

Staff should be aware of the potential risk to children when individuals, previously known or suspected to have abused children, move into the household.

### **Recognising Physical Abuse**

The following are often regarded as indicators of concern:

- An explanation which is inconsistent with an injury
- Several different explanations provided for an injury
- Unexplained delay in seeking treatment
- The parents/carers are uninterested or undisturbed by an accident or injury
- Parents are absent without good reason when their child is presented for treatment
- Repeated presentation of minor injuries (which may represent a “cry for help” and if ignored could lead to a more serious injury)
- Family use of different doctors and A&E departments
- Reluctance to give information or mention previous injuries

### **Bruising**

Children can have accidental bruising, but the following must be considered as non-accidental unless there is evidence or an adequate explanation provided:

- Any bruising to a pre-crawling or pre-walking baby
- Bruising in or around the mouth, particularly in small babies which may indicate force feeding
- Two simultaneous bruised eyes, without bruising to the forehead, (rarely accidental, though a single bruised eye can be accidental or abusive)
- Repeated or multiple bruising on the head or on sites unlikely to be injured accidentally
- Variation in colour possibly indicating injuries caused at different times
- The outline of an object used e.g. belt marks, hand prints or a hair brush
- Bruising or tears around, or behind, the earlobe/s indicating injury by pulling or twisting
- Bruising around the face
- Grasp marks on small children
- Bruising on the arms, buttocks and thighs may be an indicator of sexual abuse

### **Bite Marks**

- Bite marks can leave clear impressions of the teeth. Human bite marks are oval or crescent shaped. Those over 3 cm in diameter are more likely to have been caused by an adult or older child.
- A medical opinion should be sought where there is any doubt over the origin of the bite

### **Burns and Scalds**

- It can be difficult to distinguish between accidental and non-accidental burns and scalds, and will always require experienced medical opinion. Any burn with a clear outline may be suspicious e.g.:

- Circular burns from cigarettes (but may be friction burns if along the bony protuberance of the spine)
- Linear burns from hot metal rods or electrical fire elements
- Burns of uniform depth over a large area
- Scalds that have a line indicating immersion or poured liquid (a child getting into hot water is his/her own accord will struggle to get out and cause splash marks)
- Old scars indicating previous burns/scalds which did not have appropriate treatment or adequate explanation

Scalds to the buttocks of a small child, particularly in the absence of burns to the feet, are indicative of dipping into a hot liquid or bath.

### **Fractures**

- Fractures may cause pain, swelling and discolouration over a bone or joint
- Non-mobile children rarely sustain fractures

### **There are grounds for concern if:**

- The history provided is vague, non-existent or inconsistent with the fracture type
- There are associated old fractures
- Medical attention is sought after a period of delay when the fracture has caused symptoms such as swelling, pain or loss of movement
- There is an unexplained fracture in the first year of life

### **Scars**

- A large number of scars or scars of different sizes or ages, or on different parts of the body, may suggest abuse

### **Recognising Emotional Abuse**

Emotional abuse may be difficult to recognise, as the signs are usually behavioural rather than physical. The manifestations of emotional abuse might also indicate the presence of other kinds of abuse

The indicators of emotional abuse are often also associated with other forms of abuse

### **The following may be indicators of emotional abuse:**

- Developmental delay
- Abnormal attachment between a child and parent/carer e.g. anxious, indiscriminate or not attachment
- Indiscriminate attachment or failure to attach
- Aggressive behaviour towards others
- Scape-goated within the family
- Frozen watchfulness, particularly in pre-school children
- Low self-esteem and lack of confidence
- Withdrawn or seen as a “loner” – difficulty relating to others

## **Recognising Signs of Sexual Abuse**

Boys and girls of all ages may be sexually abused and are frequently scared to say anything due to guilt and/or fear. This is particularly difficult for a child to talk about and full account should be taken of the cultural sensitivities of any individual child/family.

Recognition can be difficult, unless the child discloses and is believed. There may be no physical signs and indications are likely to be emotional/behavioural.

Some behavioural indicators associated with this form of abuse are:

- Inappropriate sexualised conduct
- Sexually explicit behaviour, play or conversation, inappropriate to the child's age
- Continual and inappropriate or excessive masturbation
- Self-harm (including eating disorder), self mutilation and suicide attempts
- Involvement in prostitution or indiscriminate choice of sexual partners
- An anxious unwillingness to remove clothes e.g. for sports events (but this may be related to cultural norms or physical difficulties)

Some physical indicators associated with this form of abuse are:

- Pain or itching of genital area
- Blood on underclothes
- Pregnancy in a younger girl where the identity of the father is not disclosed
- Physical symptoms such as injuries to the genital or anal area, bruising to buttocks, abdomen and thighs, sexually transmitted disease, presence of semen on vagina, anus, external genitalia or clothing

## **Recognising Neglect**

Evidence of neglect is built up over a period of time and can cover different aspects of parenting. Indicators include:

- Failure by parents or carers to meet the basic essential needs e.g. adequate food, clothes, warmth, hygiene and medical care
- A child seen to be listless, apathetic and unresponsive with no apparent medical cause
- Failure of child to grow within normal expected pattern, with accompanying weight loss
- Child thrives away from home environment
- Child frequently absent from school
- Child left with adults who are intoxicated or violent
- Child abandoned or left alone for excessive periods

## Appendix 2

### **Allegations of abuse made against staff that may meet the harms threshold**

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

- Behaved in a way that has harmed a child, or may have harmed a child, or
- 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, or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children
- It applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

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

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

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

### **Suspension of the accused until the case is resolved**

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

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

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

If in doubt, the case manager will seek guidance from the human resources manager and a designated officer of the Devon MASH, as well as the police and children's social care where they have been involved.

Where an allegation relates to a member of supply staff provided by an agency, the agency will be fully involved.

### Definitions for outcomes of allegation investigations

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

### Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the Head Master (or Chair of Governors where the Head Master is the subject of the allegation) – the 'case manager' – will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- Discuss the allegation with a Devon designated officer. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with pupils at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate

- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child
- We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made
- If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency
- Where the police are involved, wherever possible the governing body will ask the police at the start of the investigation to obtain consent from the individuals involved to share

their statements and evidence for use in the school's disciplinary process, should this be required at a later point

### **Additional considerations for supply teachers and all contracted staff**

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

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

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

### **Timescales**

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

### **Specific actions**

#### **Action following a criminal investigation or prosecution**

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

#### **Conclusion of a case where the allegation is substantiated**

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and the school's HR adviser will discuss with the designated officer whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the case manager and HR adviser will discuss with the designated officer whether to refer the matter to the Teaching



Regulation Agency to consider prohibiting the individual from teaching for professional misconduct.

### **Individuals returning to work after suspension**

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

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

### **Unsubstantiated or malicious allegations**

If an allegation is shown to be deliberately invented, or malicious, the Head Master, or other appropriate person in the case of an allegation against the Head Master, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

### **Confidentiality and information sharing**

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

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

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

### **Record-keeping**

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

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)
- If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We

will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

## **References**

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

## **Learning lessons**

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

This will include consideration of (as applicable):

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

## **Non-recent allegations**

- Abuse can be reported, no matter how long ago it happened.
- We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.
- Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

## **Concerns that do not meet the harm threshold (low-level concerns)**

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

Concerns may arise through, for example:

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

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

### **Definition of low-level concerns**

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

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

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

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

### **Sharing low-level concerns**

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

We will create this culture by:

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

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

If the concern is raised via a third party, the Head Master will collect evidence where necessary by speaking:

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

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

## **Record keeping**

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

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school
- Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

## **Review**

- The Head Master will review whether there are any wider cultural issues in school that enabled the behaviour to occur and if appropriate policies could be reviewed or additional training delivered to mitigate against recurrence.

## **References**

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

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

**See Part 4 of KCSIE 2023 for full guidance on managing allegations**

## Appendix 3

### Specific safeguarding issues

#### Children who are absent from education

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

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

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

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

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

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

#### Child criminal exploitation

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

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

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

Indicators of CCE can include a child:

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

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

### **Child sexual exploitation**

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

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

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

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

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

- Having an older boyfriend or girlfriend
- Suffering from sexually transmitted infections or becoming pregnant

The DSL will use the Devon Children and Families Partnership Adolescent Safety Framework Safer Me Assessment on all occasions when there is a concern that a child is being or is at risk of being sexually or criminally exploited or where indicators have been observed that are consistent with a child who is being or who is at risk of being sexually or criminally exploited. The Safer Me Assessment will indicate to the DSL whether a Safer Me Early Help approach or referral to the Exploitation Hub is required. If the DSL is in any doubt they will contact MASH consultation.

In all cases if the assessment identified any level of concern the DSL should contact their local MACE (Missing & Child Exploitation) and email the completed Safer Me assessment along with a MASH enquiry form. If a child is in immediate danger the police should be called on 999.

The School is aware that a child often is not able to recognise the coercive nature of the abuse and does not see themselves as a victim. As a consequence the child may resent what they perceive as interference by staff. However, staff must act on their concerns as they would for any other type of abuse.

### **County Lines (Criminal Exploitation)**

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of 'deal line'. They are likely to exploit children and vulnerable adults to move and store the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons.

### **Domestic abuse**

Domestic abuse represents one quarter of all violent crime. It is actual or threatened physical, emotional, psychological or sexual abuse. It involves the use of power and control by one person over another. It occurs regardless of race, ethnicity, gender, class, sexuality, age, and religion, mental or physical ability. Domestic abuse can also involve other types of abuse.

We use the term domestic abuse to reflect that a number of abusive and controlling behaviours are involved beyond violence.

### **How does it affect children?**

Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. That abuse can be, but is not limited to, psychological, physical, sexual, financial or emotional. Children can be victims of domestic abuse. They may see, hear, or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). All of which can have a detrimental and long-term impact on their health, well-being, development, and ability to learn. In some cases children may blame themselves for the abuse or may have had to leave the family home as a result. Children who witness domestic abuse are at risk of significant harm.

## **What are the signs to look out for?**

Children affected by domestic abuse reflect their distress in a variety of ways. They may change their usual behaviour and become withdrawn, tired, start to wet the bed and have behavioural difficulties. They may not want to leave their house or may become reluctant to return. Others will excel, using their time in your care as a way to escape from their home life. None of these signs are exclusive to domestic abuse so when you are considering changes in behaviours and concerns about a child, think about whether domestic abuse may be a factor.

## **What should I do if I suspect a family is affected by domestic abuse?**

Contact: <https://new.devon.gov.uk/dsva/>

If you are concerned about a child or young person in Devon please contact the Multi-Agency Safeguarding Hub (LOCAL AUTHORITY SAFEGUARDING HUB) on 0345 155 1071 or email Local Authority Safeguarding [Hubsecure@devon.gov.uk](mailto:Hubsecure@devon.gov.uk).

If you are concerned about an adult (aged 16+) in Devon please complete the Risk Identification Checklist (Safelives DASH RIC) to identify the level of risk which support service to refer them too, and follow the advice on the MARAC page for all levels of risk.

If you are concerned about a vulnerable adult please contact Care Direct on 0845 155 1007 (8am – 8pm Monday to Friday and 9am – 1pm on Saturdays) In an emergency, please contact the Emergency Duty Service 0845 6000 388 or email [csc.caredirect@devon.gov.uk](mailto:csc.caredirect@devon.gov.uk).

Splitz Support Service is a charity delivering support services to women and young people experiencing the trauma of domestic abuse and sexual violence. Telephone 0345 155 1074 or email [admin@splitzdevon.org](mailto:admin@splitzdevon.org)

SAFE (Stop Abuse for Everyone) is a charity based in Exeter providing help and support to children and families who have experienced domestic abuse and violence. Telephone 030 30 0112 or email [hello@safe-services.org.uk](mailto:hello@safe-services.org.uk) (Monday to Friday, 9am – 5pm)

National Domestic Abuse Helpline Refuge runs the National Domestic Abuse Helpline, available 24hour a day 0808 2000 247 and its website offers guidance and support for potential victims. Refuge: <https://www.refuge.org.uk/>

Operation Encompass - Operation Encompass helps police and schools work together to provide emotional and practical help for children. Police will inform the 'key adult' within school if they have been called to an incident of domestic abuse, where there are children in the household before registration the next day.

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

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

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



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

## **FGM**

Female Genital Mutilation (FGM) is illegal in England and Wales under the FGM Act 2003 ("the 2003 Act"). It is a form of child abuse and violence against women. FGM comprises all procedures involving partial or total removal of the external female genitalia for non-medical reasons.

If a member of staff, in the course of their work, discovers that an act of FGM appears to have been carried out, the member of staff must report this to the Police by calling 101. The report should be made within 24 hours.

### **Circumstances and occurrences that may point to FGM happening are:**

- Child talking about getting ready for a special ceremony
- Family taking a long trip abroad
- Child's family being from one of the 'at risk' communities for FGM (Kenya, Somalia, Sudan, Sierra Leone, Egypt, Nigeria, Eritrea as well as non-African communities including Yemeni, Afghani, Kurdistan, Indonesia and Pakistan)
- Knowledge that the child's sibling has undergone FGM
- Child talks about going abroad to be 'cut' or to prepare for marriage

### **Signs FGM might have taken place are:**

- Having difficulty walking, standing or sitting.
- Spending longer in the bathroom or toilet.
- Appearing quiet, anxious or depressed.
- Acting differently after an absence from school or college.
- Reluctance to go to the doctors or have routine medical examinations.
- Asking for help – though they might not be explicit about the problem because they're scared or embarrassed

For more information on FGM follow this [LINK](#) to the NSPCC

## **Preventing radicalisation**

**Radicalisation** refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups

**Extremism** is vocal or active opposition to fundamental British values, such as democracy, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces

**Terrorism** is an action that:

- Endangers or causes serious violence to a person/people;
- Causes serious damage to property; or
- Seriously interferes or disrupts an electronic system

The use or threat of terrorism must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause. Schools have a duty to prevent children from being drawn into terrorism. The DSL will undertake Prevent awareness training and make sure that staff have access to appropriate training to equip them to identify children at risk.

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

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

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

Staff will be alert to changes in pupils' behaviour.

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

- Refusal to engage with, or becoming abusive to, peers who are different from themselves
- Becoming susceptible to conspiracy theories and feelings of persecution
- Changes in friendship groups and appearance
- Rejecting activities they used to enjoy
- Converting to a new religion
- Isolating themselves from family and friends
- Talking as if from a scripted speech
- An unwillingness or inability to discuss their views
- A sudden disrespectful attitude towards others
- Increased levels of anger
- Increased secretiveness, especially around internet use
- Expressions of sympathy for extremist ideologies and groups, or justification of their actions
- Accessing extremist material online, including on Facebook or Twitter
- Possessing extremist literature
- Being in contact with extremist recruiters and joining, or seeking to join, extremist organisations

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

If staff are concerned about a pupil, they will follow our procedures set out on page 16 of this policy, including discussing their concerns with the DSL.

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

## **Sexual violence and sexual harassment between children in schools**

Sexual violence and sexual harassment can occur:

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

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

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

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

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

Staff should be aware of the importance of:

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

If staff have any concerns about sexual violence or sexual harassment, or a child makes a report to them, they will follow the procedures set out in section 7 of this policy, as appropriate.

## **Checking the identity and suitability of visitors**

- All visitors will be required to verify their identity to the satisfaction of staff
- If the visitor is unknown to the setting, we will check their credentials and reason for visiting before allowing them to enter the setting. Visitors should be ready to produce identification
- Visitors are expected to sign the visitors' book and wear a visitor's badge
- Visitors to the school who are visiting for a professional purpose, such as educational psychologists and school improvement officers, will be asked to show photo ID and:
  - Will be asked to show their DBS certificate, which will be checked alongside their photo ID; or
  - The organisation sending the professional, such as the LA or educational psychology service, will provide prior written confirmation that an enhanced DBS check with barred list information has been carried out

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

The School places all visiting contractors and professionals into one of three categories, as follows:

### **Category 1: Approved Contractors**

Regular, approved contractors

- Employees of these contractors hold Enhanced DBS checks, including the Children's Barred List, and are at liberty to enter, and work unsupervised in all areas of the School
- The Register of such contractors is held and managed by HR, and the identity of Approved Contractors and their employees is checked on their arrival at the School against a list of Approved Contractors held in Reception. Having signed in, they are free to carry out the work for which they are contracted

### **Category 2: Occasional Contractors**

Infrequent, occasional contractors – often called in at short-notice

- Employees of these contractors may not necessarily hold any form of DBS check, and are therefore the subject of a Contractor Risk-Assessment (see Appendix A), which will “determine the appropriate level of supervision depending upon the circumstances”
- Notice of the arrival of such contractors is given to Reception. On arrival they are met by the member of staff who arranged their visit and issued with a Contractors Leaflet (Appendix B). They are then accompanied to their place of work and supervised according to the Risk Assessment

### **Category 3: Visiting Professionals**

Visiting professionals are employed by third parties, and the School either accepts a letter of assurance from the principal employer or training provider (in the case, for example, of trainee teachers) or a personal DBS, accompanied by photograph ID.

### **Missing pupils**

- Our procedures, as detailed in our Attendance, Registration, Supervision and Missing Pupil Policy, are designed to ensure that a missing child is found and returned to effective supervision as soon as possible

### **Boarding**

- As a boarding school Mount Kelly adheres to the National Minimum Standards for boarding. The Pastoral Boards of the College and the Prep meet weekly to discuss boarding issues and monitor the welfare of the pupils (both boarding and day) on a regular basis and advise staff of pupils who may require more support / intervention. As a member of the Boarding School's Association, Mount Kelly supports the BSA Safeguarding Charter.

### **War Conflict and Trauma**

Much research has been undertaken on war conflict / trauma leading to toxic stress and health problems in childhood and beyond. Trauma results from an event, series of events, or set of circumstances that is experienced by an individual as harmful or life threatening. While unique to the

individual, generally the experience of trauma can cause lasting adverse effects, limiting the ability to function and achieve mental, physical, social, emotional, or spiritual well-being. Mount Kelly recognises that violent political conflict has a devastating effect on the physical and mental health of children and its staff are alert to the needs of those children who have experienced or continue to experience such conflict either directly or indirectly.

### **Private Fostering Arrangements**

A private fostering arrangement occurs when someone other than a parent or close relative cares for a child for a period of 28 days or more, with the agreement of the child's parents. It applies to children under the age of 16 or 18 if the child is disabled. Children looked after by the local authority or who are placed in residential schools, children's homes or hospitals are not considered to be privately fostered. Private fostering occurs in all cultures, including British culture and children may be privately fostered at any age.

Mount Kelly recognise that most privately fostered children remain safe and well but are aware that safeguarding concerns have been raised in some cases. Therefore, all staff are alert to possible safeguarding issues, including the possibility that the child has been trafficked into the country.

It is a legal requirement for, a parent, private foster carer or other persons involved in making a private fostering arrangement to notify children's services as soon as possible. However, where a member of staff becomes aware that a pupil may be in a private fostering arrangement they will raise this with the DSL and the DSL will notify MASH of the circumstances.

### **Work Experience**

The school has detailed procedures to safeguard pupils undertaking work experience, including arrangements for checking people who provide placements and supervise pupils on work experience which are in accordance with the guidance in Keeping Children Safe in Education.

### **Children staying with host families**

The school may make arrangements for pupils to stay with a host family during a foreign exchange trip or sports tour. In such circumstances the school follows the guidance in Keeping Children Safe in Education (2023) to ensure that hosting arrangements are as safe as possible.

### **Intimate Care**

Mount Kelly has an Intimate Care Policy, which covers the procedures regarding sensitive handling of young pupils. Mount Kelly is committed to ensuring that all staff responsible for the intimate care of children will undertake their duties in a professional manner at all times. We recognise that there is a need to treat all children with respect when intimate care is given. No child should be attended to in a way that causes distress, embarrassment or pain. Definition: "Intimate care is any care which involves washing, touching or carrying out an invasive procedure (such as cleaning up after a child has soiled him/herself) to intimate personal areas. In most cases such care will involve procedures to do with personal hygiene and the cleaning of equipment associated with the process as part of a staff member's duty of care".

### **Anti-Bullying / Cyberbullying**

Our school policy on anti-bullying is set out in a separate document and acknowledges that to allow or condone bullying may lead to consideration under child protection procedures. This includes all

forms e.g. cyber, racist, homophobic, disability and gender-related bullying. We keep a record of known bullying incidents which is shared with and analysed by the governing body. All staff are aware that children with SEND and / or differences / perceived differences are more susceptible to being bullied / victims of child abuse.

If the bullying is particularly serious, or the anti-bullying procedures are seen to be ineffective, the Head Master and the DSL will consider implementing child protection procedures.

The subject of bullying is addressed at regular intervals in PHSE education.

### **Online Safety and Mobile Technology**

The school recognises the increasing use of mobile and smart technology amongst our pupils. It understands many children have unlimited and unrestricted access to the internet via mobile phone networks (i.e 3g, 4g and 5G) and that they may abuse this technology to sexually harass their peers, share indecent images consensually and non-consensually and view and share pornography and other harmful content.

Unfortunately, some adults and other children use these technologies to harm children. The harm might range from sending hurtful or abusive texts or emails, to grooming and enticing children to engage in sexual behaviour such as webcam photography or face-to-face meetings. Pupils may also be distressed or harmed by accessing inappropriate material such as pornographic websites or those which promote extremist behaviour, criminal activity, suicide or eating disorders.

Mount Kelly has an Online Safety Policy which explains how we try to keep pupils safe in school and how we respond to online safety incidents

The School has measures to filter and monitor usage and agreed rules for the use of mobile technologies.

Pupils are taught about online safety throughout the curriculum and staff receive online safety training which is regularly updated. The school online safety co-ordinator is the DSL.

### **Artificial intelligence (AI)**

Generative artificial intelligence (AI) tools are now widespread and easy to access. Staff, pupils and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Bard.

Mount Kelly recognises that AI has many uses, including enhancing teaching and learning, and in helping to protect and safeguard pupils. However, AI may also have the potential to facilitate abuse (e.g. bullying and grooming) and/or expose pupils to harmful content. For example, in the form of 'deepfakes', where AI is used to create images, audio or video hoaxes that look real.

Mount Kelly will treat any use of AI to access harmful content or bully pupils in line with this policy and our Pupil Behaviour and Discipline policy.

Staff should be aware of the risks of using AI tools whilst they are still being developed and should carry out risk assessments for any new AI tool being used by the school.

## **Racist Incidents**

Our policy on racist incidents is set out separately, and acknowledges that repeated racist incidents or a single serious incident may lead to consideration under child protection procedures. We keep a record of racist incidents and report them to the Local Authority via the annual Devon audit.

## **Physical Intervention**

- We acknowledge that staff must only ever use physical intervention as a last resort, when a child is endangering him/herself or others, and that at all times it must be the minimal force necessary to prevent injury to another person
- Such events should be recorded and signed by a witness.
- Staff who are likely to need to use physical intervention will be appropriately trained
- We understand that physical intervention of a nature which causes injury or distress to a child may be considered under child protection or disciplinary procedures
- We recognise that touch is appropriate in the context of working with children, and all staff have been given 'Safe Practice' guidance to ensure they are clear about their professional boundary

## **Safer Recruitment**

- The School follows all statutory guidance relating to the safe recruitment of staff and all information on the checks carried out are recorded on the School's single central register (SCR) which is maintained by the Head of HR and is reviewed termly by the Chair of the Safeguarding Committee. *(See Recruitment and Selection Policy for further details)*

## **Volunteers**

We will:

- Never leave an unchecked Volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS Check with barred list information for all volunteers who are new to working in regulated activity
- Carry out a Risk Assessment when deciding whether to seek an enhanced DBS Check without barred list information for any Volunteers not engaging in regulated activity. We will retain a record of this Risk Assessment *(see Volunteer Policy for further details)*

## Appendix 4

### Swim England

Mount Kelly has significant number of pupils enrolled who swim as part of the Mount Kelly Swim Team. Our club is a fully affiliated member of Swim England. In matters of safeguarding, the School safeguarding policy will be adopted. However, where there is a specific safeguarding issue relating directly to an incident involving pupils who are Swim England affiliated, the DSL will pay due regard to the Swim England's safeguarding procedures as outlined in *Wavepower 2024: Child safeguarding policy and procedures for clubs*. **Andrew Main** is the nominated Welfare Officer for the Mount Kelly Swim Club.

### Non-School Safeguarding Team

Any safeguarding issues involving Mount Kelly pupils will be dealt with by the School Safeguarding Team while any safeguarding issues involving members of the public will be dealt with by the Non-School Safeguarding Team. The Non-School Safeguarding Team comprises:

- Maddy Carr (Foundation DSL)
- Laura Tabb and Matty Thavenot (Foundation DDSLs)
- Caolan Wukics (MKEL DSL)
- Andrew Williams (MK Swim Centre DSL)
- Liz Vernon (MK Swim Centre DDSL)

### Mount Kelly Swim Centre

#### Key Contacts:

#### **Andrew Williams (Pool Manger and MK Swim Centre DSL)**

williamsan@mountkelly.com

Office -01822 813116

Mobile - 07563 740649

#### **Liz Vernon (Deputy Pool Manager and MK Swim Centre DDSL)**

vernonl@mountkelly.com

Office -01822 813155

Mobile – 07708 022719

The Mount Kelly Swim Centre acknowledges the duty of care to safeguard and promote the welfare of children and adults at risk and is committed to ensuring that safeguarding practice reflects statutory responsibilities, government guidance and complies with best practice and requirements.

The Mount Kelly Swim Centre recognises that the welfare and interests of children and adults at risk are paramount in all circumstances. It aims to ensure that regardless of age, gender, religion or beliefs, ethnicity, disability, sexual orientation or socio-economic background, all children and adults at risk

- have a positive and enjoyable experience of sport at the Mount Kelly Swim Centre in a safe and child-centred environment
- are protected from abuse whilst participating in aquatics or outside of the activity



The Mount Kelly Swim Centre acknowledges that some children, including disabled children and young people or those from ethnic minority communities and adults at risk, can be particularly vulnerable to abuse and we accept the responsibility to take reasonable and appropriate steps to ensure their welfare.

As part of our safeguarding policy Mount Kelly Swim Centre will

- promote and prioritise the safety and wellbeing of children, young people and adults at risk
- ensure everyone understands their roles and responsibilities in respect of safeguarding and is provided with appropriate learning opportunities to recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children, young people and adults at risk
- ensure appropriate action is taken in the event of incidents/concerns of abuse and support provided to the individual/s who raise or disclose the concern
- ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored on MyConcern
- prevent the employment/deployment of unsuitable individuals
- appoint a Designated Safeguarding Lead and a Deputy and ensure robust safeguarding arrangements and procedures are in operation.

The policy and procedures will be widely promoted and are mandatory for everyone involved in the Mount Kelly Swim Centre. Failure to comply with the policy and procedures will be addressed without delay and may ultimately result in dismissal/exclusion from the organisation.

### **Mount Kelly Swim Centre Staff Training**

All Mount Kelly Swim Centre Staff will receive annual School safeguarding training including KCSIE updates. In addition, all Mount Kelly Swim Centre Staff will receive Swim England's mandatory safeguarding training in line with the requirements of their safeguarding policy – Wavepower (2024). All Mount Kelly Swim Centre staff will be made aware of Mount Kelly Swim Centre safeguarding procedures and of specific safeguarding issues they should be aware of in relation to working within a leisure pool environment.

### **The Mount Kelly Swim Centre DSL and DDSL**

The Mount Kelly Swim Centre Designated Safeguarding Lead (DSL) takes responsibility for child protection and wider safeguarding matters in the swim centre.

Roles and responsibilities will include:

- Being available to support staff who need to report an incident
- Managing communication from the Swim Centre to the Mount Kelly School Safeguarding team regarding any incidents involving Mount Kelly pupils
- Recording incidents using MyConcern and liaising with the Non-School Safeguarding Team to manage cases
- Implementing safeguarding and child protection procedures

The Mount Kelly Swim Centre Deputy Designated Safeguarding Lead (DDSL) is trained to the same standard as the DSL and works with the DSL and other members of the Non-School Safeguarding Team to ensure the ongoing safety and protection of all users of the Mount Kelly Swim Centre.

## **Reporting systems for users of the Mount Kelly Swim Centre**

- Where there is a safeguarding concern, the Mount Kelly Swim Centre will ensure the wishes and feelings of the user are taken into account when determining what action to take and what support to provide.
- To ensure that all users feel safe and supported there are a number of ways of making a report:
  - Mount Kelly Pupils – following School reporting procedures.
  - Mount Kelly Swim Centre users – may speak directly to the Mount Kelly Swim Centre DSL or DDSL (or email the DSL if appropriate), or speak to any Mount Kelly Swim Centre staff, including lifeguards.

## **Notifying parents of non-School children**

- In the event of a disclosure or referral to the MASH, parents of non-Mount Kelly children will be informed of the process if the information for contacting parents is available.
- However, if the Mount Kelly Swim Centre believes that notifying parents will increase the risk to the child, advice will be sought from the MASH.

## **Record-keeping**

- All safeguarding concerns, discussions, decisions made and the reasons for those decisions, must be recorded using MyConcern. If you are in any doubt about whether to record something, discuss it with the Mount Kelly Swim Centre DSL or a member of the Non-School Safeguarding Team.
- When recording a concern, the 'MK Swim Centre' notification group should be selected.
- The names of non-Mount Kelly children or adults at risk cannot be officially 'associated' with the concern, but names can be recorded in the concern summary. All other sections of the concern should be completed.
- Confidential Mount Kelly Swim Centre information and records will be held securely and only available to those who have a right or professional need to see them.
- Child protection files will be kept until the child's 26th birthday (7 years after they reach the school leaving age).

## **Capacity and consent for adults and adults at risk**

It is important to be alert to issues of cognitive capacity which can increase the vulnerability of people where they have a reduced ability to make informed decision in the moment. This may be transient (e.g., due to fear, shock, injury, illness) or long term (e.g., due to learning differences, disability or mental health issues).

Whilst this is a complex issue, it should not get in the way of staff and volunteers genuinely seeking to ensure that all individuals are respectfully consulted in relation to participation in activities and/or sharing of information about them.

A young person aged 16 or older is presumed in law to have capacity to consent, unless there is evidence to the contrary. Capacity to consent is not simply based on age however, particularly where learning and communication difficulties and disabilities are identified. You should also consider a person's capacity to understand the consequences of giving or withholding their consent. They should not be treated as unable to make a decision until all practicable steps to help them have been taken.

When assessing a person's understanding you should seek to explain the issues using their preferred mode of communication and language. This should be done in a way that is suitable for them, considering all you know about them from your contact with them, particularly their age, language and likely understanding.

If you are unsure whether they have the capacity to consent, then seek the advice of the Mount Kelly Swim Centre DSL or from the NSPCC Helpline 0808 800 5000. The person's friend, carer or another professional, where available, may be able to provide relevant information or advice.

The following should be considered when assessing whether a person has sufficient understanding at any time to consent, or to refuse consent to sharing of information about them or participating in specific activities;

- Can the person understand the question being asked of them?
- Are they taking an active part in the discussion?
- Can they rephrase the question in their own words?
- How would they explain it to someone else?
- Do they have a reasonable understanding of what the risks or benefits of giving their consent or saying no?
- What do they say they think would happen in they agree to the action being suggested?
- Can they appreciate and consider alternatives, weighing up one aspect against another and express a clear and consistent personal view? Encourage them to say out loud, or write down their view of pros and cons. You could recheck these views later or at a later contact with them.

## **Practical Guidance**

### **General security for public swimming sessions**

Members of the public attending public swimming sessions register their details on the Mount Kelly Swim Centre computerised management information system at Reception. The system records the name of the individual, address, age and contact details. Members of the public must report to Reception to sign in when using the facility so that their details can be checked and their attendance in the building recorded. The Swim Centre foyer is monitored by CCTV.

### **Hire of facilities by external groups**

Where facilities are let to external groups or events organised involving children the Mount Kelly Swim Centre requires the organisers to have public liability insurance (£5 million) and an appropriate safeguarding policy. They must also comply with any regulations as set out by their organisation's governing body.

### **Changing arrangements**

The Changing Village in the 50m pool is a mixture of separate single sex changing areas and cubicles. Specific areas are dedicated to Mount Kelly School pupils and the members of the public when Mount Kelly School and community activities coincide. When the separate single sex changing areas are used by the members of the public only children under the age of 7 years may enter the opposite sex changing rooms and only when accompanied by an adult.

Local schools attending swimming teaching sessions use the former entrance to 25m pool building and the dedicated male and female changing rooms in that building rather than the mixed Changing Village in the 50m pool.

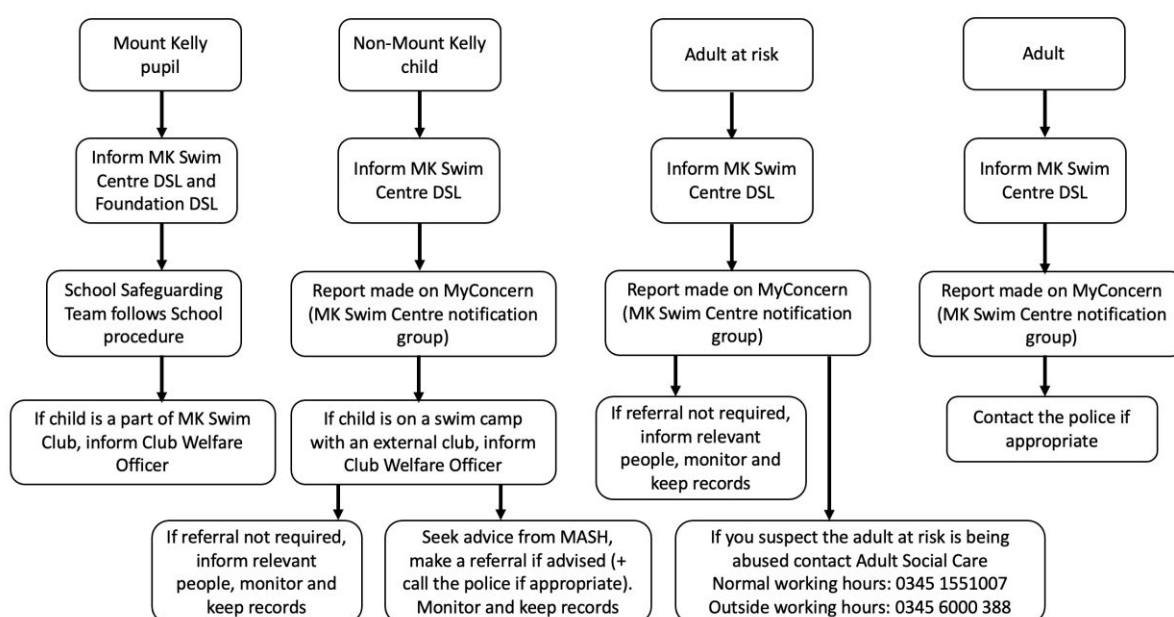
### Filming and photography

Although the majority of images taken are appropriate and in good faith, images can be misused and children can be put at risk if common sense procedures are not observed. As a result a dedicated Mount Kelly Swim Centre Filming and Photography Policy has been compiled and applies to all images and videos taken on any type of camera or recording device (including mobile phones). It applies to all general public sessions, training sessions and events in the Swim Centre.

### Use of devices in changing rooms

Wavepower 2024 states that mobile phones and devices should not be used under any circumstances in a changing room area during Swim England regulated activity. This must be supported by clear signage in changing rooms confirming a zero- tolerance approach to the use of mobile phones in changing areas.

### Mount Kelly Swim Centre – Safeguarding Procedure Flow Chart



### Mount Kelly Enterprises Limited

The School has a Limited Company that operates throughout the year. This is known as Mount Kelly Enterprises Limited (MKEL). All operations including external lettings are carefully managed and risk assessed by the Commercial Manager of MKEL, so as not to interfere with or to compromise the safeguarding of the pupils at the School. Any safeguarding incident involving MKEL will be dealt with by the Commercial Manager in his capacity as MKEL DSL. Concerns will be recorded on MyConcern using the MKEL notification group and shared with the Non-School Safeguarding Team.

## Amendments October 2023

Date of Review	Author	Page / Para	Synopsis of Amendment
15.08.2023	MC	4	Update of safeguarding staff / contacts.
		6 / 1	Change to 'Keeping Children Safe in Education 2023'.
		7 / 4	Use of terminology updated. 'Sexting' replaced by 'sharing of nudes and semi-nudes'. Definition changed to match language used in KCSIE 2023.
		8	In 'Roles and responsibilities section' – paragraph 2 onwards added to match recommendations from The Key Safeguarding: 'The school... unacceptable'.
		9	In the 'all staff will be aware of' section, addition of the final four bullet points (as per guidance from The Key Safeguarding.)  Bullet point 3 (about 'the signs of different type of abuse') re-worded to include specific reference to county lines  DSL role – paragraph 2 of this section: addition of understanding filtering and monitoring processes (KCSIE 2023 update)  DSL section: addition of bullet point 8 ('knowing what local specialist support is available...')
		10	Addition of section 2 – 'The Safeguarding Officers' – brief outline of roles and responsibilities of Safeguarding Officers.
		10-11	Addition of final bullet point on page 10: 'ensure that the school has appropriate filtering and monitoring systems in place...' (in Head Master – change to Governing Body)
		11	Addition of bullet point 2: 'making decisions regarding all low-level concerns' (guidance from The Key).
		19	Terminology changed in title to 'sharing of nudes and semi-nudes' to reflect language used in KCSIE 2023.  Paragraph 3 - link to updated guidance in footnote.
		19	Section renamed to reflect terminology used in KCSIE – 'sexting' replaced by 'sharing of nudes and semi-nudes'
		21	Section added – 'Reporting systems for our pupils'  'Staff mobile phones and cameras' moved to this location (following outline in The Key Safeguarding)
		24	Addition of Safeguarding Officers to section 17 – 'The DSL, Deputies and Safeguarding Officers'.
		25	Policies alphabetised. Names of policies updated to match the policies published on the school website / intranet / T-drive. Names of policies no longer on the website or

			intranet deleted: allegations against staff; parental concern; administration of medicines; physical intervention; intimate care; radicalisation and extremism.
		36	Addition of 'humiliating pupils' to the definition of low-level concerns (final bullet point in the 'examples of such behaviour' section).
		37	Year of publication changed – Keeping Children Safe in Education 2023 (final line of page).
		38	First paragraph re-worded in line with terminology used in KCSIE 2023.
		46 / 2	Name of Welfare Officer for Mount Kelly Swim Club to be added when confirmed.
		43	Change: 'they will follow our procedures set out on page 16 of this policy, including discussing their concerns with the DSL' (final lines of page).
		46	Missing pupils section: name of policy updated
		47	Need confirmation of where the Intimate Care Policy is located
		48	Addition of section on AI (following guidance in The Key Safeguarding) Change from 'Safer Recruitment Policy' to 'Recruitment and Selection Policy' (section 4)

## Amendments 2022

Page	Amendment
Throughout	References to KCSIE 2022
	References to peer-on-peer replaced by child-on-child
5	Updated reference to NMS to 2022
7,8	Updated roles and responsibilities of the DSL – taken from LA model policy.
15	Minor amends / updates to section on child on child abuse and inclusion of a link to the South West Child Protection Procedures manual. Inclusion of pupil ability to report incidents via a QR code.
19	Addition: Child protection files will be kept <b>until the pupil's 26th birthday</b> (7 years after they reach the school leaving age)
33	Included reference to section 4 of KCSIE 2022 – Managing allegations
36,37	Comprehensive update on Domestic Abuse - taken from LA model policy.
38	Revision of information on FM