



Midsomer Norton Schools Partnership

Issued: September 2018
Review: Term 1 annually
LST: AWI (TGI)

SAFEGUARDING POLICY

TO BE READ IN ADDITION TO CHILD PROTECTION POLICY

If you are unable to contact the Chair of Governors or Headteacher at one of the Trust Schools regarding a Safeguarding concern, please contact the CEO, Alun Williams or the Safeguarding Trustee Sarah Baldwin via Sharon Crane, Trust PA.

Safeguarding and promoting the wellbeing of all students is of prime concern to the Midsomer Norton Schools' Partnership (MNSP) Trust. This policy aims to ensure that adequate arrangements are in place to identify, assess, refer and support those children who are, or are at risk of, suffering harm, through working together with other agencies and establishing an environment where children feel safe and are able to grow and achieve.

All the schools in the Midsomer Norton Schools' Partnership Trust are committed to their safeguarding roles and responsibilities and continue to create a culture of vigilance with all stake holders.

This policy and others has been written using previous guidance (Child Protection and Safer Recruitment – 2006*) and new updated guidance (Keeping Children Safe in Education – September 2018*). There are also a number of other key documents also used to inform this policy.

**Unless otherwise specified, a reference to any document or statutory provision is a reference to it as amended, extended or re-enacted from time to time and shall include all subordinate documents or guidance made from time to time and all orders, notices, codes of practice and guidance made under it.*

[APPENDIX 1 – Additional information](#)

[APPENDIX 2 – Designated CP staff at MNSP home schools](#)

[APPENDIX 3 – Guidance for Safer Working Practice – October 2015](#)

[APPENDIX 4 – DFE Children Missing Education – September 2016](#)

Purpose of the policy:

To bring together all aspects of the work undertaken by The Midsomer Norton Schools' Partnership to secure the health and safety of all children and adults at any school in the Midsomer Norton Schools' Partnership.

Specific Aims

- To support the child's development in ways that will foster security, confidence and independence.
- To provide an environment in which children and young people feel safe, secure, valued and respected, and feel confident, and know how to approach adults if they are in difficulties, believing they will be effectively listened to.
- To raise the awareness of all teaching and non-teaching staff of the need to safeguard children and of their responsibilities in identifying and reporting possible cases of abuse or any other safeguarding concern
- To provide a systematic means of monitoring children known or thought to be at risk of harm, and ensure we, at each school, contribute to assessments of need and support packages for those children.
- To emphasise the need for good levels of communication between all members of staff.
- To develop a structured procedure within the school which will be followed by all members of the school community in cases of suspected abuse.
- To develop and promote effective working relationships within each school, especially the Police and Social Care.
- To ensure that all staff working within our schools who have substantial access to children have been checked as to their suitability, including verification of their identity, qualifications, and a satisfactory DBS check (according to

guidance)¹, and a central record is kept for audit.

Introduction:

At the Midsomer Norton Schools' Partnership we take our responsibility for promoting the safeguarding and welfare of students very seriously and this is summarised in the following ways:

We ensure that full discussion of the Trust's safeguarding policy is included in the induction of all new members of staff and volunteers to ensure that there is a common understanding and to maintain a safe culture at the forefront of staff consciousness.

All Trust schools will receive an annual update on safeguarding and CP training. Additional training sessions will be offered each term by a DSL from one of the Trust schools. The expectation is that all staff read the below policies at the start of each academic year:

- Keeping Children Safe in Education (2018)
- Staff code of conduct
- Child protection policy
- School behaviour policy
- School policy for children missing education
- 'What to do if you're worried about a child being abused' legislation.

Individual schools may also offer in school training to support their requirements. Such as Myconcern.

Our policy and training encourages all staff to raise any concerns they may have about students; the interests of the young person are paramount and take priority over professional loyalties.

Our staff selection and interview process will assess rigorously all candidates' suitability and their commitment to safeguarding children.

In addition to their class teachers or tutors, students have pastoral support from various Support Teams who are available before school, during breaks, lunchtimes and after school. Students can also access the School Health Nurse Service, Sexual Health Nurse etc. across trust schools.

A safeguarding incident could happen anywhere and all staff should be alert to the possibilities of concerns being raised at all schools in the Midsomer Norton Schools' Partnership. All staff can raise safeguarding concerns with designated members of staff or directly with Children's Social Care Services. Safeguarding concerns about adults in the school should be made to the Designated Safeguarding Lead or to the Headteacher. If these people are not available – contact should be made directly with the local police or local authority designated officer (LADO).

Each school has a designated Safeguarding Governor, these Governors are also level 1 trained in child protection.

If parents or carers have any concerns regarding the welfare or safeguarding of students, please refer to [APPENDIX 2](#) for details of designated staff at each MNSP home school.²

The roles and responsibilities of the Designated Safeguarding Leads (with the support of Safeguarding Officers) are:

- Referring a child if there are concerns about possible abuse, to the *Local Authority (LA)*, and acting as a focal point for staff to discuss concerns. Referrals should be made in writing, following a telephone call using the appropriate LA form (C2)
- Keeping written records of concerns about a child even if there is no need to make an immediate referral.
- Ensuring that all such records are kept confidentially and securely and are separate from pupil records, until the child's 25th birthday, and are copied on to the child's next school or college.
- Ensuring that an indication of the existence of the additional file as above is marked on the pupil records.
- Liaising with other agencies and professionals.
- Ensuring that either they or the staff member attend case conferences, core groups, or other multi-agency planning meetings, contribute to assessments, and provide a report which has been shared with the parents.
- Ensuring that any pupil currently with a child protection plan who is absent in the educational setting without explanation for two days is referred to their key worker's Social Care Team.
- Organising child protection induction, and update training every 3 years, for all school staff.
- Providing, with the Headteacher, an annual report for the governing body, detailing any changes to the policy and

¹ Guidance regarding DBS checks recently updated by the Protection of Freedoms Act 2012

² MNSP home school refers to the school where a member of staff is contracted or where a student attends.

procedures; training undertaken by the Designated Safeguarding Lead, and by all staff and governors; number and type of incidents/cases, and number of children on the child protection register (anonymised)

Child Abuse

There are four categories of Child abuse: Neglect, Physical, Emotional and Sexual. MNSP Staff are trained to be vigilant of the signs and symptoms and to know to report any concerns to the DSL verbally and promptly following this, in writing using the Concerns Referral Form found as an appendix to the CP Policy. Any forms should be stapled closed for confidentiality purposes and put into the DSL's tray/pigeon hole. Staff must then email the DSL and one of the CP officers to inform them. Alternatively, the form can be taken directly to the DSL. For further info please refer to Appendix 1 in the CP policy. The Definitions, Signs and Symptoms are outlined below:

Neglect

The persistent failure to meet a child's basic physical and/or psychological needs, ensure adequate supervision, fail to protect, which is likely to result in the serious impairment of the child's health or development.

Neglect may occur in pregnancy due to substance misuse.

Signs and Symptoms

- Voracious appetite
- Child thrives away from home
- Child is unresponsive
- Faltering or static weight gain or growth
- Child left unsupervised
- Smelly and dirty appearance
- Untreated conditions
- Multiple accidents

Physical Abuse

May involve hitting, shaking, throwing, poisoning, drowning, suffocating or otherwise causing physical harm to a child. May be caused when a carer fabricates or induces illness in a child.

Signs and Symptoms

- Non-accidental bruising:
- Head
- Trunk/ upper arms
- Inside thighs
- Ears/ cheeks
- Any bruising on a non-mobile infant

Emotional Abuse

The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects of the child's emotional development. It may also involve seeing or hearing the ill treatment of another. (Domestic Abuse) Overprotection, limiting exploration, preventing the child participating in normal social interaction.

Signs and Symptoms

- Faltering growth
- Erratic weight and growth patterns
- Frozen awareness
- Psychosomatic illness
- Developmental delay
- Behavioural signs
- Self-mutilation
- Wetting/ soiling

Sexual Abuse

Forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, or not.

Signs and Symptoms

- Minor injury on genitals
- Recurring UTI's
- Pregnancy
- STI's
- Sudden onset of behavioural difficulties
- Age inappropriate sexual play.
- Self-mutilation
- Persistent abdominal pain

(Also refer to [Child Sexual Exploitation](#))

Further Detail

The term safeguarding covers a wide area and numerous policies which all staff should be aware of. These policies and procedures are detailed below and can be found on the MNSP web site <http://midsomernortonschoolspartnership.com>

- Attendance
- Ambulance
- Health and safety
- Child Protection
- Complaints
- Bullying, including cyber-bullying
- Physical intervention
- Meeting the needs of pupils with medical conditions
- First Aid
- Drug and substance misuse
- Educational visits
- Intimate care
- Internet/e-safety
- School security - CCTV
- Visitors
- Safer Recruitment
- Disclosure and Barring Service checks
- Prevention of Radicalisation – See appendix
- Whistle blowing

This policy also contains [APPENDIX 1](#) and [APPENDIX 3](#) which offers additional information about the following:

- [Child on Child Sexual Violence](#)
- [Child Sexual Exploitation](#) and [Female Genital Mutilation](#)
- Code of Staff Conduct
- [Honour Based Violence](#)
- Looked After Children
- [Monitoring of children educated off site](#)
- [Peer on Peer Abuse](#)
- [Radicalisation](#)
- Safeguarding allegations against another pupil
- [Sexual Harassment](#)
- [Single Central Record](#)
- [The PREVENT Duty](#)

Support for children

We recognise that a child who is abused or witnesses violence may feel helpless and humiliated, may blame themselves, and find it difficult to develop and maintain a sense of self-worth.

We recognise that a school may provide the only stability in the lives of children who have been abused or who are at risk of harm. We also accept that research shows that the behaviour of a child in these circumstances may range from that which is perceived to be normal to aggressive or withdrawn.

All schools that form part of the Midsomer Norton School's Partnership will support all children by:

- Encouraging self-esteem and self-assertiveness, through the curriculum as well as our relationships, whilst not condoning aggression or bullying.
- Promoting a caring, safe and positive environment within the school.
- Liaising and working together with all other support services and those agencies involved in the safeguarding of children.
- Notifying Social Care as soon as there is a significant concern.
- Providing continuing support to a child about whom there have been concerns who leaves the school by ensuring that appropriate information is copied under confidential cover to the child's new setting and ensuring the school medical records are forwarded as a matter of priority.

Confidentiality:

- We recognise that all matters relating to child protection are confidential.
- The Headteacher or Designated Safeguarding Lead will disclose any information about a child to other members of staff on a need to know basis only.
- All staff must be aware that they have a professional responsibility to share information with other agencies in order to safeguard children.
- All staff must be aware that they cannot promise a child to keep a concern secret which might compromise the child's safety or wellbeing.
- We will always undertake to share our intention to refer a child to Social Care 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 consult with those who provide us with further specialist advice on this point

Supporting staff

- We recognise that staff working in the school who have become involved with a child who has suffered harm, or appears to be likely to suffer harm may find the situation stressful and upsetting.
- We will support such staff by providing an opportunity to talk through their anxieties with the Designated Safeguarding Lead and to seek further support as appropriate.

Allegations against staff

(Refer to MNSP Allegations of Abuse Against Staff Policy and the South West Safeguarding and Child Protection Group website www.online-procedures.co.uk/swcpp)

- We recognise that because of our daily contact with children in a variety of situations teachers, the Headteacher and other staff working in the school are vulnerable to accusations of abuse.
- Any member of staff facing an allegation of abuse needs to feel confident that appropriate, considered action will be taken in accordance with robust and agreed procedures. Accordingly, the school will follow the 'Procedures for Managing Allegations of Abuse by a Teacher, Headteacher or other Member of School Staff' set out in the South West Safeguarding and Child Protection Group website <https://www.proceduresonline.com/swcpp/> and contact the LADO.
- All allegations of abuse by a member of staff must be taken seriously and not dismissed as trivial, defamatory or not to be believed. It is essential that all allegations are reported in accordance with school procedures, examined objectively and investigated professionally and in accordance with South West Safeguarding and Child Protection Group website <https://www.proceduresonline.com/swcpp/> and contact the LADO.
- We understand that early action to establish the nature of an allegation should be undertaken in such a way that it does not prejudice any subsequent investigation or disciplinary action that may need to be carried out.
- Staff against whom an allegation is made should not be automatically suspended. In the case of an immediate referral to a child protection agency, immediate suspension is more likely to be appropriate. In a case where immediate referral is accompanied by consideration of disciplinary proceedings, suspension may or may not be appropriate. In the case of unfounded allegations, suspension is unlikely.
- On the conclusion of any investigation of an allegation against a member of staff other than in the event of

dismissal, appropriate advice, guidance, support reassurance and help to rebuild confidence will be given to the member of staff concerned.

Whistleblowing

We recognise that pupils 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 about the attitude, actions or behaviour of colleagues where these may be breaching the safeguarding code of practice and consequently placing children at risk of harm.

Any concerns about the conduct of other adults in the school should be passed onto the headteacher or the DSL. Concerns about the DSL need to be reported to the Head Teacher. Concerns about the Head Teacher must be reported to the Chair of Governors.

Refer to Whistleblowing Policy.

Prevention

We recognise that the schools within the Midsomer Norton Schools Partnership play a significant part in the prevention of harm to our children by providing children with good lines of communication with trusted adults, supportive friends and an ethos of protection.

The school community will therefore:

- Work to establish and maintain an ethos where children feel secure and are encouraged to talk and are always listened to.
- Include regular consultation with children e.g. through safety questionnaires, participation in anti-bullying week, asking children to report whether they have any concerns
- Ensure that all children know there is an adult in the school whom they can approach if they are worried or in difficulty.
- Include safeguarding across the curriculum, including PSHE, opportunities which equip children with the skills they need to stay safe from harm and to know to whom they should turn for help. In particular this will include anti-bullying work, e-safety, road safety, pedestrian and cycle training. Also focused work at transition points in their school career.
- Ensure all staff are aware of school guidance for their use of mobile technology and have discussed safeguarding issues around the use of mobile technologies and their associated risks.

Single Central Record

Spot checks on best practice with the single central record are carried out regularly by designated safeguarding governor and CP leads to ensure all staff are correctly vetted.

Monitoring of children educated off site

Students who engage in alternative provision are regularly monitored via formal reporting systems and visits to the provider. The same safeguarding procedures are in operation for these children and each provider is vetted and only used if formally endorsed by the Local Authority

Forced marriage Guidance

This is an entirely separate issue from arranged marriage. It is a human rights abuse and falls within the Crown Prosecution Service definition of domestic violence. Young men and women can be at risk in affected ethnic groups. Whistle-blowing may come from younger siblings. Other indicators may be detected by changes in adolescent behaviours. Never attempt to intervene directly as a school or through a third party. Any evidence of this should be reported to the DSL and/or directly to the local police.

Child Missing Education

The information here is based on Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006).

Pupils' attendance is monitored through the daily register. Trust schools will notify the local authority at agreed intervals of pupils who fail to attend regularly, or have missed ten school days or more without permission. Attendance is monitored closely and poor or irregular attendance is addressed. Pupils' poor attendance is referred to the local authority.

Further information can be found in the DFE Children Missing Education Statutory Guidance ([APPENDIX 4](#))

Child Sexual Exploitation

Child Sexual Exploitation is a form of child sexual abuse. Sexual abuse may involve physical contact including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside clothing. It may involve non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via the internet).

The definition of Child Sexual Abuse as written in the '*Child Sexual Exploitation: Definition and guide for practitioners*' February 2017:

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

Signs and Symptoms

- unexplained gifts or new possessions
- association with other young people involved in exploitation
- older boyfriends or girlfriends
- sexually transmitted infections or become pregnant
- changes in emotional well-being
- misuse drugs and alcohol
- go missing for periods of time or regularly come home late
- regularly miss school or education or do not take part in education

Female Genital Mutilation FGM

It is essential that staff are aware of FGM practices and the need to look for signs, symptoms and other indicators of FGM. It is the mandatory duty of school staff to report disclosures on FGM about a female under the age of 18 personally to the police.

What is FGM?

It involves procedures that intentionally alter/injure the female genital organs for non-medical reasons.

Why is it carried out?

Belief that:

- FGM brings status/respect to the girl – social acceptance for marriage
- Preserves a girl's virginity
- Part of being a woman / rite of passage
- Upholds family honour
- Cleanses and purifies the girl
- Gives a sense of belonging to the community
- Fulfils a religious requirement
- Perpetuates a custom/tradition
- Helps girls be clean / hygienic
- Is cosmetically desirable
- Mistakenly believed to make childbirth easier

Is FGM legal?

FGM is internationally recognised as a violation of human rights of girls and women. It is **illegal** in most countries including the UK.

Circumstances and occurrences that may point to FGM happening

- 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 Leon, 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 and Symptoms that may indicate a child has undergone FGM:

- Prolonged absence from school and other activities
- Behaviour change on return from a holiday abroad, such as being withdrawn and appearing subdued
- Bladder or menstrual problems
- Finding it difficult to sit still and looking uncomfortable
- Complaining about pain between the legs
- Mentioning something somebody did to them that they are not allowed to talk about
- Secretive behaviour, including isolating themselves from the group
- Reluctance to take part in physical activity
- Repeated urinal tract infection
- Disclosure

The 'One Chance' rule - As with Forced Marriage there is the 'One Chance' rule. It is essential that settings /schools/colleges take action **without delay**. Any concern of this should be reported to the DSL and/or directly to the local police and local authority.

Peer on Peer Abuse

Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals."

- procedures to minimise the risk of peer on peer abuse;
- how allegations of peer on peer abuse will be recorded, investigated and dealt with;
- clear processes as to how victims, perpetrators and any other child affected by peer on peer abuse will be supported;
- a clear statement that abuse is abuse and should never be tolerated or passed off as "banter", "just having a laugh" or "part of growing up";
- recognition of the gendered nature of peer on peer abuse (i.e. that it is more likely that girls will be victims and boys perpetrators), but that all peer on peer abuse is unacceptable and will be taken seriously; and
- the different forms peer on peer abuse can take, such as:
 - sexual violence and sexual harassment. Part 5 of this guidance sets out how schools and colleges should respond to reports of sexual violence and sexual harassment;
 - physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
 - sexting (also known as youth produced sexual imagery): the policy should include the school or college's approach to it. The department provides [searching screening and confiscation advice](#) for schools. The UK Council for Child Internet Safety (UKCCIS) Education Group has published [advice for schools and colleges on responding to sexting incidents](#); and
 - initiation/hazing type violence and rituals.

Preventing Radicalisation

Radicalisation can happen in any school and involves any group who attempt to radicalise a child. There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media) and settings (such as the internet).

New standards for teachers

From September 2012 there are new standards for teachers, which include;

- Not undermining fundamental British values, including democracy, the rule of law,
- Teaching and supporting individual liberty and mutual respect, and tolerance of those with different faiths
- Develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support;
- Having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.

Ofsted inspectors must judge the quality of education provided in the school, based on:

- The achievement of pupils at the school

- The quality of teaching in the school
- The behaviour and safety of pupils at the school.
- The quality of leadership in and management of the school

In addition, inspectors must also consider:

- The spiritual, moral, social and cultural development of pupils at the school.

Prevent

The schools within the Trust have a duty under the counter terrorism and security Act 2015 to protect children from extremist and violent views in the same ways that they help to safeguard children from drugs, gang violence or alcohol. Trust schools can help to protect children from extremist and violent views in the same ways that they help to safeguard children from drugs, gang violence or alcohol.' Work on 'Prevent' needs to be seen in this context. The purpose must be to protect children from harm and to ensure that they are taught in a way that is consistent with the law and our values.

The following guidance lists some of the tell-tale signs that a pupil could have fallen prey to extremists.

- day-to-day behaviour of the pupil becoming increasingly concentrated around an extremist ideology,
- changing their style of dress, particularly in a sixth form or where school uniform has been relaxed,
- loss of contact with other friends not associated with extremist ideology.
- using insulting or derogatory terms to describe other groups opposed by the extremists.

New guidance calls for schools to be on the lookout for other issues, such as pupils coming under pressure from or joining gangs, female genital mutilation and pupils under pressure to succumb to forced marriages.

The guidance said: "Schools and college staff are particularly important as they are in a position to identify concerns early and provide help for children to prevent concerns from escalating."

Honour Based Violence

Is a collection of practises used to control behaviour within families to protect perceived cultural or religious beliefs and honour. Violence can occur when offenders perceive that a relative has shamed the family or community by breaking their 'code of honour'. Honour based Violence cuts across all cultures and communities: Turkish, Kurdish, Afghani, South Asia, African, Middle Eastern, South and Eastern European for example. This is not an exhaustive list. Where a culture is heavily male dominated, HBV may exist. Where HBV is suspected the police should be informed along with DSL.

Child on Child Sexual Violence and Sexual Harassment

- Sexual violence and sexual harassment can occur between two children of **any** age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children (this may include incidents of sexting).
- Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that **all** victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as "banter", "part of growing up", "just having a laugh" or "boys being boys"; and
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

- reporting incidents of sexting to the DSL so that they can communicate with parents and when necessary the police in line with the 'UKCCIS Guidance: Sexting in schools and colleges, responding to incidents and safeguarding young people'. (2017)

Sexual Harassment

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
 - non-consensual sharing of sexual images and videos;
 - sexualised online bullying;
 - unwanted sexual comments and messages, including, on social media; and
 - sexual exploitation; coercion and threats

Private Fostering

Private fostering applies to any child under the age of 16 who is living with someone who is not their immediate relative for a period of 28 days or more. Schools have a mandatory duty to inform the Local Authority of children in such arrangements.

Designated CP Staff at MNSP Home Schools

Clutton Primary School Station Road, Clutton, Bristol, BS39 5RA Tel: 01761 452510			
Chair of LGB	Paul Smith	CP Governor	Kirstie McGough
Headteacher	Elizabeth Ennew		
Safeguarding Lead (DSL)	Elizabeth Ennew		
Designated Child Protection Officer/s	Christine Orange		

Dundry Primary School 110 Dundry Lane, Dundry, Bristol, BS41 8JE Tel: 0117 964 7181			
Chair of LGB	Jen Hird	CP Governor	Dave Wiltshire
Headteacher	Michelle Parsons		
Safeguarding Lead (DSL)	Andrew Dix		
Designated Child Protection Officer/s	Michelle Parsons/Andrew Dix		

Farrington Primary School Church Lane, Farrington Gurney, Bristol, BS39 6TY Tel: 01761 452419			
Chair of LGB	Lena Lovell	CP Governor	Sarah Hurlow (Deputy – Rachel Gould)
Headteacher	Daniel Turull		
Safeguarding Lead (DSL)	Daniel Turull		
Designated Child Protection Officer/s	Heather Mason		

Hemington Primary School Jubilee Terrace, Hemington, Radstock BA3 5XU Tel: 01373 834320			
Chair of LGB	Rotated	CP Governor	Nicholas Hayward
Headteacher	Naomi DeChastelain		
Safeguarding Lead (DSL)	Naomi DeChastelain		
Designated Child Protection Officer/s	n/a		

High Littleton Primary School Church Hill, High Littleton, Bristol, BS39 6HF Tel: 01761 470622			
Chair of LGB	Sharon Wiseman	CP Governor	Sam Easton
Headteacher	Gareth Griffith		
Safeguarding Lead (DSL)	Gareth Griffith		
Designated Child Protection Officer/s	Ian Gunning, Deputy Headteacher		

Longvernal Primary School Clapton Road, Midsomer Norton, Bath, BA3 2LP Tel: 01761 412777			
Chair LGB	Kelly Antonowicz	CP Governor	Gill Sutcliffe
Headteacher	Kerrie Courtier		
Safeguarding Lead (DSL)	Kerrie Courtier		
Designated Child Protection Officer/s	Karen Bazeley		

Midsomer Norton Primary School High Street, Midsomer Norton, Radstock, BA3 2DR Tel: 01761 412289			
Chair of LGB	Claire Hudson	CP Governor	Claire Hudson
Headteacher	Mr Alun Randell		
Safeguarding Lead (DSL)	Ms Sarah Biss		
Designated Child Protection Officer/s	Mr Alun Randell		

Norton Hill Secondary School Charlton Road, Midsomer Norton, Radstock, BA3 4AD Tel: 01761 412557			
Chair of LGB	Keith Ford	CP Governor	Sarah Baldwin
Headteacher	Mr Gordon Green		
Safeguarding Lead (DSL)	Mrs Tanya Gibbs, Assistant Headteacher		
Designated Child Protection Officer/s	Mrs Sarah Crispin Mrs Liz Tucker Mr Chris Elstob		

Somervale Secondary School Redfield Road, Midsomer Norton, Radstock, BA3 2JD Tel: 01761 414276			
Headteacher	Ms Jo Postlethwaite		
Safeguarding Lead (DSL)	Mr Mike Ambrose, Assistant Headteacher		
Designated Child Protection Officer/s	Ms Karin Poolman Mrs Ruth Bansal Mr Sophie Charnaud		

St Dunstan's Secondary School Wells Road, Glastonbury, Somerset, BA6 9BY Tel: 01458 832943			
Chair of LGB	Katherine Clark	CP Governor	Katherine Clark
Headteacher	Mr Keith Howard		
Safeguarding Lead (DSL)	Mrs Sarah Easterbrook		

Designated Child Protection Officer/s	Mrs Caroline Ripper Mr Keith Howard Ms Charlotte Kendall
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Trinity Church School			
Woodborough Lane, Radstock, BA3 3DE Tel: 01761 438650			
Chair of LGB	Jen Hird	CP Governor	Dave Wiltshire
Headteacher	Michelle Parsons		
Safeguarding Lead (DSL)	Siobhan Waterhouse		
Designated Child Protection Officer/s	Michelle Parsons		

Welton Primary School			
Radstock Road, Midsomer Norton, Radstock, BA3 2AG Tel: 01761 413131			
Chair of LGB	Paul Morgan	CP Governor	Paul Morgan
Headteacher	John Snell		
Safeguarding Lead (DSL)	John Snell		
Designated Child Protection Officer/s	Elaine Heal		

Westfield Primary School			
Radstock Road, Midsomer Norton, Radstock, BA3 2AG Tel: 01761 413131			
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Headteacher	Simon Mills		
Safeguarding Lead (DSL)	Simon Mills		
Designated Child Protection Officer/s	Chris Chorley and Tammy Davies		

Guidance for safer working practice for those working with children and young people in education settings 2015

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October 2015



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Foreword

“The Safer Recruitment Consortium’s guidance provides simple but detailed and practical advice to support schools and colleges and their staff in their safeguarding responsibilities. I recommend schools, colleges and Local Safeguarding Children Boards consider using it in conjunction with DfE statutory guidance- Keeping children safe in education when devising and implementing their safeguarding and child protection policies and training plans.”



EDWARD TIMPSON MP
Minister for Children and Families
Department for Education

I. Definitions

For ease of reading, references will be made to ‘school’ and setting. This term encompasses all types of educational establishments including academies, independent and free schools, FE institutions, sixth form colleges and Early Years settings.

References made to ‘child’ and ‘children’ refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all pupils, including those over the age of 18 years. ‘Child’ should therefore be read to mean **any pupil** at the education establishment.

References made to adults and staff refer to all those who work with pupils in an educational establishment, in either a paid or unpaid capacity. This would also include, for example, those who are not directly employed by the school or setting e.g. Local Authority staff, sports coaches.

The term ‘allegation’ means where it is alleged that a person who works with children has

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

References are made in this document to legislation and statutory guidance which differ dependent on the setting and alter over time. However, the behavioural principles contained within the document remain consistent, hence, wherever possible, such references have been removed in order that the document does not appear to quickly become out of date or to apply only to certain staff or settings.

II. Overview and purpose of guidance

This document is an update by the Safer Recruitment Consortium of a document previously published for schools by DfES. It was initially issued as those working with children had expressed concern about their vulnerability and requested clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. Education staff asked for practical guidance about which behaviours constitute safe practice and which behaviours should be avoided. This safe working practice document is NOT statutory guidance from the DfE; it is for employers, local authorities and/or LSCBs to decide whether to use this as the basis for their code of conduct / staff behaviour guidelines.

The document seeks to ensure that the responsibilities of educational settings leaders towards children and staff are discharged by raising awareness of illegal, unsafe, unprofessional and unwise behaviour. It should assist staff to monitor their own standards and practice and reduce the risk of allegations being made against them. It is also recognised that not all people who work with children work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by any person whose work brings them into contact with children.

The guidance will also support employers in giving a clear message that unacceptable behaviour will not be tolerated and that, where appropriate, legal or disciplinary action is likely to follow. Once adopted, as part of an establishment's staff behaviour policy, the school or settings may refer to the document in any disciplinary proceedings.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that any guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by the employer. It is expected that in these circumstances staff will always advise their senior colleagues of the justification for any such action already taken or proposed.

All staff have a responsibility to be aware of systems within their school which support safeguarding and these should be explained to them as part of staff induction and in regular staff training sessions. This includes the school's child protection policy and staff behaviour policy (sometimes called code of conduct) of which this document will become a part.

It is recognised that the vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children in their care. Achieving these aims is not always straightforward, as much relies on child and staff interactions where tensions and misunderstandings can occur. This document aims to reduce the risk of these.

It must be recognised that some allegations will be genuine as there are people who seek out, create or exploit opportunities to harm children. However, allegations may also be false or misplaced and may arise from differing perceptions of the same event. When they occur, they are inevitably distressing and difficult for all concerned. It is therefore essential that all possible steps are taken to safeguard children and ensure that the adults working with them do so safely.

III. Underpinning principles

- The welfare of the child is paramount

- Staff should understand their responsibilities to safeguard and promote the welfare of pupils
- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Staff should work, and be seen to work, in an open and transparent way
- Staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded
- Staff should discuss and/or take advice promptly from their line manager if they have acted in a way which may give rise to concern
- Staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation
- Staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for children
- Staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct prohibition from teaching by the National College of Teaching & Leadership (NCTL).
- Staff and managers should continually monitor and review practice to ensure this guidance is followed
- Staff should be aware of and understand their establishment's child protection policy, arrangements for managing allegations against staff, staff behaviour policy, whistle blowing procedure and their Local Safeguarding Children Board LSCB procedures.

IV How to use this document

This document is intended only to be guidance to schools and does not have any statutory weight. However, where statutory guidance does exist in relation to a specific topic or practice, this is noted in the text.

Each section provides general guidance about a particular aspect of work and, in the right hand column, specific guidance about which behaviours should be avoided and which are recommended.

Some settings will have additional responsibilities arising from their regulations (e.g. Early Years Foundation Stage (EYFS), Quality Standards) or their responsibility towards young people over the age of 18. Not all sections of the guidance will, therefore, be relevant to all educational establishments.

1. Introduction

Adults have a crucial role to play in the lives of children. This guidance has been produced to help them establish the safest possible learning and working environments which safeguard children and reduce the risk of them being falsely accused of improper or unprofessional conduct.

2. Status of document

This document is endorsed and recommended by the Safer Recruitment Consortium. It should inform and assist employers to develop and review their guidelines on safer working practices. It may be used as reference by managers and Local Authority Designated Officers (the 'Designated Officer or DO'¹) when responding to allegations made against staff in education settings. This is **not** statutory guidance.

3. Responsibilities

Staff are accountable for the way in which they: exercise authority; manage risk; use resources; and safeguard children.

All staff have a responsibility to keep pupils safe and to protect them from abuse (sexual, physical and emotional), neglect and safeguarding concerns. Pupils have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure their safety and well-being. Failure to do so may be regarded as professional misconduct.

The safeguarding culture of a school is, in part, exercised through the development of respectful, caring and professional relationships between adults and pupils and behaviour by the adult that demonstrates integrity, maturity and good judgement.

The public, local authorities, employers and parents/carers will have expectations about the nature of professional involvement in the lives of children. When individuals accept a role working in an education setting they should understand and acknowledge the responsibilities and trust involved in that role.

This means that these guidelines:

- apply to **all** adults working in Education and Early Years settings whatever their position, role or responsibilities

This means that staff should:

- understand the responsibilities which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached
- always act, and be seen to act, in the child's best interests
- avoid any conduct which would lead any reasonable person to question their motivation and intentions
- take responsibility for their own actions and behaviour

This means that employers should:

- promote a culture of openness and support
- ensure that systems are in place for concerns to be raised
- ensure that adults are not placed in situations which render them particularly vulnerable
- ensure that all adults are aware of expectations, policies and procedures

This means that Managers / Proprietors/ Governing Bodies should:

- ensure that appropriate safeguarding and child protection policies and

¹ Working Together 2015 refers to the Designated Officer – some local authority arrangements continue to refer to the LADO. Whilst some local authorities may still be using the term LADO the acronym DO is used to denote the DO function as set out in Working Together to Safeguard Children 2015.

Employers have duties towards their employees and others under Health and Safety legislation which requires them to take steps to provide a safe working environment for staff.

procedures are distributed, adopted, implemented and monitored

Legislation also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of these guidelines.

4. Making professional judgements

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour which is illegal, inappropriate or inadvisable. There will be rare occasions and circumstances in which staff have to make decisions or take action in the best interest of a pupil which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the pupils in their charge and, in so doing, will be seen to be acting reasonably. These judgements should always be recorded and shared with a manager.

This means that where no specific guidance exists staff should:

- *discuss the circumstances that informed their action, or their proposed action, with their line manager or, where appropriate, the school's designated safeguarding lead. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted*
- *always discuss any misunderstanding, accidents or threats with the Head teacher or designated safeguarding lead*
- *always record discussions and actions taken with their justifications*
- *record any areas of disagreement and, if necessary refer to another agency/the LA/Ofsted/NCTL/other Regulatory Body*

Adults should always consider whether their actions are warranted, proportionate, safe and applied equitably.

5. Power and positions of trust and authority

As a result of their knowledge, position and/or the authority invested in their role, all those working with children in a school or education setting are in a position of trust in relation to all pupils on the roll.

This means that staff should not:

- *use their position to gain access to information for their own advantage and/or a pupil's or family's detriment*
- *use their power to intimidate, threaten, coerce or undermine pupils*
- *use their status and standing to form or promote relationships with pupils which are of a sexual nature, or which may become so*

The relationship between a person working with a child/ren is one in which the adult has a position of power or influence. It is vital for adults to understand this power; that the relationship cannot be one between equals and the responsibility they must exercise as a consequence.

The potential for exploitation and harm of vulnerable pupils means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Staff should always maintain appropriate professional boundaries, avoid behaviour which could be misinterpreted by others and report and record any such incident.

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence² for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

6. Confidentiality

The storing and processing of personal information is governed by the Data Protection Act 1998. Employers should provide clear advice to staff about their responsibilities under this legislation so that, when considering sharing confidential information, those principles should apply.

Staff may have access to confidential information about pupils and their families which must be kept confidential at all times and only shared when legally permissible to do so and in the interest of the child. Records should only be shared with those who have a legitimate professional need to see them.

Staff should never use confidential or personal information about a pupil or her/his family for their own, or others advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the child. Confidential information should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the pupil's identity does not need to be disclosed the information should be used anonymously.

There are some circumstances in which a member of staff may be expected to share information about a pupil, for example when abuse is alleged or suspected. In such cases, individuals have a responsibility to pass information on without delay, but only to those with designated safeguarding responsibilities.

If a child – or their parent / carer – makes a disclosure regarding abuse or neglect, the member of staff should follow the setting's procedures. The adult

This means that staff:

- *need to know the name of their Designated Safeguarding Lead and be familiar with LSCB child protection procedures and guidance:*
- *are expected to treat information they receive about pupils and families in a discreet and confidential manner*
- *should seek advice from a senior member of staff (designated safeguarding lead) if they are in any doubt about sharing information they hold or which has been requested of them*
- *need to be clear about when information can/ must be shared and in what circumstances*
- *need to know the procedures for responding to allegations against staff and to whom any concerns or allegations should be reported*
- *need to ensure that where personal information is recorded using modern technologies that systems and devices are kept secure*

² Sexual Offences Act 2003

should not promise confidentiality to a child or parent, but should give reassurance that the information will be treated sensitively.

If a member of staff is in any doubt about whether to share information or keep it confidential he or she should seek guidance from the Designated Safeguarding Lead. Any media or legal enquiries should be passed to senior management.

7. Standards of behaviour

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children. They should adopt high standards of personal conduct in order to maintain confidence and respect of the general public and those with whom they work.

There may be times where an individual's actions in their personal life come under scrutiny from the community, the media or public authorities, including with regard to their own children, or children or adults in the community. Staff should be aware that their behaviour, either in or out of the workplace, could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the employer into disrepute. Such behaviour may also result in -, prohibition from teaching by the NCTL, a bar from engaging in regulated activity, or action by another relevant regulatory body.

The Childcare (Disqualification) Regulations 2009 set out grounds for disqualification under the Childcare Act 2006 where the person or a person living in the same household or employed in the same household meets certain criteria set out in the Regulations. For example, an individual will be disqualified where they have committed a relevant offence against a child; been subject to a specified order relating to the care of a child; committed certain serious sexual or physical offences against an adult; been included on the DBS children's barred list; been made subject to a disqualification order by the court; previously been refused registration as a childcare provider or provider or manager of a children's home or had such registration cancelled. A disqualified person is prohibited from providing relevant early or later years childcare as defined in the Childcare Act 2006 or being directly concerned in the management of such childcare. Schools and private childcare settings are

This means that staff should not:

- *behave in a manner which would lead any reasonable person to question their suitability to work with children or to act as an appropriate role model*
- *make, or encourage others to make sexual remarks to, or about, a pupil*
- *use inappropriate language to or in the presence of pupils*
- *discuss their personal or sexual relationships with or in the presence of pupils*
- *make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such*

This means that staff should:

- *be aware that behaviour by themselves, those with whom they share a household, or others in their personal lives, may impact on their work with children*
- *understand that a person who provides Early Years education or Childcare may be disqualified because of their "association" with a person living or employed in the same household who is disqualified.*

also prohibited from employing a disqualified person in respect of relevant early or later years childcare

8. Dress and appearance

A person's dress and appearance are matters of personal choice and self-expression and some individuals will wish to exercise their own cultural customs. However staff should select a manner of dress and appearance appropriate to their professional role and which may be necessarily different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegation.

This means that staff should wear clothing which:

- *promotes a positive and professional image*
- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory*
- *is compliant with professional standards*

9. Gifts, rewards, favouritism and exclusion

Settings should have policies in place regarding the giving of gifts or rewards to pupils and the receiving of gifts from them or their parents/carers and staff should be made aware of and understand what is expected of them.

This means that staff should:

- *be aware of and understand their organisation's relevant policies, e.g. rewarding positive behaviour*
- *ensure that gifts received or given in situations which may be misconstrued are declared and recorded*
- *only give gifts to a pupil as part of an agreed reward system*
- *where giving gifts other than as above, ensure that these are of insignificant value and given to all pupils equally*
- *ensure that all selection processes of pupils are fair and these are undertaken and agreed by more than one member of staff*
- *ensure that they do not behave in a manner which is either favourable or unfavourable to individual pupils*

Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when pupils or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is usually acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Similarly, it is inadvisable to give such personal gifts to pupils or their families. This could be interpreted as a gesture either to bribe or groom. It might also be perceived that a 'favour' of some kind is expected in return.

Any reward given to a pupil should be in accordance with agreed practice, consistent with the school or setting's behaviour policy, recorded and not based on favouritism.

Adults should exercise care when selecting children for specific activities, jobs or privileges in order to avoid perceptions of favouritism or injustice. Similar care should be exercised when pupils are excluded from an activity. Methods of selection and exclusion

should always be subject to clear, fair, agreed criteria.

10. Infatuations and ‘crushes’

All staff need to recognise that it is not uncommon for pupils to be strongly attracted to a member of staff and/or develop a ‘crush’ or infatuation. They should make every effort to ensure that their own behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.

Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has become or may be becoming infatuated with either themselves or a colleague, should immediately report this to the Head teacher or most senior manager³. In this way appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

The Head teacher (or senior manager) should give careful thought to those circumstances where the staff member, pupil and their parents/carers should be spoken to and should ensure a plan to manage the situation is put in place. This plan should respond sensitively to the child and staff member and maintain the dignity of all. This plan should involve all parties, be robust and regularly monitored and reviewed.

11. Social contact outside of the workplace

It is acknowledged that staff may have genuine friendships and social contact with parents of pupils, independent of the professional relationship. Staff should, however, also be aware that professionals who sexually harm children often seek to establish relationships and contact outside of the workplace with both the child and their parents, in order to ‘groom’ the adult and the child and/or create opportunities for sexual abuse.

It is also important to recognise that social contact may provide opportunities for other types of grooming such as for the purpose of sexual exploitation or radicalisation.

This means that staff should:

- *report any indications (verbal, written or physical) that suggest a pupil may be infatuated with a member of staff*
- *always maintain professional boundaries*

This means that senior managers should:

- *put action plans in place where concerns are brought to their attention*

This means that staff should:

- *always approve any planned social contact with pupils or parents with senior colleagues, for example when it is part of a reward scheme*
- *advise senior management of any regular social contact they have with a pupil which could give rise to concern*
- *refrain from sending personal communication to pupils or parents unless agreed with senior managers*
- *inform senior management of any relationship with a parent where this extends beyond the usual parent/professional relationship*
- *inform senior management of any*

³ If the headteacher has the concern that a young person is becoming infatuated with them, they should report this to the chair of governors.

Staff should recognise that some types of social contact with pupils or their families could be perceived as harmful or exerting inappropriate influence on children, and may bring the setting into disrepute (e.g. attending a political protest, circulating propaganda).

If a pupil or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement. This also applies to social contacts made through outside interests or the staff member's own family.

Some staff may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the staff member or seeks support outside of their professional role this should be discussed with senior management and where necessary referrals made to the appropriate support agency.

12. Communication with children (including the use of technology)

In order to make best use of the many educational and social benefits of new and emerging technologies, pupils need opportunities to use and explore the digital world. E-safety risks are posed more by behaviours and values than the technology itself.

Staff should ensure that they establish safe and responsible online behaviours, working to local and national guidelines and acceptable use policies which detail how new and emerging technologies may be used.

Communication with children both in the 'real' world and through web based and telecommunication interactions should take place within explicit professional boundaries. This includes the use of computers, tablets, phones, texts, e-mails, instant messages, social media such as Facebook and Twitter, chat-rooms, forums, blogs, websites, gaming sites, digital cameras, videos, web-cams and other hand held devices. (Given the ever changing world of technology it should be noted that this list gives examples only and is not exhaustive.)

Staff should not request or respond to any personal information from children other than which may be necessary in their professional role. They should ensure that their communications are open and

requests or arrangements where parents wish to use their services outside of the workplace e.g. babysitting, tutoring

This means that adults should:

- *not seek to communicate/make contact or respond to contact with pupils outside of the purposes of their work*
- *not give out their personal details*
- *use only equipment and Internet services provided by the school or setting*
- *follow their school / setting's Acceptable Use policy*
- *ensure that their use of technologies could not bring their employer into disrepute*

transparent and avoid any communication which could be interpreted as 'grooming behaviour'

Staff should not give their personal contact details to children for example, e-mail address, home or mobile telephone numbers, details of web based identities. If children locate these by any other means and attempt to contact or correspond with the staff member, the adult should not respond and must report the matter to their manager. The child should be firmly and politely informed that this is not acceptable.

Staff should, in any communication with children, also follow the guidance in section 7 'Standards of Behaviour'.

Staff should adhere to their establishment's policies, including those with regard to communication with parents and carers and the information they share when using the internet.

13. Physical contact

There are occasions when it is entirely appropriate and proper for staff to have physical contact with children, however, it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil's individual needs and any agreed care plan.

Not all children feel comfortable about certain types of physical contact; this should be recognised and, wherever possible, adults should seek the pupil's permission before initiating contact and be sensitive to any signs that they may be uncomfortable or embarrassed. Staff should acknowledge that some pupils are more comfortable with touch than others and/or may be more comfortable with touch from some adults than others. Staff should listen, observe and take note of the child's reaction or feelings and, so far as is possible, use a level of contact and/or form of communication which is acceptable to the pupil.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one pupil, in one set of circumstances, may be inappropriate in another, or with a different child.

Any physical contact should be in response to the child's needs at the time, of limited duration and appropriate to their age, stage of development,

This means that staff should:

- *be aware that even well intentioned physical contact may be misconstrued by the pupil, an observer or any person to whom this action is described*
- *never touch a pupil in a way which may be considered indecent*
- *always be prepared to explain actions and accept that all physical contact be open to scrutiny*
- *never indulge in horseplay or fun fights*
- *always allow/encourage pupils, where able, to undertake self-care tasks independently*
- *ensure the way they offer comfort to a distressed pupil is age appropriate*
- *always tell a colleague when and how they offered comfort to a distressed pupil*
- *establish the preferences of pupils*
- *consider alternatives, where it is anticipated that a pupil might misinterpret or be uncomfortable with physical contact*
- *always explain to the pupil the reason why contact is necessary and what form that contact will take*
- *report and record situations which may give rise to concern*
- *be aware of cultural or religious views about touching and be sensitive to issues of gender*

This means that education settings should:

- *ensure they have a system in place for*

gender, ethnicity and background. Adults should therefore, use their professional judgement at all times.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action by them or a colleague could be misinterpreted, or if an action is observed which is possibly abusive the incident and circumstances should be immediately reported to the manager and recorded. Where appropriate, the manager should consult with the Local Authority Designated Officer (the DO).

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. Staff need to be aware that the child may associate physical contact with such experiences. They also should recognise that these pupils may seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively and help them to understand the importance of personal boundaries.

A general culture of 'safe touch' should be adopted, where appropriate, to the individual requirements of each child. Pupils with disabilities may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the pupil's needs, consistently applied and open to scrutiny.

14. Other activities that require physical contact

In certain curriculum areas, such as PE, drama or music, staff may need to initiate some physical contact with children, for example, to demonstrate technique in the use of a piece of equipment, adjust posture, or support a child so they can perform an activity safely or prevent injury.

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear and undertaken with the permission of the pupil. Contact should be relevant to their age / understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil.

Guidance and protocols around safe and appropriate physical contact may be provided, for example, by

recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management

- *provide staff, on a 'need to know' basis, with relevant information about vulnerable children in their care*

This means that staff should:

- *treat pupils with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a pupil the reason why contact is necessary and what form that contact will take*
- *seek consent of parents where a pupil is unable to give this e.g. because of a disability*
- *consider alternatives, where it is anticipated that a pupil might misinterpret any such contact*
- *be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*
- *be aware of gender, cultural and religious issues that may need to be considered prior to initiating physical contact*

This means that schools/settings should:

sports governing bodies and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent or carer.

It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers and pupils informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

15. Intimate / personal care

Schools and settings should have clear nappy or pad changing and intimate / personal care policies which ensure that the health, safety, independence and welfare of children is promoted and their dignity and privacy are respected. Arrangements for intimate and personal care should be open and transparent and accompanied by recording systems.

Pupils should be encouraged to act as independently as possible and to undertake as much of their own personal care as is possible and practicable. When assistance is required, this should normally be undertaken by one member of staff, however, they should try to ensure that another appropriate adult is in the vicinity who is aware of the task to be undertaken and that, wherever possible, they are visible and/or audible. Intimate or personal care procedures should not involve more than one member of staff unless the pupil's care plan specifies the reason for this.

A signed record should be kept of all intimate and personal care tasks undertaken and, where these have been carried out in another room, should include times left and returned.

Any vulnerability, including those that may arise from a physical or learning difficulty should be considered when formulating the individual pupil's care plan. The views of parents, carers and the pupil, regardless of their age and understanding, should be actively sought in formulating the plan and in the necessary regular reviews of these arrangements.

Pupils are entitled to respect and privacy at all times and especially when in a state of undress, including, for example, when changing, toileting and showering.

- *have in place up to date guidance and protocols on appropriate physical contact, that promote safe practice and include clear expectations of behaviour and conduct.*
- *ensure that staff are made aware of this guidance and that it is continually promoted*

This means that education settings should:

- *have written care plans in place for any pupil who could be expected to require intimate care*
- *ensure that pupils are actively consulted about their own care plan*

This means that staff should:

- *adhere to their organisation's intimate and personal care and nappy changing policies*
- *make other staff aware of the task being undertaken*
- *always explain to the pupil what is happening before a care procedure begins*
- *consult with colleagues where any variation from agreed procedure/care plan is necessary*
- *record the justification for any variations to the agreed procedure/care plan and share this information with the pupil and their parents/carers*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms announce their intention of entering*
- *always consider the supervision needs of the pupils and only remain in the room where their needs require this*

This means that adults should not:

- *change or toilet in the presence or sight of pupils*
- *shower with pupils*
- *assist with intimate or personal care tasks which the pupil is able to undertake independently*

However, there needs to be an appropriate level of supervision in order to safeguard pupils, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

16. Behaviour management

Corporal punishment and smacking is unlawful in all schools and early years settings.

Staff should not use any form of degrading or humiliating treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children is completely unacceptable.

Where pupils display difficult or challenging behaviour, adults should follow the school's or setting's behaviour and discipline policy using strategies appropriate to the circumstance and situation.

Where a pupil has specific needs in respect of particularly challenging behaviour, a positive handling plan, including assessment of risk, should be drawn up and agreed by all parties, including, for example, a medical officer where appropriate.

Senior managers should ensure that the establishment's behaviour policy includes clear guidance about the use of isolation and seclusion. The legislation on these strategies is complex and staff should take extreme care to avoid any practice that could be viewed as unlawful, a breach of the pupil's human rights and/or false imprisonment.

17. The use of control and physical intervention

Early years providers must take all reasonable steps to ensure that corporal punishment is not given by any person who cares for or is in regular contact with a child, or by any person living or working in the premises where care is provided. A person will not be taken to have used corporal punishment if the action was taken for reasons that include averting an immediate danger of personal injury to, or an immediate danger of death of, any person including the child⁴.

The law and guidance for schools states that adults

This means that staff should:

- not use force as a form of punishment
- try to defuse situations before they escalate e.g. by distraction
- keep parents informed of any sanctions or behaviour management techniques used
- be mindful of and sensitive to factors both inside and outside of the school or setting which may impact on a pupil's behaviour
- follow the establishment's behaviour management policy
- behave as a role model
- avoid shouting at children other than as a warning in an emergency/safety situation
- refer to national and local policy and guidance regarding Restrictive Physical Intervention (RPI)
- be aware of the legislation and potential risks associated with the use of isolation and seclusion
- comply with legislation and guidance in relation to human rights and restriction of liberty

This means that education settings should:

- ensure that they have a lawful physical intervention policy consistent with local and national guidance
- regularly acquaint staff with policy and guidance
- ensure that staff are provided with appropriate training and support
- have an agreed policy for when and how physical interventions should be recorded and reported

This means that staff should:

⁴ Para 3.52 EYFS and The Early Years Foundation Stage (Welfare Requirements) Regulations 2012, Regulation 7.

may reasonably intervene to prevent a child from:

- committing a criminal offence
- injuring themselves or others
- causing damage to property
- engaging in behaviour prejudicial to good order and to maintain good order and discipline.

Care staff in residential special schools which are also registered as children's homes are not permitted to use physical intervention to maintain good order or discipline and should refer to the Children's Homes Regulations (England) 2015 for information.

Great care must be exercised in order that adults do not physically intervene in a manner which could be considered unlawful.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted or disproportionate physical force is likely to constitute a criminal offence. Where the school or setting judges that a child's behaviour presents a serious risk to themselves or others, they must always put in place a robust risk assessment which is reviewed regularly and, where relevant, a physical intervention plan.

In all cases where physical intervention has taken place, it would be good practice to record the incident and subsequent actions and report these to a manager and the child's parents. (In a children's home it is a legal requirement to record such incidents.)

Similarly, where it can be anticipated that physical intervention is likely to be required, a plan should be put in place which the pupil and parents/carers are aware of and have agreed to. Parental consent does not permit settings to use unlawful physical intervention or deprive a pupil of their liberty.

18. Sexual conduct

Any sexual behaviour by a member of staff with or towards a pupil is unacceptable. It is an offence for a member of staff in a position of trust to engage in sexual activity with a pupil under 18 years of age⁵ and sexual activity with a child could be a matter for

- *adhere to the school or setting's physical intervention policy*
- *always seek to defuse situations and avoid the use of physical intervention wherever possible*
- *where physical intervention is necessary, only use minimum force and for the shortest time needed*

This means that staff should not

- *use physical intervention as a form of punishment*

This means that staff should:

- *not have any form of sexual contact with a pupil from the school or setting*
- *avoid any form of touch or comment which is, or may be considered to be, indecent*

⁵ Sexual Offences Act 2003: abuse of a position of trust

criminal and/or disciplinary procedures.

Pupils are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions depending on their age and understanding. This includes the prohibition of sexual activity with children by adults in a position of trust.

Sexual activity involves physical contact including penetrative and non-penetrative acts, however it also includes non-contact activities, such as causing pupils to engage in or watch sexual activity or the production of pornographic material.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the purpose is to gain the trust of a child, and manipulate the relationship so sexual abuse can take place. All staff should undertake appropriate training so they are fully aware of those behaviours that may constitute 'grooming' and of their responsibility to always report to a senior manager any concerns about the behaviour of a colleague which could indicate that a pupil is being groomed.

19. One to one situations

Staff working in one to one situations with pupils at the setting, including visiting staff from external organisations can be more vulnerable to allegations or complaints.

To safeguard both pupils and adults, a risk assessment in relation to the specific nature and implications of one to one work should always be undertaken. Each assessment should take into account the individual needs of each pupil and should be reviewed regularly.

Arranging to meet with pupils from the school or setting away from the work premises should not be permitted unless the necessity for this is clear and approval is obtained from a senior member of staff, the pupil and their parents/carers.

20. Home visits

All work with pupils and parents should usually be undertaken in the school or setting or other recognised workplace. There are however occasions, in response to an urgent, planned or specific situation

- *avoid any form of communication with a pupil which could be interpreted as sexually suggestive, provocative or give rise to speculation e.g. verbal comments, letters, notes, by email or on social media, phone calls, texts, physical contact*
- *not make sexual remarks to or about a pupil*
- *not discuss sexual matters with or in the presence of pupils other than within agreed curriculum content or as part of their recognised job role*

This means that staff should:

- *ensure that wherever possible there is visual access and/or an open door in one to one situations*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a pupil becomes distressed or angry*
- *consider the needs and circumstances of the pupil involved*

This means that staff should:

- *agree the purpose for any home visit with their manager*
- *adhere to agreed risk management*

or job role, where it is necessary to make one-off or regular home visits.

It is essential that appropriate policies and related risk assessments are in place to safeguard both staff and pupils, who can be more vulnerable in these situations.

A risk assessment should be undertaken prior to any planned home visit taking place. The assessment should include an evaluation of any known factors regarding the pupil, parents/carers and any others living in the household. Consideration should be given to any circumstances which might render the staff member becoming more vulnerable to an allegation being made e.g. hostility, child protection concerns, complaints or grievances. Specific thought should be given to visits outside of 'office hours' or in remote or secluded locations. Following the assessment, appropriate risk management measures should be put in place, before the visit is undertaken. In the unlikely event that little or no information is available, visits should not be made alone.

21. Transporting pupils

In certain situations staff or volunteers may be required or offer to transport pupils as part of their work. As for any other activity undertaken at work, the employer has a duty to carry out a risk assessment covering the health and safety of their staff and to manage any known risks.⁶

Staff should not offer lifts to pupils unless the need for this has been agreed by a manager. A designated member of staff should be appointed to plan and provide oversight of all transport arrangements and respond to any concerns that may arise.

Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles and with at least one adult additional to the driver acting as an escort.

It is a legal requirement that all passengers wear seatbelts and the driver should ensure that they do so. They should also be aware of and adhere to current legislation regarding the use of car seats for younger children.

strategies

- *avoid unannounced visits wherever possible*
- *ensure there is visual access and/or an open door in one to one situations*
- *always make detailed records including times of arrival and departure*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager*

This means that education settings should:

- *ensure that they have home visit and lone-working policies which all adults are made aware of. These should include arrangements for risk assessment and management*
- *ensure that all visits are justified and recorded*
- *ensure that staff are not exposed to unacceptable risk*
- *make clear to staff that, other than in a an emergency, they should not enter a home if the parent/carer is absent*
- *ensure that staff have access to a mobile telephone and an emergency contact*

This means that staff should:

- *plan and agree arrangements with all parties in advance*
- *respond sensitively and flexibly where any concerns arise*
- *take into account any specific or additional needs of the pupil*
- *have an appropriate licence/permit for the vehicle*
- *ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/or ability to drive*
- *ensure that if they need to be alone with a pupil this is for the minimum time*
- *be aware that the safety and welfare of the pupil is their responsibility until this is safely passed over to a parent/carer*
- *report the nature of the journey, the route and expected time of arrival in accordance with agreed procedures*
- *ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven*
- *ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified*

⁶ See also <https://www.gov.uk/government/publications/health-and-safety-advice-for-schools>

Staff should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They should ensure that the vehicle is roadworthy and appropriately insured and that the maximum carrying capacity is not exceeded.

Staff should never offer to transport pupils outside of their normal working duties, other than in an emergency or where not doing so would mean the child may be at risk. In these circumstances the matter should be recorded and reported to both their manager and the child's parent(s). The school's health and safety policy and/or educational visits policy should set out the arrangements under which staff may use private vehicles to transport pupils

22. Educational visits

Staff responsible for organising educational visits should be familiar with the Department for Education's advice on Health and Safety available at <https://www.gov.uk/government/publications/health-and-safety-advice-for-schools>⁷

The duties in the Health and Safety at Work etc. Act 1974 and the supporting regulations apply to activities taking place on or off the school premises (including school visits) in Great Britain. All school employers must have a Health and Safety policy. This should include policy and procedures for off-site visits, including residential visits and any school-led adventure activities.

The Management of Health and Safety at Work Regulations (1999) impose a duty on employers to produce suitable and sufficient risk assessments. This would include assessment of any risks to employees, children or others during an educational visit, and the measures that should be taken to minimise these risks. For regular activities, such as taking pupils to a local swimming pool, the risks should be considered under the school's general arrangements and a check to make sure that the precautions remain suitable is all that is required. For annual or infrequent activities, a review of an existing assessment may be all that is needed. For new higher-risk activities or trips, a specific assessment of the significant risks should be carried out.

- refer to Local and National guidance for Educational visits

This means that staff should:

- adhere to their organisation's educational visits guidance
- always have another adult present on visits, unless otherwise agreed with senior staff
- undertake risk assessments
- have parental consent to the activity
- ensure that their behaviour remains professional at all times
- never share beds with a child/pupil
- never share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with Head teacher, parents and pupils
- refer to local and national guidance for Educational visits, including exchange visits (both to the UK and abroad)

⁷ Guidance is also available from the Outdoor Education Advisers' Panel <http://oeapng.info/>

Staff should take particular care when supervising pupils in the less formal atmosphere of an educational visit where a more relaxed discipline or informal dress and language code may be acceptable. However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out of school or setting activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Pupils, adults and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings should pay careful attention to ensuring there is a safe staff/child ratio and suitable gender mix of staff.

23. First Aid and medication

All settings should have an adequate number of qualified first-aiders. Parents should be informed when first aid has been administered.

Any member of school staff may be asked to become a qualified first-aider or to provide support to pupils with medical conditions, including the administering of medicines, but they cannot be required to do so unless this forms part of their contract of employment⁸

Staff should receive sufficient and suitable training and achieve the necessary level of competency before they take on responsibility to support children with medical conditions.

Advice on managing medicines is included in the statutory guidance on supporting pupils at school with medical conditions. In circumstances where a pupil needs medication regularly, this would usually be recorded in their individual healthcare plan. This provides details of the level and type of support a child needs to manage effectively their medical condition in school and should include information about the medicine to be administered, the correct dosage and any storage requirements.

After discussion with parents, children who are competent should be encouraged to take responsibility for managing their own medicines and procedures. This could include for example, the

This means that education settings should:

- ensure there are trained and named individuals to undertake first aid responsibilities, including paediatric first aid if relevant
- ensure training is regularly monitored and updated
- refer to local and national First Aid guidance and guidance on meeting the needs of children with medical conditions that adults should:
- adhere to the school or setting's health and safety and supporting pupils with medical conditions policies
- make other staff aware of the task being undertaken
- have regard to pupils' individual healthcare plans
- always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities
- explain to the pupil what is happening.
- always act and be seen to act in the pupil's best interest
- make a record of all medications administered
- not work with pupils whilst taking medication unless medical advice confirms that they are able to do so

⁸ Teachers cannot be required to do these tasks but other members of staff, whose contracts are agreed locally, can be required to do so if their contracts provide for it.

application of any ointment or sun cream, or use of inhalers or EpiPens.

If a member of staff is concerned or uncertain about the amount or type of medication being given to a pupil this should be discussed with the Designated Safeguarding Lead.

Adults taking medication which may affect their ability to care for children should seek medical advice regarding their suitability to do so and providers should ensure that they only work directly with children if that advice confirms that the medication is unlikely to impair their ability to look after children. Employers are also responsible for managing the performance of their employees and for ensuring they are suitable to work with children.

Risk assessment is likely to recommend that staff medication on the premises must be securely stored and out of reach of children at all times

24. Photography, videos and other images

Many educational activities involve recording images. These may be undertaken for displays, publicity, to celebrate achievement and to provide records of evidence of the activity. Under no circumstances should staff be expected or allowed to use their personal equipment to take images of pupils at or on behalf of the school or setting.

All settings should have arrangements with regard to the taking and use of images, which is linked to their safeguarding and child protection policy. This should cover the wide range of devices which can be used for taking/recording images e.g. cameras, mobile-phones, smart phones, tablets, web-cams etc. and arrangements for the use of these by both staff, parents and visitors.

Whilst images are regularly used for very positive purposes adults need to be aware of the potential for these to be taken and/or misused or manipulated for pornographic or 'grooming' purposes. Particular regard needs to be given when images are taken of young or vulnerable children who may be unable to question why or how the activities are taking place.

Pupils who have been previously abused in a manner that involved images may feel particularly threatened by the use of photography, filming etc. Staff should

This means that staff should:

- *adhere to their establishment's policy*
- *only publish images of pupils where they and their parent/carer have given explicit written consent to do so*
- *only take images where the pupil is happy for them to do so*
- *only retain images when there is a clear and agreed purpose for doing so*
- *store images in an appropriate secure place in the school or setting*
- *ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose*
- *be able to justify images of pupils in their possession*
- *avoid making images in one to one situations*

This means that adults should not:

- *take images of pupils for their personal use*
- *display or distribute images of pupils unless they are sure that they have parental consent to do so (and, where appropriate, consent from the child)*
- *take images of children using personal equipment*
- *take images of children in a state of undress or semi-undress*
- *take images of children which could be considered as indecent or sexual*

remain sensitive to any pupil who appears uncomfortable and should recognise the potential for misinterpretation.

Making and using images of pupils will require the age appropriate consent of the individual concerned and their parents/carers. Images should not be displayed on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the setting have access.

For the protection of children, it is recommended that when using images for publicity purposes that the following guidance should be followed:

- if the image is used, avoid naming the child, (or, as a minimum, use first names rather than surnames)
- if the child is named, avoid using their image
- schools and settings should establish whether the image will be retained for further use, where and for how long
- images should be securely stored and used only by those authorised to do so.

25. Exposure to inappropriate images

Staff should take extreme care to ensure that children and young people are not exposed, through any medium, to inappropriate or indecent images.

There are no circumstances that will justify adults: making, downloading, possessing or distributing indecent images or pseudo-images of children (child abuse images). Accessing these images, whether using the setting's or personal equipment, on or off the premises, or making, storing or disseminating such material is illegal.

If indecent images of children are discovered at the establishment or on the school or setting's equipment an immediate referral should be made to the Designated Officer, (DO) and the police contacted if relevant. The images/equipment should be secured and there should be no attempt to view or delete the images as this could jeopardise necessary criminal action. If the images are of children known to the school, a referral should also be made to children's social care in line with local arrangements.

Under no circumstances should any adult use school or setting equipment to access pornography. Personal

This means that staff should:

- *abide by the establishment's acceptable use and e-safety policies*
- *ensure that children cannot be exposed to indecent or inappropriate images*
- *ensure that any films or material shown to children are age appropriate*

equipment containing pornography or links to it should never be brought into or used in the workplace. This will raise serious concerns about the suitability of the adult to continue working with children and young people.

Staff should keep their passwords confidential and not allow unauthorised access to equipment. In the event of any indecent images of children or unsuitable material being discovered on a device the equipment should not be tampered with in any way. It should be secured and isolated from the network, and the DO contacted without delay. Adults should not attempt to investigate the matter or evaluate the material themselves as this may lead to a contamination of evidence and a possibility they will be at risk of prosecution themselves.

26. Personal living accommodation including on site provision

Generally, staff should not invite any pupils into their living accommodation unless the reason to do so has been firmly established and agreed with their manager and the pupil's parents/carers.

It is not appropriate for staff to be expected or requested to use their private living space for any activity, play or learning. This includes seeing pupils for e.g. discussion of reports, academic reviews, tutorials, pastoral care or counselling. Managers should ensure that appropriate accommodation for such activities is found elsewhere in the setting.

Under no circumstances should pupils be asked to assist adults with jobs or tasks, either for or without reward, at or in their private accommodation.

This guidance should also apply to all other persons living in or visiting the private accommodation.

27. Overnight supervision and examinations

There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process. In these circumstances examination boards may allow candidates to take an examination the following morning, including Saturdays.

The supervision of a candidate on journeys to and from the centre and overnight may be undertaken by

This means that staff should:

- *be vigilant in maintaining their privacy, including when living in on-site accommodation*
- *be mindful of the need to avoid placing themselves in vulnerable situations*
- *refuse any request for their accommodation to be used as an additional resource for the school or setting*
- *be mindful of the need to maintain appropriate personal and professional boundaries*
- *not ask pupils to undertake jobs or errands for their personal benefit*

This means that:

- *schools should ensure that all arrangements reflect a duty of care towards pupils and staff*

Where staff do supervise candidates overnight:

- *a full health and safety risk assessment*

the candidate's parent/carer or centre staff.

The examination board requires the centre to determine a method of supervision which ensures the candidate's wellbeing. As a result in some circumstances staff may be asked to volunteer to supervise students perhaps in their own homes.

The overriding consideration should be the safeguarding of both the pupil and staff, therefore many local authorities, professional associations and unions do not endorse the practice of staff supervising candidates overnight in their own homes. Some schools employ alternatives such as a 'sleep-over' on the school premises.

Where arrangements are made for a staff member to supervise a pupil overnight then all necessary safeguards should be in place.

28. Curriculum

Many areas of the curriculum can include or raise subject matter which is sexually explicit or of a political or sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This can be supported by developing ground rules with pupils to ensure sensitive topics can be discussed in a safe learning environment. This plan should highlight particular areas of risk and sensitivity and care should especially be taken in those areas of the curriculum where usual boundaries or rules are less rigorously applied e.g. drama

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit, political or otherwise sensitive nature. Responding to children's questions requires careful judgement and staff should take guidance in these circumstances from the Designated Safeguarding Lead.

Care should be taken to comply with the setting's policy on spiritual, moral, social, cultural (SMSC) which should promote fundamental British values and be rigorously reviewed to ensure it is lawful and consistently applied. Staff should also comply at all times with the policy for sex and relationships education (SRE). It should be noted that parents have the right to withdraw their children from all or part of

- should have been undertaken*
- *all members of the household should have had appropriate vetting including, where eligible, DBS and barred list checks*
- *all arrangements should be made in partnership and agreement with the pupil and parents/carers*
- *arrangements involving one to one supervision should be avoided wherever possible.*
- *as much choice, flexibility and contact with 'the outside world', should be incorporated into any arrangement so far as is consistent with appropriate supervision*
- *whenever possible, independent oversight of arrangements should be made*
- *any situation which gives rise to complaint, disagreement or misunderstanding should be reported*
- *staff should have regard to any local and national guidance*

This means that staff should:

- *have clear written lesson plans*
- *take care when encouraging pupils to use self-expression, not to overstep personal and professional boundaries*
- *be able to justify all curriculum materials and relate these to clearly identifiable lessons plans.*

This means that adults should not:

- *enter into or encourage inappropriate discussions which may offend or harm others*
- *undermine fundamental British values*
- *express any prejudicial views*
- *attempt to influence or impose their personal values, attitudes or beliefs on pupils*

any sex education provided but not from the National Curriculum for Science.

29. Whistleblowing

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. Education settings should have a clear and accessible whistleblowing policy that meets the terms of the Public Interest Disclosure Act 1998. Staff who use whistle blowing procedures should have their employment rights protected.

Staff should recognise their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies and that to not do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

30. Sharing concerns and recording incidents

All staff should be aware of their establishment's safeguarding procedures, including the procedures for dealing with allegations against staff and volunteers.

In the event of an allegation being made, by any person, or incident being witnessed, the relevant information should be immediately recorded and reported to the Head teacher, senior manager or Designated Safeguarding Lead as appropriate.

Members of staff should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with or behaviour towards pupils, so that appropriate support can be provided and/or action can be taken.

In order to safeguard and protect pupils and colleagues, where staff have any concerns about someone who works with children they should immediately report this to the Head teacher, proprietor or senior manager in line with the setting's procedures.

This means that schools and settings should:

- have a whistleblowing policy in place which is known to all
- have, as part of their safeguarding and child protection policy, clear procedures for dealing with allegations against persons working in or on behalf of the school or setting

This means that staff should:

- report any behaviour by colleagues that raises concern
- report allegations against staff and volunteers to their manager, or registered provider, or where they have concerns about the manager's response report these directly to the DO

This means that staff should:

- be familiar with their establishment's arrangements for reporting and recording concerns and allegations
- know how to contact the LADO / DO and Ofsted/regulatory body directly if required
- take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the school or setting

This means that education settings should:

- have an effective, confidential system for recording and managing concerns raised by any individual regarding adults' conduct and any allegations against staff and volunteers



Department
for Education

Children missing education

Statutory guidance for local authorities

September 2016

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Summary

About this guidance

This statutory guidance sets out key principles to enable local authorities in England to implement their legal duty under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME). Local authorities should be able to demonstrate that they have considered this statutory guidance and where it is not followed, the local authority should have reasonable grounds for not doing so. This advice is not exhaustive and local authorities will need to take into account the circumstances of individual cases.

This guidance replaces the January 2015 version.

Review date

This guidance will next be reviewed by September 2019.

What legislation does this guidance refer to?

- Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006)
- Education Act 1996 (section 7, 8, 14 and 19)
- Education and Inspections Act 2006 (section 4 and 38)
- Education (Pupil Registration) (England) Regulations 2006
- Education (Pupil Registration) (Amendment) (England) Regulations 2016

Who is this guidance for?

This guidance is for:

- Local authorities

This guidance can be used as a non-statutory advice by:

- School leaders, school staff and governing bodies in all maintained schools and academies, independent schools
- Health professionals, Youth Offending Teams, and the police.

This guidance also contains information about schools' other statutory duties.

What are the main changes from 1 September 2016?

- **All schools** (including academies and independent schools) must notify their local authority when they are about to remove a pupil's name from the school admission register under any of the fifteen grounds listed in the regulations¹ (Annex A). This duty does not apply when a pupil's name is removed from the admission register at standard transition points – when the pupil has completed the final year of education normally provided by that school – unless the local authority requests that such returns are to be made.
- When removing a pupil's name, the notification to the local authority must include:
(a) the full name of the pupil, (b) the full name and address of any parent with whom the pupil normally resides, (c) at least one telephone number of the parent, (d) the pupil's future address and destination school, if applicable, and (e) the ground in regulation 8 under which the pupil's name is to be removed from the admission register (see Annex A).
- Schools must make reasonable enquiries to establish the whereabouts of the child jointly with the local authority, before deleting the pupil's name from the register if the deletion is under regulation 8(1), sub-paragraphs (f)(iii) and (h)(iii) (see Annex A).
- **All schools** must also notify the local authority **within five days** of adding a pupil's name to the admission register at a non-standard transition point. The notification must include all the details contained in the admission register for the new pupil. This duty does not apply when a pupil's name is entered in the admission register at a standard transition point – at the start of the first year of education normally provided by that school – unless the local authority requests that such returns are to be made.
- When adding a pupil's name, the notification to the local authority must include all the details contained in the admission register for the new pupil.

¹ Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006

Introduction - overview

1. All children, regardless of their circumstances, are entitled to an efficient, full time education which is suitable to their age, ability, aptitude and any special educational needs they may have.
2. Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and becoming NEET (not in education, employment or training) later in life.
3. Effective information sharing between parents, schools and local authorities is critical to ensuring that all children of compulsory school age are safe and receiving suitable education. Local authorities should focus their resources effectively in intervening early in the lives of vulnerable children to help prevent poor outcomes.

Local authorities' responsibilities

4. Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise. This duty only relates to children of compulsory school age².
5. The local authority should consult the parents of the child when establishing whether the child is receiving suitable education. Those children identified as not receiving suitable education should be returned to full time education either at a school or in alternative provision. Prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children are safe and receiving suitable education.
6. Local authorities should have **robust policies and procedures** in place to enable them to meet their duty in relation to these children, including ensuring that there

² A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between 1 January and 31 March, then they are of compulsory school age on 31 March; if they turn 5 between 1 April and 31 August, then they are of compulsory school age on 31 August. If they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31 December. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen.

- are effective tracking and enquiry systems in place, and appointing a named person to whom schools and other agencies can make referrals about children who are missing education.
7. Some children who are missing from education can be identified and supported back into education quickly; other children who have experienced more complex problems face tougher obstacles to getting back into suitable education. When developing policies and procedures for children not receiving a suitable education, local authorities should consider the reasons why children go missing from education and the circumstances that can lead to this happening.
 8. Arrangements made under section 436A also play an important role in fulfilling the local authority's wider safeguarding duties. This duty should therefore be viewed alongside these wider duties and local initiatives that aim to promote the safeguarding of children.
 9. Local authorities should have in place arrangements for joint working and information sharing with other local authorities and agencies. Individual local authorities can determine the specific detailed arrangements that work best in their area that not only meet this statutory duty but also enable them to contribute to a range of work aimed at improving outcomes for children. The [Working together to safeguard children](#) statutory guidance provides advice on inter-agency working to safeguard and promote the welfare of children.
 10. Local authorities should **undertake regular reviews and evaluate their policies and procedures** to ensure that these continue to be fit for purpose in identifying children missing education in their area. We have set out a checklist at Annex B that local authorities may wish to use to satisfy themselves that they have effective systems in place.
 11. Where there is concern for a child's welfare, this should be referred to local authority children's social care. If there is reason to suspect a crime has been committed, the police should also be involved. Where there is a concern that a child's safety or well-being is at risk, it is essential to take action without delay.
 12. Local authorities have other duties and powers to support their work on CME. These include:

- a. Arranging suitable full-time education for permanently excluded pupils from the sixth school day of exclusion³;
- b. Safeguarding children's welfare, and their duty⁴ to cooperate with other agencies in improving children's well-being, including protection from harm and neglect;
- c. Serving notice on parents requiring them to satisfy the local authority that the child is receiving suitable education, when it comes to the local authority's attention that a child might not be receiving such education⁵;
- d. Issuing School Attendance Orders (SAOs) to parents who fail to satisfy the local authority that their child is receiving suitable education, if the local authority deems it is appropriate that the child should attend school⁶;
- e. Prosecuting parents who do not comply with an SAO⁷;
- f. Prosecuting or issuing penalty notices to parents who fail to ensure their school-registered child attends school regularly⁸; and
- g. Applying to court for an Education Supervision Order⁹ for a child¹⁰ to support them to go to school.

Parents' responsibilities

13. Parents have a duty¹¹ to ensure that their children of compulsory school age are receiving suitable full-time education. Some parents may elect to educate their children at home¹² and may withdraw them from school at any time to do so, unless they are subject to a School Attendance Order.

14. Where a parent notifies the school in writing that they are home educating, the school must delete the child's name from the admission register and inform the local authority. However, where parents orally indicate that they intend to withdraw

³ The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007

⁴ Section 10 of the Children Act 2004

⁵ Section 437(1) of the Education Act 1996

⁶ Section 437(3) of the Education Act 1996

⁷ Section 443 of the Education Act 1996

⁸ Prosecution under section 444 of the Education Act 1996 and penalty notices under section 444A (as amended by section 23 of the Anti-social Behaviour Act 2003)

⁹ Section 447 of the Education Act 1996

¹⁰ Section 47 of the Children Act 1989

¹¹ Section 7 of the Education Act 1996

¹² See '[Elective home education: guidelines for local authorities](#)'.

their child to be home educated, the school should consider notifying the local authority at the earliest opportunity.

15. Children with Education, Health and Care (EHC) plans or statements of special educational needs (SEN) can be home educated¹³. Where the EHC plan or statement sets out SEN provision that the child should receive at home, the local authority is under a duty to arrange that provision. Where the EHC plan or statement names a school or type of school as the place where the child should receive his or her education but the parent chooses to home educate their child, the local authority must assure itself that the provision being made by the parent is suitable. In such cases, the local authority must review the plan or statement annually to assure itself that the provision set out in it continues to be appropriate and that the child's SEN continue to be met.

Schools' responsibilities

16. Schools must enter pupils on the admission register at the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. If a pupil fails to attend on the agreed or notified date, the school should undertake reasonable enquiries to establish the child's whereabouts and consider notifying the local authority at the earliest opportunity.
17. Schools must monitor pupils' attendance through their daily register. Schools should agree with their local authority the intervals at which they will inform local authorities of the details of pupils who fail to attend regularly, or have missed ten school days or more without permission¹⁴. Schools should monitor attendance closely and address poor or irregular attendance. It is important that pupils' poor attendance is referred to the local authority.
18. Where a pupil has not returned to school for ten days after an authorised absence¹⁵ or is absent from school without authorisation for twenty consecutive school days¹⁶, the pupil can be removed from the admission register when the

¹³ See the [SEN Code of Practice 2001](#) in relation to statements of SEN and the [SEND Code of Practice 2015](#) in relation to EHC plans for detail of the expectations of local authorities in these circumstances.

¹⁴ or because of illness, unavoidable cause, religious holiday, or the local authority's failure to make the required transport arrangements.

¹⁵ Under regulation 8(1), paragraph (f)(iii) of the Education (Pupil Registration) (England) Regulations 2006

¹⁶ Under regulation 8(1), paragraph (h)(iii) of the Education (Pupil Registration) (England) Regulations 2006

school and the local authority have failed, after jointly¹⁷ making reasonable enquiries, to establish the whereabouts of the child. This only applies if the school does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or unavoidable cause.

19. Schools must also arrange full-time education for excluded pupils from the sixth school day of a fixed period exclusion. This information can be found in the [Exclusion from maintained schools, academies and pupil referral units in England](#) statutory guidance.

20. Maintained schools have a safeguarding duty¹⁸ in respect of their pupils, and as part of this should investigate any unexplained absences. Academies and independent schools have a similar safeguarding duty¹⁹ for their pupils. Further information about schools' safeguarding responsibilities can be found in the [Keeping children safe in education](#) statutory guidance.

Recording information in the school's admission register

21. It is important that the school's admission register is accurate and kept up to date. Schools should regularly encourage parents to inform them of any changes whenever they occur, through using existing communication channels such as regular emails and newsletters. This will assist both the school and local authority when making enquiries to locate children missing education.

22. Where a parent notifies a school that a pupil will live at another address, all schools are required²⁰ to record in the admission register²¹:

- a. the full name of the parent with whom the pupil will live;
- b. the new address; and
- c. the date from when it is expected the pupil will live at this address.

23. Where a parent of a pupil notifies the school that the pupil is registered at another school or will be attending a different school in future, schools must record²² in the admission register²³.

¹⁷ Under regulation 4 of the Education (Pupil Registration) (England) (Amendment) Regulations 2016

¹⁸ Under section 175 of the Education Act 2002

¹⁹ Part 3 of the Schedule to the Education (Independent School Standards) Regulations 2014

²⁰ Under regulation 5 of the Education (Pupil Registration) (England) Regulations 2006 as amended

²¹ Where schools can reasonably obtain this information.

- a. the name of the new school; and
- b. the date when the pupil first attended or is due to start attending that school.

Sharing information with the local authority

24. Schools must notify the local authority when a pupil's name is to be removed from the admission register at a non-standard transition point **under any of the fifteen grounds set out in the regulations**²⁴, as soon as the ground for removal is met and no later than the time at which the pupil's name is removed from the register. This duty does not apply at standard transition points – where the pupil has completed the school's final year – unless the local authority requests for such information to be provided.
25. Where a school notifies a local authority that a pupil's name is to be removed from the admission register, the school must provide²⁵ the local authority with:
- a. the full name of the pupil;
 - b. the full name and address of any parent with whom the pupil lives;
 - c. at least one telephone number of the parent with whom the pupil lives;
 - d. the full name and address of the parent who the pupil is going to live with, and the date the pupil is expected to start living there, if applicable;
 - e. the name of pupil's destination school and the pupil's expected start date there, if applicable; and
 - f. the ground in regulation 8 under which the pupil's name is to be removed from the admission register (see Annex A).
26. All schools are required²⁶ to notify the local authority **within five days** when a pupil's name is added to the admission register at a non-standard transition point. Schools will need to provide the local authority with all the information held within the admission register about the pupil. This duty does not apply when a pupil's name is entered in the admission register at a standard transition point – at the

²² Under regulation 5 of the Education (Pupil Registration) (England) Regulations 2006 as amended

²³ Where schools can reasonably obtain this information.

²⁴ Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006

²⁵ Under regulation 12 of the Education (Pupil Registration) (England) Regulations 2006 as amended

²⁶ Under regulation 12 of the Education (Pupil Registration) (England) Regulations 2006 as amended

start of the first year of education normally provided by that school – unless the local authority requests for such information to be provided.

Providing information on standard transitions

27. As set out in paragraph 24, schools are under an automatic duty to provide information to the local authority for non-standard transitions. This relates to pupils removed from the admission register before completing the final year of education normally provided by the school, or pupils added to the admission register after the start of the first year of education normally provided by that school.
28. Schools are also **only** under a duty to provide information to the local authority for standard transitions **if** a local authority requests that schools make such returns. This relates to pupils removed from the school's admission register after the pupil has completed the final year of education normally provided by the school, or pupils added to the admission register at the start of the first year of education normally provided by the school. For the majority of pupils, a standard transition occurs when a pupil moves between a primary and secondary school, but this can also include other types of schools including where pupils move between infant and junior schools and in local areas with three-tier education systems with first, middle and high schools.
29. In a small number of cases, pupils removed from the admission register in one school would be a standard transition but their transfer to another school would be a non-standard transition and vice-versa. For example, a pupil leaving a primary school at the end of Year 2 is a non-standard transition, but their transfer to a junior school at the beginning of Year 3 is a standard transition. In such cases, only the school where the non-standard transition occurs is under an automatic duty to notify the local authority. The local authority would need to make a request for the information from the other school, if they required information on the standard transition.
30. There is no expectation for local authorities to request information from schools on pupils for standard transitions. Local authorities should consider carefully the benefits of having this information in meeting their duties in relation to children missing education and safeguarding, and assess the likely burden on schools and the local authority before deciding to do so.

31. If local authorities decide to request information on pupils for standard transitions, it should be made clear to schools that they are therefore under a duty to make such notifications. Local authorities should also establish a clear and efficient procedure for this, and communicate the procedure to schools in their area.

Making reasonable enquiries

32. The term 'reasonable enquiries' grants schools and local authorities a degree of flexibility in decision-making, particularly as the steps that need to be taken in a given case will vary. The term 'reasonable' also makes clear that there is a limit to what the school and local authority is expected to do.

33. In line with the duty under section 10 of the Children Act 2004, the expectation is that the school and the local authority will have in place procedures designed to carry out reasonable enquiries. The type of procedures may include the appropriate person checking with relatives, neighbours, landlords – private or social housing providers – and other local stakeholders who are involved. They should also record that they have completed these procedures. If there is reason to believe a child is in immediate danger or at risk of harm, a referral should be made to children's social care (and the police if appropriate).

34. A pupil's name can only be removed from the admission register under regulation 8(1), sub-paragraph (f)(iii) or (h)(iii) if the school and the local authority have failed to establish the pupil's whereabouts after **jointly**²⁷ making reasonable enquiries. Local authorities and schools should agree roles and responsibilities locally in relation to making joint enquiries.

35. As set out in [Working Together to Safeguard Children](#) statutory guidance, the Local Safeguarding Children Board should agree with the local authority and its partners a threshold document, which includes the criteria for when a case should be referred to local authority children's social care for assessment and for statutory services. In addition, local authorities, with their partners, should develop and publish local protocols for assessment, which set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care.

²⁷ Under regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 as amended

36. If there is evidence to suggest the child has moved to a different local authority area, contact should be made with the named person in the new authority using secure communication methods. The local authority should maintain a record of the child's details until they are located or attain school leaving age.
37. When the whereabouts of a child is unclear or unknown, it is reasonable to expect that the local authority and the school will complete and record one or more of the following actions:
- a. make contact with the parent, relatives and neighbours using known contact details;
 - b. check local databases within the local authority;
 - c. check Key to Success or school2school (s2s) systems;
 - d. follow local information sharing arrangements and where possible make enquiries via other local databases and agencies e.g. those of housing providers, school admissions, health services, police, refuge, Youth Justice Services, children's social care, and HMRC;
 - e. check with UK Visas and Immigration (UKVI) and/or the Border Force;
 - f. check with agencies known to be involved with family;
 - g. check with local authority and school from which child moved originally, if known;
 - h. check with any local authority and school to which a child may have moved;
 - i. check with the local authority where the child lives, if different from where the school is;
 - j. in the case of children of Service Personnel, check with the Ministry of Defence (MoD) Children's Education Advisory Service ([CEAS](#)); and
 - k. home visit(s) made by appropriate team, following local guidance concerning risk assessment and if appropriate make enquiries with neighbour(s) and relatives.
38. This list is not exhaustive or prescriptive, and so local authorities and schools should treat each case on its individual merits and use their judgement, ensuring they have taken into account all of the facts of the case. It should be recognised

that the type of reasonable enquiries required to try to locate a child will differ from case to case and additional enquiries to those suggested in this section may be necessary.

39. Making these enquiries may not always lead to establishing the location of the child, but will provide a steer on what action should be taken next, for example, to contact the police, children's social care and, in cases where there may be concerns for the safety of a child who has travelled abroad, the Foreign and Commonwealth Office.

Using Common Transfer Files to transfer pupil information

40. The Department provides a secure internet system – [school2school](#) – to allow schools to transfer pupil information to another school when the child moves²⁸. If the school the child is leaving agrees, the local authority may do this on the school's behalf.
41. The [Common Transfer File \(CTF\) guidance](#) makes clear that all schools maintained by a local authority in England are required when a pupil ceases to be registered at their school, and becomes a registered pupil at another school in England or Wales, to send a CTF to the new school.
42. Academies (including free schools) are also strongly encouraged to send CTFs when a pupil leaves to attend another school. Independent schools can be given access to school2school by the Department. Many independent schools also have Management Information Systems that are compatible with those used in the maintained sector and so would be able to download CTFs. Where a pupil transfers to a new school in Scotland or Northern Ireland the previous school in England is still required to send a CTF.
43. The school2school system also contains a searchable area, where schools can upload CTFs of pupils who have left but their destination, next school is unknown or the child has moved abroad or transferred to a non-maintained school. If a pupil

²⁸ In line with The Education (Pupil Information) (England) Regulations 2012.

arrives in a school and the previous school is unknown, schools should contact their local authority who will be able to search the database.

44. There may be exceptional circumstances when standard rules for sending and receiving a CTF for a pupil might not apply. Each case would need to be judged on its merits in consultation with relevant parties. Circumstances when it is not considered appropriate to pass on details via a CTF might include a family escaping a violent partner; if the family is in a witness protection programme; or where there are concerns that the child is at risk of forced marriage. Guidance on how to share information in these circumstances is included in the CTF guidance.

Sharing information with others

45. Families moving between local authority areas can sometimes lead to a child who is unknown to any local authority and consequently missing education. Where a child has moved or where the destination of a child is unknown, local authorities should identify relevant local authorities – either regionally or nationally – and check with them in order to ascertain where the child has moved.
46. Once the location of the child is established, the named person in the local authority where the child lives should satisfy themselves that that the child is receiving suitable education.
47. Secure systems should be used to share and transfer personal information. Local authorities should not make blanket enquiries, as contacting all local authorities with a list of children is poor practice. This is also not a secure method of sharing personal information. Best practice is for local authorities to carry out thorough local checks in their own authority area before contacting specific local authorities that they believe to be linked to the child.
48. Local authorities may wish to have a dedicated CME email address to where enquiries can be sent from other local authorities and agencies. Any sharing of information by email or other means must comply with the law relating to data protection and should be done in line with local arrangements for recording and sharing information. Further advice is available in the [Information sharing advice for safeguarding practitioner's](#) guidance.
49. Local authorities should regularly **raise awareness of their policies and**

procedures and notification routes with all schools in their area, and with local partners and agencies working with children and families, such as GPs, other health professionals, clinical commission groups, police and other emergency services, housing agencies, children's homes, statutory and voluntary youth services, voluntary and community organisations, and Youth Offending Teams.

50. These partners and agencies may become aware of the arrival or existence of a child living in the area, who is not receiving suitable education, before the local authority does (for example children of migrant worker families). They may also hold crucial safeguarding information about a child, and local authorities should identify all likely routes of information and consider involving them when making enquiries about children missing education.

51. It may also be helpful for local authorities to have local contacts with the Department for Work and Pensions, the Border Force, and HMRC to assist them in tracing children missing education. There may be others depending on local circumstances.

Children at particular risk of missing education

52. There are many circumstances where a child may become missing from education so it is vital that local authorities make judgements on a case by case basis. Although not exhaustive, the list below presents some of the circumstances that local authorities should consider when establishing their CME policies and procedures:

- a. **Pupils at risk of harm/neglect** – Children may be missing from education because they are suffering from abuse or neglect. Where this is suspected schools should follow local child protection procedures. However, if a child is in immediate danger or at risk of harm, a referral should be made immediately to children's social care (and the police if appropriate). Local authority officers responsible for CME should check that a referral has been made and, if not, they should alert children's social care. The Department's statutory guidance [*Keeping children safe in education*](#) provides further advice for schools and colleges on safeguarding children.

- b. **Children of Gypsy, Roma and Traveller (GRT) families** – Research²⁹ has shown that many children from these families can become disengaged from education, particularly during the secondary school phase. It is therefore important that schools inform the local authority when a GRT pupil leaves the school without identifying a new destination school, particularly in the transition from primary to secondary so that they can attempt to facilitate continuity of the child's education. Although many are settled, some GRT families move regularly and their children can be at increased risk of missing education. Local authority Traveller Education Support Services (TESS), where these exist, or the named CME officer within the local authority, can advise schools on the best strategies for ensuring the minimum disruption to GRT pupils' education, for example dual registration with other schools or the provision of electronic or distance learning packages where these are available.
- c. **Children of Service Personnel** – Families of members of the Armed Forces are likely to move frequently – both in the UK and overseas and often at short notice. Schools and local authorities should contact the MoD Children's Education Advisory Service ([CEAS](#)) on 01980 618244 for advice on making arrangements to ensure continuity of education for those children when the family moves.
- d. **Missing children and runaways**³⁰ – Children who go missing or run away from home or care may be in serious danger and are vulnerable to crime, sexual exploitation or abduction as well as missing education. Further sources of information about missing children are listed at the back of this document.
- e. **Children and young people supervised by the Youth Justice System** – Children who have offended or are at risk of doing so are also at risk of disengaging from education. Local authority Youth Offending Teams (YOTs) are responsible for supervising those young people (aged 8 to 18). YOTs should work with the local authority CME officer to ensure that

²⁹ Wilkins, A et al (2010) [Improving the outcomes for Gypsy, Roma and Traveler pupils: final report](#) DFE-RR043 pp54-60

³⁰ See '[Children who run away or go missing from home or care](#)' statutory guidance.

children are receiving, or return to, appropriate full-time education. Where a young person was registered at a school prior to custody, the school may be able to keep the place open for their return.³¹

- f. **Children who cease to attend a school** – there are many reasons why a child stops attending a school. It could be because the parent chooses to home educate their child. However, where the reason for a child who has stopped attending a school is not known, the local authority should investigate the case and satisfy itself that the child is receiving suitable education.
- g. **Children of new migrant families** – children of new migrant families may not have yet settled into a fixed address or may have arrived into a local authority area without the authority becoming aware, therefore increasing the risk of the child missing education.

³¹ Regulation 8(1)(i) and 12(6) to (8) of the Education (Pupil Registration) (England) Regulations 2006

Further sources of information

Associated resources (external links)

- [Child abduction](#)
- [International child abduction](#)
- [Forced marriages \(FCO\)](#)
- [HM Revenue and Customs \(HMRC\)](#)
- [Home Office](#)
- [National Crime Agency \(NCA\)](#)
- [Missing People](#)
- [Missing Kids](#)
- [Border Force](#)
- [Missing Children and Adults strategy](#)
- [Ofsted report 2010: Children missing from education](#)
- [Ofsted report 2013: Missing children](#)

Additional departmental advice and guidance

- [Behaviour and attendance \(including exclusions, bullying and alternative provision\)](#)
- [Child sexual exploitation](#)
- [Child trafficking](#)
- [Elective Home Education guidelines](#)
- [Keeping children safe in education](#)
- [School Admissions Code](#)
- [School to school service: how to transfer information](#)
- [What to do if you're worried a child is being abused: Advice for practitioners](#)
- [Working together to safeguard children](#)
- [Young runaways](#)

Annex A: Grounds for deleting a pupil from the school admission register

	Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended
1	8(1)(a) - where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school.
2	8(1)(b) - except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school.
3	8(1)(c) - where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion.
4	8(1)(d) - in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.
5	8(1)(e) - except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered.
6	8(1)(f) - in the case of a pupil granted leave of absence in accordance with regulation 7(1A), that — (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
7	8(1)(g) - that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.
8	8(1)(h) - that he has been continuously absent from the school for a period of not less than twenty school days and —

	Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended
	<p>(i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);</p> <p>(ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and</p> <p>(iii) the proprietor of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.</p>
9	8(1)(i) - that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
10	8(1)(j) - that the pupil has died.
11	<p>8(1)(k) - that the pupil will cease to be of compulsory school age before the school next meets and—</p> <p>(i) the relevant person has indicated that the pupil will cease to attend the school; or</p> <p>(ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.</p>
12	8(1)(l) - in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school.
13	8(1)(m) - that he has been permanently excluded from the school.
14	8(1)(n) - where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school.
15	<p>8(1)(o) where—</p> <p>(i) the pupil is a boarder at a maintained school or an Academy;</p> <p>(ii) charges for board and lodging are payable by the parent of the pupil; and</p> <p>(iii) those charges remain unpaid by the pupil's parent at the end of the school term to which they relate.</p>

Annex B: CME policies and procedures checklist

We have set out a checklist below that local authorities may want to use to review whether they have effective policies and procedures in place to identify children missing education.

Strategic Management and Leadership
Does the local authority have a written policy - covering objectives, procedures, roles and responsibilities - agreed with partners concerning children not receiving a suitable education?
Are there arrangements to identify and provide the full range of services for children not receiving a suitable education and are they embedded? Are they translated into effective operational arrangements?
Is there regular monitoring of the processes/numbers by senior management and lead members?
Networks and Points of Contact
Has the local authority identified the key stakeholders (both statutory and non-statutory) to provide information about children without suitable educational provision in the local authority area?
Has the local authority provided and publicised notification routes for all key stakeholders?
Does the local authority have a named contact point to receive details about children not receiving suitable education?
Are there clear responsibilities for this role or those to whom the duties are delegated?
Information Systems
Does the local authority maintain a database of children not currently in suitable education?
Does the local authority monitor the numbers of children/young people in the authority area who are not receiving suitable education, including those new to the area or the country?
Are there clear access rules and procedures to ensure fair and safe data processing?
Re-engaging children into suitable education
Does the local authority have clear processes for securing the support of other agencies where it is needed e.g. for welfare or health reasons?
Does the local authority have an agreed process for securing suitable educational provision for children once found?
Does the local authority monitor the pace at which children move into provision?
Does the local authority have the information systems in place to allow access to up to date information concerning availability of school places and availability of places with alternative providers?

Effective Child Tracking Systems
Does the local authority have systems in place to keep children engaged in the education that is suitable for them?
Does the local authority keep a record of children who have left educational providers (school, custody and alternative provision) without a known destination?
Does the local authority keep a record of children whose parents or carers, fathers as well as mothers; if considered are not providing them with a suitable education and a note of action it has taken to address these concerns?
Does the local authority follow up children at regular intervals until they are registered with a new school?
Does the local authority have an agreed system with schools concerning children leaving schools that maximises the contribution schools can make to preventing children not receiving a suitable education?
Does the local authority have in place arrangements to share information with other local authorities concerning children who move between areas?
Does the local authority support and encourage schools to transfer files via s2s?
Does the local authority have an identified officer as database administrator for s2s?
Does the local authority upload to and download from the searchable area of the s2s website?