



## Kington St Michael CE Primary School

### CHILD PROTECTION AND SAFEGUARDING POLICY

Kington St Michael CE Primary School fully recognises its responsibilities for child protection.

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This policy should be read alongside the following other school policies:

- Recruitment and Selection Policy
- Health and Safety
- Pupils with Medical Needs Policy
- Educational Visits Policy
- Anti-Bullying Policy
- Behaviour Policy
- Attendance Policy
- Physical Restraint Policy
- Whistleblowing Policy
- DBS (Data Barring Service) Checks Policy
- Code of Conduct for Safe Practice
- Intimate care Policy
- Violence and Aggression to Staff
- Use of Mobile Phones
- Exclusions Policy

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- E-Safety
- SEND

In addition all staff will have read Part 1 of *Keeping Children Safe in Education*, March 2015. This document also reference the following documents from the Wiltshire Safeguarding Children Board:

- *Revised Multi-Agency Thresholds for Safeguarding Children (December 2014)*
- *Escalation Policy for Dispute Resolution (October 2014)*

Kington St Michael CE Primary School staff are advised to maintain an attitude of 'it could happen here' as far as safeguarding is concerned. When concerned about the welfare of a child, staff members should always act in the interest of the child.

Schools do not operate in isolation. Safeguarding is the responsibility of all adults and especially those working or volunteering with children. The school aims to help protect the children in its care by working consistently and appropriately with all agencies to reduce risk and promote the welfare of children. All professionals work within the same safeguarding procedures.

## **1. Purpose of the policy**

- To raise the awareness of all school staff of the importance of safeguarding pupils and of their responsibilities for identifying and reporting actual or suspected abuse
- To ensure pupils and parents are aware that the school takes the safeguarding agenda seriously and will follow the appropriate procedures for identifying and reporting abuse and for dealing with allegations against staff
- To promote effective liaison with other agencies in order to work together for the protection of all pupils
- To support pupils' development in ways which will foster security, confidence and independence
- To integrate a safeguarding curriculum within the existing curriculum allowing for continuity and progress through all key stages
- To take account of and inform policy in related areas such as discipline, bullying and e-safety

There are three main elements to the school's safeguarding policy:

1. **PREVENTION** (positive and safe school environment, careful and vigilant teaching, accessible pastoral care, support to pupils, good adult role models).
2. **PROTECTION** (agreed procedures are followed, staff are trained and supported to respond appropriately and sensitively to safeguarding concerns).
3. **SUPPORT** (to pupils, who may have been at risk of significant harm and the way staff respond to their concerns and any work that may be required).

## **2. Child Protection procedures and guidelines**

### **What is Child Protection?**

Child Protection is one very important aspect of safeguarding. It refers to the activity which is undertaken to protect specific children who are suffering, or at risk of suffering, significant harm. Safeguarding, in addition to child protection, encompasses issues such as pupil health and safety, bullying/cyber-bullying, appropriate medical provision, drugs and substance misuse. These areas have specific policies and guidance which should be read in conjunction with this document.

### **What is significant harm?**

The Children's Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention by statutory agencies in family life in the best interests of children. There are no absolute criteria on which to rely when judging what constitutes significant harm. Sometimes it might be a single traumatic event but more often it is a compilation of significant events which damage the child's physical and psychological development. Decisions about significant harm are complex and require discussion with the statutory agencies.

### **Responsibilities**

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The responsibility for child safeguarding falls on everybody who is employed at the school. All adults who work at Kington St Michael CE Primary School are expected to support the school's Child Protection Policy, with overall responsibility falling upon the Headteacher. All staff, including volunteers, have a statutory obligation to report to the Designated Safeguarding Lead (DSL) if there is suspicion of abuse/neglect of a pupil or if a pupil discloses abuse or allegations of abuse.

We will follow the child protection procedures set out by the Wiltshire Safeguarding Children Board and will have regard to statutory guidance issued by the Department for Education *Keeping Children Safe in Education, 2015*.

Governing bodies should ensure a member of the governing body, usually the chair, is nominated to liaise with the local authority and/or partner agencies on issues of child protection.

### **The Nominated Governor is: *Chair of Governors***

Governing bodies should appoint a senior member of staff to the role of Designated Safeguarding Lead and deputy Designated Safeguarding Lead for child protection and safeguarding.

### **The role of the Nominated Governor is outlined in Appendix 1.**

The **Designated Safeguarding Lead** is a senior member of staff designated to take lead responsibility for:

- Managing all child protection issues (Headteacher/principal leads on allegations against staff)
- Keep secure child protection plans, write records and reports
- Child protection policy and procedures: lead in evaluation, review and revision, ensure available to staff and parents
- Induction of staff and volunteers/staff training/ensure staff are aware of safeguarding policy and procedure
- Providing advice, information and support to other staff/adults in the school and with other pastoral staff to pupils on safeguarding issues
- Understand (and participate in) early help assessments and process for early help
- Liaising with the local authority and local safeguarding children board
- Working in partnership with other agencies; referrals and support; information sharing
- Ensure a culture of listening to children and taking account of their wishes and feelings.

### **The Designated Safeguarding Lead is: *Headteacher***

### **The deputy Designated Safeguarding Lead is: *SENCo***

### **3. Safeguarding information for pupils**

- All pupils in the school are aware of staff who they can talk to. The names of the DSL/deputy/pastoral care leaders/support staff etc. are available in our policy, in the staffroom and in our leaflet
- The role of PSHE (or equivalent) in teaching safeguarding to pupils as a preventative measure e.g. child sexual exploitation at an age appropriate level.

### **4. Safer Recruitment**

The school uses the guidance – Part 3 of *Keeping Children Safe in Education*.

The school carries out

- enhanced DBS check with barred list information; other checks (identity checks, verify the candidate's mental and physical fitness, qualifications, employment references, DBS details, right to work in the UK)
- Safer recruitment training
- Checks will be accurately recorded on a single central record.

- In accordance with KCSIE and WSCB guidance, the school carries out DBS, References, informal interview, discussion about safeguarding policy before appointment, induction and training, etc. with governors and volunteers

## **5. Staff training and induction**

- The DSL will attend safeguarding training at least once every two years, attend safeguarding forums and keep up to date with recommendations from serious case reviews, changes to national and WSCB policy and guidance.
- The whole school staff group will receive safeguarding training at least every three years with annual up-dates and notifications of any necessary changes, reminders being made available as required.
- All new staff, volunteers and governors will receive Safeguarding induction to ensure understanding of the safeguarding policy.
- The CP policy and Code of Conduct will be provided to all staff –including temporary staff and volunteers- on induction.

## **6. Safer working practice**

Safe working practice ensures that pupils are safe and that all staff, volunteers and governors:

- 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
- Work in an open and transparent way
- Work with other colleagues where possible in situations open to question
- Discuss and/or take advice from school management over any incident which may give rise to concern
- Record any incident of decisions made
- Apply the same professional standards regardless of gender, race, disability or sexuality
- Be aware of confidentiality policy
- Are aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.

See the *WSCB Social Networking policy, 2015 (attached)*.

## **7. Staff behaviour**

Staff will:

- Treat all children with respect
- Set a good example by conducting ourselves appropriately
- Involve children in decision-making which affects them
- Encourage positive and safe behaviour among children
- Be a good listener
- Be alert to changes in child's behaviour
- Recognise that challenging behaviour may be an indicator of abuse
- Read and understand all of the school's safeguarding and guidance documents on wider safeguarding issues, for example bullying, physical contact, e-safety and information sharing
- Ask the child's permission before doing anything for them which is of a physical nature, such as assisting with dressing, physical support during PE, music or administering first aid
- Maintain appropriate standards of conversation and interaction with and between children and avoiding the use of sexualised or derogatory language
- Maintain professional standards and boundaries at all times on and off the school site
- Being aware that the personal and family circumstance and lifestyles of some children lead to an increased risk of neglect and or abuse

## **8. Managing allegations against staff and volunteers**

**The Allegation Management WSCB flowchart has been included in Appendix 2.**

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Any report of concern about the behaviour of a member of staff or volunteer, or allegation of abuse against a member of staff must immediately be reported to the Headteacher/Principal who will refer to the appropriate designated officer(s) from the local authority:

**Wiltshire Designated Officer: 01225 718079 or 01225 713945**

Any concern or allegation against the Headteacher / Principal will be reported to the Chair of Governors without informing the Headteacher / Principal.

Any allegation of abuse will be dealt with in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

In some circumstances the member of staff will, without prejudice, be asked to take a period of paid leave pending the results of the investigation.

Kington St Michael CE Primary School will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Malicious allegations against staff will be investigated and dealt with by the Headteacher and, if appropriate, a committee of governors.

### **If you have concerns about a colleague**

If staff members have concerns about another staff member or volunteer than this should be referred to the Headteacher or Principal.

Where there are concerns about the Headteacher or Principal this should be referred to the Chair of Governors.

Staff who are concerned about the conduct of a colleague may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of a child is paramount. The school's whistle blowing code enables staff to raise concerns or allegations in confidence and for a sensitive enquiry to take place.

## **9. What constitutes child abuse and neglect?**

All adults who work or volunteer with children should be able to identify concerns about child abuse. The four types of abuse, described in *Keeping Children Safe in Education 2015* are:

**Physical abuse**

**Emotional abuse**

**Sexual abuse**

**Neglect**

**Specific safeguarding issues:** Kington St Michael CE Primary School recognises other safeguarding issues:

Child Sexual Exploitation, Female Genital Mutilation, bullying (including cyber-bullying), domestic violence, drugs, fabricated or induced illnesses, faith abuse, forced marriage, gangs and youth violence, gender-based violence/violence against women and girls, mental health, radicalisation, sexting, teenage relationship abuse, trafficking.

The school will endeavour to identify and act upon any forms of abuse according to our procedures.

**For more information, including definitions, indicators and other safeguarding issues, please refer to Appendix 3.**

## **10. Early Help**

The *Revised Multi-Agency Thresholds for Safeguarding Children (December 2014)* document aims to inform schools and other agencies about the suitable action to take when a child has been identified as

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making inadequate progress or having an unmet need. At Kington St Michael CE Primary School whenever possible, we will ensure that early intervention is actioned via a referral to Early Help as soon as the criteria are met, to prevent situations to escalate into larger problems. The document can be found on the Wiltshire Safeguarding Children Board (WSCB) website.

### **Early Help Single Point of Entry: 01225 718230**

Therefore the school will consider the following:

- Undertake an assessment of the need for early help
- Provide early help services e.g. school nurse, pastoral worker, SENCO, family outreach worker, targeted youth, breakfast club
- Refer to appropriate services e.g. CAMHS etc.

### **11. Responding to disclosures: guidance for staff**

If a child wishes to confide in you the following guidelines should be adhered to:

- **Create a safe environment**
  - Take the child to a private and safe place if possible
  - Stay calm
  - Reassure the child and stress that he/she is not to blame
  - Tell the child that you know how difficult it must have been to confide in you
  - Listen to the child and tell them that you believe them and are taking what is being said seriously
  - Tell the child what you are going to do next after the disclosure
- **Be honest**
  - Do not make promises that you cannot keep
  - Explain that you are likely to have to tell other people in order to stop what is happening
- **Record on the appropriate form exactly what the child has said to you as soon as possible and include the following into the form:**
  - Child's name, address, date of birth
  - Date and time of any incident
  - What the child said and what you said
  - Your observations e.g. child's behaviour and emotional state

**The Child Welfare and Child Protection Concern Sheet is included in Appendix 4a. An overview sheet is also available for quick reference, refer to Appendix 4b for further details.**

- **Be clear about what the child says and what you say**
  - Do not interview the child and keep questions to a minimum.
  - Encourage the child to use his/her own words and do not try to lead them into giving particular answers
- **Maintain confidentiality**
  - Only tell those people that it is necessary to inform
- **Do not take sole responsibility**
  - Immediately consult your Designated Safeguarding Lead so that any appropriate action can be taken to protect the pupil if necessary
  - The Designated Safeguarding Lead will consider the information and decide on the next steps.
- **Add the expectations of your school** once a child has disclosed (ie. return to class/take time out, support offered etc.).

## **12. Reporting concerns**

**The 'What to do' WSCB flowchart has been included in Appendix 5.**

Where any adult in the school has concerns about a child they should discuss these in the first instance with the Designated Safeguarding Lead, or in their absence, the deputy. In exceptional circumstances, staff members can speak directly to Children's Social Care.

**Children's Social Care referrals:**  
Multi-Agency Safeguarding Hub (MASH): **0300 456 0108**  
Out of hours: **0300 456 0100**

If you believe the child is at immediate risk of significant harm or injury, then you must call the police on **999**.

### **Sharing Concerns with Parents**

The school shares a purpose with parents to educate, keep children safe from harm and have their welfare promoted.

We are committed to working with parents positively, openly and honestly. We ensure that all parents are treated with respect, dignity and courtesy. We respect parents' rights to privacy and confidentiality and will not share sensitive information until we have permission or it is necessary to do so to protect a child.

Kington St Michael CE Primary School will share with parents any concerns we may have about their child unless to do so may place a child at risk of harm.

We encourage parents to disclose any concerns they may have with Kington St Michael CE Primary School. We make parents aware of our Child Protection Policy and parents are aware that these are on the school website.

### **Recording concerns**

When a child discloses abuse to an adult in the school, that person is responsible for making a written record of the disclosure as soon as possible after reporting it urgently to the Designated Safeguarding Lead, or their deputy.

Discussions should be recorded on the school child welfare and CP record form (see Template in Appendix 4), with details of the concern and any agreed action that is to be taken. The records must be signed and dated.

### **Record keeping of child protection concerns**

The school will:

- Keep clear written records of all child welfare and child protection concerns using the standard recording form, with a body map where injuries need to be noted (see Template in Appendix 4a), including actions taken and outcomes as appropriate.
- Ensure all child welfare and child protection records are kept securely, and in a locked location. The record must be signed and dated and kept securely in a file under the child name, away from the other records (medical forms, academic records etc.) The Designated Safeguarding Lead is responsible for ensuring that concerns and discussions are written up properly and acted on appropriately.

Ensure that all child protection records relating to a child who moves to another school or college are passed on to the new school securely, promptly and separate from the main pupil file, with a copy being kept in this school. Confirmation of receipt should be obtained. Child welfare records below the child protection threshold but with continuing relevance to the child's wellbeing should also be transferred with parental consent.

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### **Information sharing –internal process**

Information concerning students at risk of harm will be shared with all members of staff on a “need to know” basis. The Designated Safeguarding Lead will make a judgement in each individual case about who needs and has a right to access particular information.

### **13. Monitoring of children subjected to a CP Plan**

Pupils who are the subject of a Child Protection Conference will have either an agreed multi-disciplinary action plan or child protection plan. The Designated Safeguarding Lead will attend planning meetings and core group specified in the plan and contribute to assessments and plans.

The school recognises that pupils who are the subjects of abuse or who live in situations of domestic violence may exhibit distressed or challenging behaviour and may not be reaching their full academic potential. The school will ensure that appropriate support mechanisms are in place in school.

### **14. Children with Special Educational Needs or Disabilities**

Governors recognise that for a variety of reasons, children with additional needs face an increased risk of abuse and neglect; therefore adults are expected to take extra care to interpret correctly apparent signs of abuse or neglect. Indications of abuse will be reported as for other pupils.

Governors will provide a school environment in which pupils with special educational needs or disabilities feel confident and able to discuss their concerns. Whenever possible, pupils will be given the chance to express themselves to a member of staff with appropriate communication skills. The Designated Safeguarding Lead will work with the Special Educational Needs Co-ordinator to identify pupils with particular communication needs.

Wiltshire Council provides targeted support services for children and young people with Special Educational Needs and/or a Disability who need additional support with:

- Communication
- Learning and processing information
- Experiencing the world around them, including sensory difficulties
- Physical or medical conditions that affect their life and learning
- Coping with social and emotional challenges

**The SEND service can be contacted on 01225 757 985.**

### **15. Follow-up support of vulnerable children**

We recognise that children who are abused or witness violence may find it difficult to develop a sense of self-worth. They may feel helplessness, humiliation and some sense of blame. The school may be the only stable, secure and predictable element in the lives of children at risk. When at school their behaviour may be challenging and defiant or they may be withdrawn. The school will endeavour to support the pupils through:

- Pastoral support
- The content of the curriculum
- The school ethos which promotes a positive, supportive and secure environment and gives pupils a sense of being valued
- The school behaviour policy which is aimed at supporting vulnerable pupils in the school. The school will ensure that the pupil knows that some behaviour is unacceptable but they are valued and not to be blamed for any abuse which has occurred
- Liaison with other agencies supporting the pupil such as Children’s Social Care, Child and Adolescent Mental Health Service, education welfare service and educational psychology service, and where appropriate initiate and/or contribute to a CAF and Team Around the Child (TAC) meetings.



**In order to create a culture of safety in the school, Kington St Michael CE Primary School will ensure that safeguarding is a standing item on all meetings agendas.**

### **16. Allegations of abuse made against other children**

At Kington St Michael CE Primary School we believe that all children have a right to attend school and learn in a safe environment. Children should be free from harm by adults in the school and other students.

Occasionally, allegations may be made against students by others in the school, which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse and sexual exploitation.

If there is a safeguarding concern the Designated Safeguarding Lead (DSL) should be informed, and will decide on the appropriate action(s) the school will follow.

A record will be made in line with section 12 of this policy.

### **17. Welcoming other professionals**

Visitors with a professional role, such as the school nurse, social worker, educational psychologist or members of the Police will have had the appropriate vetting checks undertaken by their own organisation. Any professionals visiting the school should provide evidence of their professional role and employment details (an identity badge for example). If felt necessary, the school will contact the relevant organisation to verify the individual's identity.

Professionals will complete signing in/out forms and wear a school I.D. badge if required to do so.

### **18. Off-site visits**

Appropriate risk assessments must be in place prior to any off-site visit taking place.

Any overnight visit will explicitly set out sleeping arrangements; the role and responsibility of each adult, whether employed or volunteers; on/off duty arrangements; clear expectations about boundaries and interactions with children/young people; and expectations around smoking/drinking by adult.

Safeguarding concerns or allegations will be responded to following the WSCB procedures (as above). The member of staff in charge of the visit will report any safeguarding concerns to the Designated Safeguarding Lead and Headteacher, who will pass to Social Care if appropriate. In emergency the staff member in charge will contact the police and/or social care.

### **19. Exchange visits**

As a school we will satisfy ourselves that parents/carers who will act as host families for pupils are suitable to host pupils and are aware who in the school they should raise any concerns with. Any adult over 18 in a host family will be subject to DBS checks as per KCSIE guidance.

Schools should work with partner schools abroad to ensure that similar assurances are undertaken prior to a visit. (KCSIE para 6, Annex C).

### **20. Photography and images**

To protect children we will:

- Seek parental consent for photographs to be taken or published (for example, on our website or in newspapers or publications)
- Only use school equipment
- Only take photos and videos of children to celebrate achievement
- Use only the child's first name with an image
- Ensure that children are appropriately dressed

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- Encourage children to tell us if they are worried about any photographs that are taken of them.

Consider making a statement related to school events where parents are taking photographs of children that these are to be for personal use only (these are not to be shared on social media for example).

## **21. Missing children**

A child going missing is a potential indicator of abuse and neglect. After reasonable attempts have been made to contact the family, we will follow the WSCB procedure and refer to the MASH team.

If a looked after child or a child subjected to a CP plan goes missing, we will refer them to the MASH team within 48 hours.

## **22. Missing from education**

Children missing education procedures will be followed where a child or young person has 10 days or more continuous absence from school without an explanation and/or has left school suddenly and the destination is unknown and/or has not taken up an allocated school place as expected. Any such concern will be reported to the Local Authority through the Education Welfare Service.

The school will also refer to the MASH any child being withdrawn from school with the intent to be electively home educated where there are safeguarding concerns.

## **Policy review**

The Governing Body will undertake an annual review of the school's Child Protection Policy and procedures and remedy any deficiencies and weakness found without delay.

Policy Approved by: \_\_\_\_Full Governing Body\_\_\_\_

Policy Approval Date: \_\_\_\_September 2016

Policy Review Date: \_\_\_\_September 2017\_\_\_\_ \_\_

## **APPENDIX 1: The role of the Nominated Governor**

Ensure safeguarding is always a priority by:

- Championing child protection issues within the school and liaising with the Designated Safeguarding Lead and the Headteacher and offering challenge if necessary
- Ensuring the Child Protection policy is checked for impact and reviewed yearly accordingly
- Auditing safeguarding measures annually alongside the Designated Safeguarding Lead and the Headteacher using the Wiltshire Council annual School Safeguarding Audit return and reporting back to Full Governing Body
- Ensuring that all governors understand and comply with their statutory duty to provide the services of the school in a way that safeguards and promotes the welfare of pupils

**APPENDIX 2: 'Allegations against adults' flowchart**

## ALLEGATIONS AGAINST ADULTS - Risk of harm to children

### GUIDANCE FLOWCHART

**If you become aware that a member of staff/volunteer may have:**

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

**Where a young person discloses abuse or neglect**

- Listen; take their allegation seriously; reassure that you will take action to keep them safe
- Inform them what you are going to do next
- Do not promise confidentiality
- Do not question further or approach/inform the alleged abuser

**Report immediately to your Headteacher / Principal**

**Any concern or allegation against the Headteacher / Principal will be reported to the Chair of Governors**

Unless there is clear evidence to prove that the allegation is incorrect, the Headteacher / Principal **must**:

**Report the allegation within one working day to the Designated Officer for Allegations (formerly known as LADO):**

Designated Officer (directline): **01225 718079 or 01225 713945**

Multi-agency Safeguarding Hub (MASH): **0300 456 0108**

Out of Hours Emergency Duty Service: **0300 456 0100**

**The Designated Officer will:**

1. Consider the relevant facts and concerns regarding the adult and child or children, including any previous history
2. Decide on next course of action - usually straight away, sometimes after further consultation with

If the allegation threshold is NOT met, the Designated Officer will agree with you an appropriate response (e.g. for the agency to undertake further enquiries or undertake and Internal Investigation)

If the allegation threshold is met a strategy meeting will normally be held either by phone or in person. Normally a senior manager/ safeguarding lead, the Designated Officer, HR, Police and social care are invited to attend. Relevant information is shared, risks to children are considered and appropriate action agreed –e.g. child protection and other enquiries, disciplinary measures or criminal proceedings. A record of the meeting will be made, and regular reviews will take place until a conclusion is reached.

**NB: This document is intended for use as a brief guide only. For more detailed guidance refer to The WSCB Allegations Management Policy at [www.wiltshirescb.org](http://www.wiltshirescb.org)**

### APPENDIX 3: Definitions and indicators of abuse and neglect

*What to do if you are worried a child is being abused 2015* describes some of the signs that might be indicators of abuse or neglect.

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

Physical abuse can happen in any family, but children may be more at risk if their parents have problems with drugs, alcohol and mental health or if they live in a home where domestic abuse happens. Babies and disabled children also have a higher risk of suffering physical abuse.

Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child. Physical abuse can also occur outside of the family environment.

#### **Some of the following signs may be indicators of physical abuse:**

- Children with frequent injuries;
- Children with unexplained or unusual fractures or broken bones; and
- Children with unexplained:
  - bruises or cuts;
  - burns or scalds; or
  - bite marks.

**Emotional abuse:** *the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.*

Although the effects of emotional abuse might take a long time to be recognisable, practitioners will be in a position to observe it, for example, in the way that a parent interacts with their child. Emotional abuse may involve deliberately telling a child that they are worthless, or unloved and inadequate. It may include not giving a child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate.

Emotional abuse may involve serious bullying – including online bullying through social networks, online games or mobile phones – by a child's peers.

#### **Some of the following signs may be indicators of emotional abuse:**

- Children who are excessively withdrawn, fearful, or anxious about doing something wrong;
- Parents or carers who withdraw their attention from their child, giving the child the 'cold shoulder';
- Parents or carers blaming their problems on their child; and
- Parents or carers who humiliate their child, for example, by name-calling or making negative comparisons.

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

You should be aware that many children and young people who are victims of sexual abuse do not recognise themselves as such. A child may not understand what is happening and may not even understand that it is wrong. Sexual abuse can have a long-term impact on mental health.

**Some of the following signs may be indicators of sexual abuse:**

- Children who display knowledge or interest in sexual acts inappropriate to their age;
- Children who use sexual language or have sexual knowledge that you wouldn't expect them to have;
- Children who ask others to behave sexually or play sexual games; and
- Children with physical sexual health problems, including soreness in the genital and anal areas, sexually transmitted infections or underage pregnancy.

**Child sexual exploitation** *is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation doesn't always involve physical contact and can happen online. A significant number of children who are victims of sexual exploitation go missing from home, care and education at some point.*

**Some of the following signs may be indicators of sexual exploitation:**

- Children who appear with unexplained gifts or new possessions;
- Children who associate with other young people involved in exploitation;
- Children who have older boyfriends or girlfriends;
- Children who suffer from sexually transmitted infections or become pregnant;
- Children who suffer from changes in emotional well-being;
- Children who misuse drugs and alcohol;
- Children who go missing for periods of time or regularly come home late; and
- Children who regularly miss school or education or don't take part in education.

**Neglect:** *the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of*

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

Children who are neglected often also suffer from other types of abuse. It is important that practitioners remain alert and do not miss opportunities to take timely action. However, while you may be concerned about a child, neglect is not always straightforward to identify.

Neglect may occur if a parent becomes physically or mentally unable to care for a child. A parent may also have an addiction to alcohol or drugs, which could impair their ability to keep a child safe or result in them prioritising buying drugs, or alcohol, over food, clothing or warmth for the child. Neglect may occur during pregnancy as a result of maternal drug or alcohol abuse.

**Some of the following signs may be indicators of neglect:**

- Children who are living in a home that is indisputably dirty or unsafe;
- Children who are left hungry or dirty;
- Children who are left without adequate clothing, e.g. not having a winter coat;
- Children who are living in dangerous conditions, i.e. around drugs, alcohol or violence;
- Children who are often angry, aggressive or self-harm;
- Children who fail to receive basic health care; and
- Parents who fail to seek medical treatment when their children are ill or are injured.

**Other specific safeguarding issues**

**Female genital mutilation (FGM) and Forced Marriage**

There are many different types of abuse but there are some that staff may be initially less aware of. Female Genital Mutilation (FGM) and Forced Marriage fall into this category.

Professionals need to be alert to the possibility of a girl being at risk of **FGM**, or already having suffered FGM. There is a range of potential indicators that a child or young person may be at risk of FGM:

- Knowing that the family belongs to a community in which FGM is practised and is making preparations for the child to take a holiday, arranging vaccinations or planning absence from school;
- The child may also talk about a special procedure/ceremony that is going to take place on a special occasion to 'become a woman'.

Professionals should note that girls at risk of FGM may not yet be aware of the practice or that it may be conducted on them, so sensitivity should always be shown when approaching the subject.

Indicators that FGM may already have occurred:

- Prolonged absence from school or other activities with noticeable behaviour change on return, possibly with bladder or menstrual problems;
- Difficulty walking, sitting or standing, and look uncomfortable;
- Spend longer than normal in the bathroom or toilet
- May complain about pain between their legs, or talk of something somebody did to them that they are not allowed to talk about.

**Preventing radicalisation**

*Keeping Children Safe in Education 2015* places a duty on schools to prevent students from being drawn into terrorism according to the Counter-Terrorism and Security Act; and for schools to cooperate with local Channel panels and the police as appropriate.



Exposure of children to extremist ideology can hinder their social development and educational attainment alongside posing a very real risk that they could support or partake in an act of violence. Radicalisation of young people can be compared to grooming for sexual exploitation. Extremism can take several forms, including Islamist extremism and far-right extremism.

It appears a decision by a young person to become involved in violent extremism:

- may begin with a search for answers to questions about identity, faith and belonging
- may be driven by the desire for 'adventure' and excitement
- may be driven by a desire to enhance the self-esteem of the individual
- is likely to involve identification with a charismatic individual and attraction to a group which can offer identity, social network and support
- is likely to be fuelled by a sense of grievance that can be triggered by personal experiences of racism or discrimination

Recognising Extremism - early indicators may include:

- Showing sympathy for extremist causes
- Glorifying violence
- Evidence of possessing illegal or extremist literature
- Advocating messages similar to illegal organisations
- Out of character changes in dress, behaviour and peer relationships (but there are also very powerful narratives, programmes and networks that young people can come across online so involvement with particular groups may not be apparent.)

### **Private fostering**

Under certain conditions, a child might be cared for, as part of a private arrangement, by someone who is not their parent or a 'close relative'. This constitutes private fostering when the following conditions are met:

- a child is under 16 years of age – 18 if they have a disability
- the arrangement is for 28 days or longer
- the child's new carer does not have parental responsibility for the child and is not a close relative.

Close relatives are defined as step-parents, grandparents, brothers, sisters, uncles or aunts (whether of full blood, half blood or marriage/affinity).

By law parents and carers must notify the local authority of private fostering arrangements to safeguard and protect the child's welfare as well as ensuring the child, carer and parent are receiving appropriate support and help.

As a school, if we do become aware that a child or young person is being privately fostered, we will inform the carer/parent of their legal duty to notify Wiltshire Children's Social Care; we will follow this up by contacting Children's Social Care directly.

**APPENDIX 4a**

**Child Welfare and Child Protection**

**Concern Sheet**

*For completion by staff or volunteers when they become aware of child welfare concerns, in accordance with government guidance and the school's child protection policy. The Designated Safeguarding Lead will monitor concerns and report where appropriate to Children's Social Care if a child is deemed at risk of significant harm. This information will be disclosed only to those staff who need to know for the purposes of child protection. Concerns should usually be shared with parent/child, unless to do so may place a child/ren at increased risk of harm (if in doubt about this, consult with social care). Please write legibly and do not use acronyms. Exact words must be used even if they may offend.*

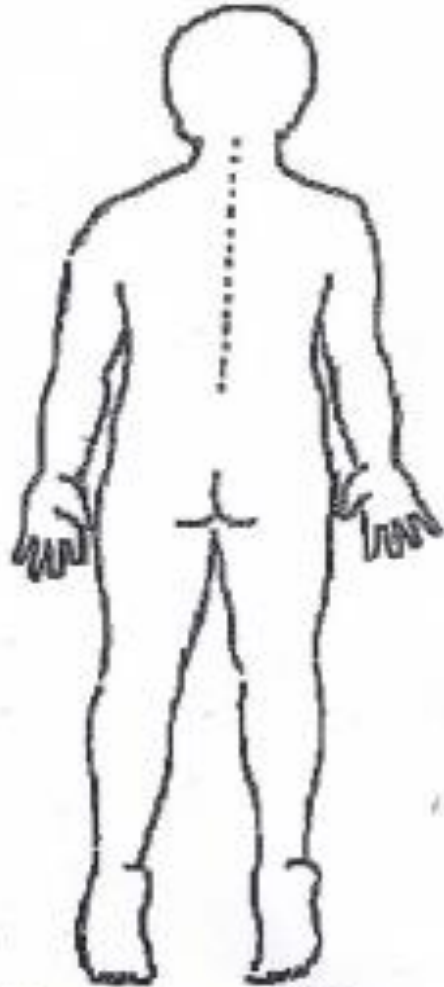
<b>Date of alleged incident</b>		<b>Date/time of disclosure</b>	
<b>Name of child/ren</b>		<b>Class</b>	
<b>Name of person making this record</b>		<b>Role in school</b>	
<b>Signed as a true record</b>		<b>Date DD/MM/YY</b>	

<b>Nature of concern</b>  <b>Attach additional sheet(s) if necessary</b>  (include observations as well as professional opinions)								
	<b>Body map used</b>	<b>Yes</b>		<b>No</b>				
<b>Any other relevant information</b> (previous concern, other professionals involved/SEN details etc.)								
<b>Current status with social care</b> (please tick & add name where known)	<b>None</b>		<b>Known to social care</b>		<b>Allocated social worker</b>		<b>Child protection plan</b>	

<b>Name of Designated Safeguarding Lead reviewing the concern</b>		<b>Initial Action taken</b>		<b>Date</b>	
<b>Further action taken</b> Please also record whether concerns were shared with: <ul style="list-style-type: none"> <li>• parents/carers</li> <li>• MASH</li> </ul> and reason(s) why:				<b>Date</b>	
<b>Final outcome</b>				<b>Date</b>	

**Body Map**

<b>Date concern noted</b>		<b>Date/time of report</b>	
<b>Name of child/ren</b>		<b>Class</b>	
<b>Name of person making this record (please print)</b>		<b>Role in school</b>	
<b>Signed as a true record</b>		<b>Date DD/MM/YY</b>	



**APPENDIX 4b**

**SAFEGUARDING OVERVIEW SHEET**

**(To be included in the child's CP file when concerns are logged for the first time)**

Name of child \_\_\_\_\_ DOB: \_\_\_\_\_

Date file created \_\_\_\_\_

Nature of concern:

Other known names \_\_\_\_\_

Address \_\_\_\_\_

Other family members:

(include full name, relationship e.g. mother, stepfather etc. For U18s, include age, if known)

Are any other child protection files held in school relating to this child or another child closely connected to him/her? YES/NO

If yes, which files are relevant?

Name and contact number of Social Worker (Children's Social Care) or CAF details:

Name and contact number of any other agency workers involved:

Name of lead person responsible for reviewing this record:

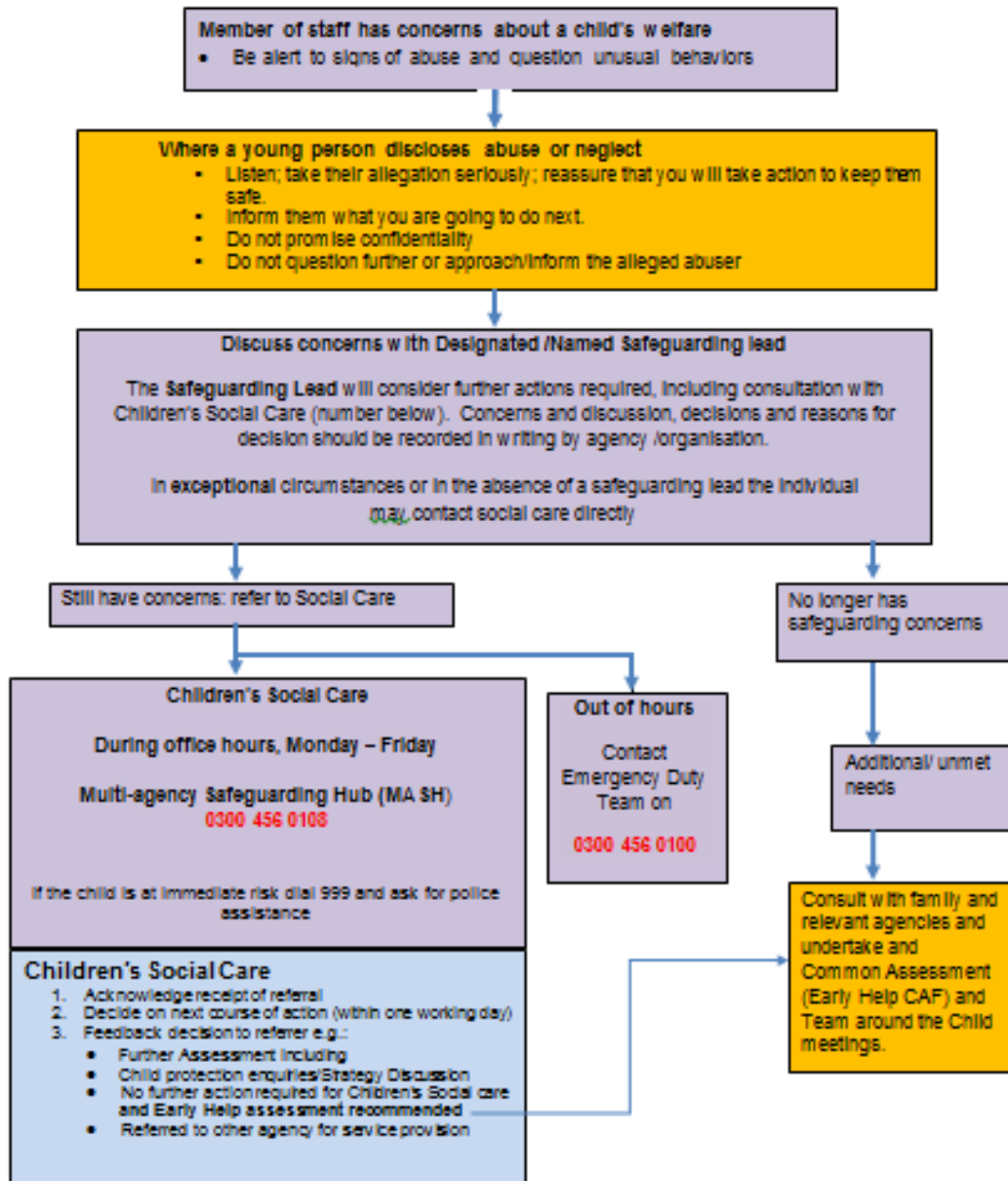


**APPENDIX 5: 'What to do if you are worried a child is being abused or neglected' flowchart**



## WILTSHIRE SAFEGUARDING CHILDREN BOARD

### What to do if you are worried a child is being abused or neglected



This flowchart is intended for use as a brief guide. Please refer to the [DfE Guidance 'What to do if you're worried a child is being abused'](#) guidance, which includes definitions and possible indicators of abuse (including child sexual exploitation) at: [www.wiltshirelscb.org](http://www.wiltshirelscb.org)



# **Social Networking Procedure**

## **Section 1: Introduction**

### **1.1 Objectives**

1.1.1 This policy sets out Wiltshire Safeguarding Children Board's policy on social networking. This document aims to:

- **Assist adults working with children to work safely and responsibly with the internet and other communication technologies and to monitor their own standards and practice**
- **Set clear expectations of behaviour and/or codes of practice relevant to social networking for educational, personal or recreational use**
- **Give a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken**
- **Support safer working practice**
- **Minimise the risk of misplaced or malicious allegations made against adults who work with children and young people**
- **Prevent adults abusing or misusing their position of trust**

1.1.2 Whilst every attempt has been made to cover a wide range of situations, it is recognised that this policy 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 standards outlined in this document. It is expected that in these circumstances adults will always advise their managers of the justification for any such action already taken or proposed. Managers will in turn seek advice from their HR team where appropriate.

1.1.3 This policy takes account of employment legislation and best practice guidelines in relation to social networking in addition to the legal obligations of employers and current relevant legislation.

### **1.2 Scope**

1.2.1 This document applies to all adults who work or volunteer in WSCB agencies and organisations. This includes paid staff, contractors and volunteers.

1.2.2 It should be followed by any adult whose work brings them into contact with children and young people during the course of their work/volunteer activities.

1.2.3 This policy should not be used to address issues where other policies and procedures exist to deal with them. For example any alleged misconduct which falls within the scope of the allegations management policy requires the agency to comply with additional child protection requirements as set out in that policy. 4



### **1.3 Status**

1.3.1 This document does not replace or take priority over advice given by agency HR or code of conduct, dealing with allegations of abuse, other policies issued around safeguarding or IT issues (email, ICT and data protection policies), but is intended to both supplement and complement any such documents.

#### **Principles**

- Adults who work with children and young people 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.
- Adults should work and be seen to work, in an open and transparent way.
- Adults should continually monitor and review their practice in terms of the continually evolving world of social networking and ensure they follow the guidance contained in this document.

## **Section 2: Safer Social Media Practice**

### **2.1 What is social media?**

2.1.1 For the purpose of this policy, social media is the term commonly used for websites which allow people to interact with each other in some way – by sharing information, opinions, knowledge and interests. Social networking websites such as Facebook are perhaps the most well known examples of social media but the term also covers other web based services such as blogs, video and audio podcasts, wikis, message boards, photo document and video sharing websites such as YouTube and micro blogging services such as Twitter. This definition of social media is not exhaustive as technology develops with new ways of communicating advancing every day.

2.1.2 For the purpose of this document the terminology Social Media is not exhaustive and also applies to the use of communication technologies such as mobile phones, cameras, PDAs / PSPs, tablets or other handheld devices and any other emerging forms of communications technologies.

### **2.2 Overview and expectations**

2.2.1 All adults working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, children and young people, public in general and all those with whom they work in line with the agency's code of conduct. Adults in contact with children and young people should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than the work setting. 5

2.2.2 This guidance sets out expected behaviours of adults who work with or have contact with children and young people. Anyone whose practice deviates from this document and/or their professional or employment-related code of conduct may bring into question their suitability to work with children and young people and may result in disciplinary action being taken against them.

2.2.3 Organisations should also have clear policies in place relating to child protection; allegations management; use of both personal and agency equipment i.e. emails addresses; camera's etc. This will help ensure that individual's are aware of expectations regarding interaction and contact with children.

2.2.3 Adults within their work setting should always maintain appropriate professional boundaries and avoid behaviour, during their use of the internet and other communication technologies, which might be misinterpreted by others. They should report and record any incident with this potential.

### **2.3 Safer online behaviour**

2.3.1 Managing personal information effectively makes it far less likely that information will be misused.

2.3.2 In their own interests, adults need to be aware of the dangers of putting personal information onto social networking sites, such as addresses, home and mobile phone numbers. This will avoid the potential for children, young people or their families or friends having access to the adult outside of the work environment. It also reduces the potential for identity theft by third parties.

2.3.3 All adults, particularly those new to the agency, should review their social networking sites when they join to ensure that information available publicly about them is accurate and appropriate. This includes any photographs that may cause embarrassment to themselves and the agency if they are published outside of the site.

2.3.4 Adults should never make a 'friend' of a child or young person where they are working on their social networking page, and should not become 'friends' with children or young person no longer receiving a service. Working to the organisations policy on this will assist in reducing the possibility that being 'friends' with young person no longer in receipt of services will be called into question.

2.3.5 Adults should never use or access social networking pages of children and young people and should never accept an invitation to become a 'friend' of a child or young person. Where this has been requested the adult should inform their manager who will decide whether to discuss with the child's parents/carers.

2.3.6 Confidentiality needs to be considered at all times. Social networking sites have the potential to discuss inappropriate information and employees need to ensure that they do not put any confidential information on their site

about themselves, their employer, their colleagues, children and young people or members of the public.

2.3.7 Employees need to ensure that when they are communicating about others, even outside of work, that they give due regard to the potential for defamation of character. Making allegations on social networking sites (even in their own time and in their own homes) about other employees, children, young people or other individuals connected with the agency/organisation could result in formal action being taken against them.

2.3.8 Adults are also reminded that they must comply with the requirements of equalities legislation in their on-line communications.

2.3.9 Adults must never post derogatory remarks or offensive comments on-line or engage in on-line activities which may bring the agency into disrepute or could reflect negatively on their professionalism. Where derogatory, racist, or other inappropriate comments are made, these should be referred to the Designated Officer in the Local Authority (formally known as the Local Authority Designated Officer - LADO) for consideration as to whether a criminal offence has taken place and regarding the individuals suitability to work with children.

2.3.10 Some social networking sites and other web-based sites have fields in the user profile for job title etc. Adults should not put any information onto the site that could identify either their profession or the agency where they work. In some circumstances this could damage the reputation of the agency or their profession.

## **2.4 Protection of personal information**

Adults should:

2.4.1 Ensure that they do not use agency ICT equipment for personal use, e.g. camera or computers.

2.4.2 Keep their personal phone numbers private and not use their own mobile phones to contact children, young people or parents.

2.4.3 Never share their work log-ins or passwords with other people.

2.4.4 Not give their personal e-mail addresses to children, young people or parents. Where there is a need for correspondence or written information to be sent electronically the work e-mail address should be used.

2.4.5 Keep a record of their phone's unique international mobile equipment identity (IMEI) number and keep their phone secure whilst on their own and other organisations premises.

2.4.6 Understand who is allowed to view the content on their pages of the sites they use and how to restrict access to certain groups of people. 7

## **2.5 Communication between children, young people / adults**

2.5.1 Communication between children, young people and adults by whatever method, should take place within clear and explicit professional boundaries.

2.5.2 This includes the wider use of technology such as mobile phones, text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs.

2.5.3 The agency may provide a work mobile and e-mail address for communication between adults and children/young people where this is necessary for particular trips/assignments. Adults should not give their personal mobile numbers or personal e-mail addresses to children/young people or parents.

2.5.4 Adults should not request, or respond to, any personal information from a child/young person, other than that which might be appropriate as part of their professional role.

2.5.5 Adults should ensure that all communications are transparent and open to scrutiny. They should also be circumspect in their communications with children/young people so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as 'grooming' in the context of sexual, financial or emotional exploitation.

2.5.6 Adults should not give their personal contact details to children/young people including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with senior management and parents/carers. . Where agreed, the purpose of contact should be explicit, and access to such correspondence should be available to managers for review.

2.5.7 E-mail or text communications between an adult and a child/young person outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites. Internal e-mail systems should only be used in accordance with the agency's policy.

## **2.6 Social contact**

2.6.1 Adults should not establish or seek to establish social contact via social media /other communication technologies with children or young people.

2.6.2 There will be occasions when there are social contacts between children/young people and adults, where for example the parent and adult are part of the same social circle. These contacts however, will be easily recognised and should be openly acknowledged with their manager where there may be implications for the adult and their position within the agency setting. 8

2.6.3 There must be awareness on the part of those working with or in contact with children/young people that some social networking contacts, especially where these are not common knowledge, can be misconstrued as being part of a grooming process. This can also apply to social networking contacts made through outside interests or through the adult's own family.

2.6.4 Where a parent who has accessed the organisations services becomes a volunteer or paid employee it will be important to ensure that they are clear on the organisations expectations regarding ongoing relationships and developing professional boundaries with children and their parents who continue to access the service. As such they should also be expected to work within and apply this protocol.

## **2.7 Access to inappropriate images and internet usage**

2.7.1 There are no circumstances that will justify adults possessing indecent images of children. Adults who access and possess links to such websites will be viewed as a significant and potential threat to children. Accessing, making and storing indecent images of children is illegal. This will lead to criminal investigation and disciplinary action being taken.

2.7.2 Adults should not use equipment belonging to their agency to access any adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work with and associated risk to children.

2.7.3 Adults should ensure that children/young people are not exposed to any inappropriate images or web links. Agencies need to ensure that internet equipment used by children/young people have the appropriate controls with regards to access e.g. personal passwords should be kept confidential.

2.7.4 Where indecent images of children are found, the police and local authority Designated Officer (formally known as the Local Authority Designated Officer - LADO) should be immediately informed. Agencies should refer to the Allegations Management policy on the WSCB website –

<http://www.wiltshirelscb.org/resources-guidance> and should not attempt to investigate the matter or evaluate the material themselves, as this may lead to evidence being contaminated or compromised which in itself can lead to a criminal prosecution.

The individual should not be confronted or otherwise informed of the discovery of indecent images as this may lead to destruction of evidence or increased risk to children or compromise a criminal investigation. The Designated Officer and police will advise of the process and timing of any investigation.

2.7.5 Where other unsuitable material is found, which may not be illegal but which raises concerns about that adult, either HR or the Designated Officer should be informed and advice sought. Agencies should refer to the Allegations 9

Management policy on the WSCB website and should not attempt to investigate or evaluate the material themselves until such advice is received.

## **2.8 Cyberbullying**

2.8.1 Cyberbullying can be defined as ‘the use of modern communication technologies to embarrass, humiliate, threaten or intimidate an individual in the attempt to gain power and control over them.’

2.8.2 Prevention activities are key to ensuring that adults are protected from the potential threat of cyberbullying. All adults are reminded of the need to protect themselves from the potential threat of cyberbullying. Following the advice contained in this guidance should reduce the risk of personal information falling into the wrong hands.

2.8.3 If cyberbullying does take place, records should be kept of the abuse such as text, e-mails, website or instant messages and texts or e-mails should not be deleted. Adults are advised to take screen prints of messages or web pages and be careful to record the time, date and place of the site.

2.8.4 Adults may wish to seek the support of their trade union or professional association representatives or another colleague to support them through the process.

2.8.5 Adults are encouraged to report all incidents of cyberbullying to their line manager. All such incidents should be taken seriously and dealt with in consideration of the wishes of the person who has reported the incident. It is for the individual who is being bullied to decide whether they wish to report the actions to the police.

2.8.6 Equally Adults need to be very clear that any online activity they undertake that may be considered bullying of another person, whether child or adult, or any threatening statements will be considered a disciplinary matter and may lead to criminal investigation and conviction. This is regardless of whether the behaviour has occurred within or outside of work, on work or personal equipment.

## **Section 3: Link with other policies**

3.1.1 This document should be read in conjunction with their organisations relevant policies on;

- IT and security standards
- Disciplinary Policy and Procedures
- Equal Opportunities Policy
- Code of Conduct

3.1. All adults must adhere to, and apply the principles of this document in all aspects of their work. Failure to do so may lead to action being taken under the disciplinary procedure.

#### **Section 4: Review of policies**

4.1.1 Due to the ever changing nature of information and communication technologies it is best practice that organisational policies be reviewed annually and, if necessary, more frequently in response to any significant new developments in the use of technologies, new threats to e-safety or incidents that have taken place. 11

## **Appendix A – Relevant legislation**

Adults should be aware of the legislative framework which currently surrounds use of social media / communication technology in the UK. It is important to note that in general terms an action that is illegal if committed offline is also illegal if committed online.

### **Computer misuse act 1990**

This Act makes it an offence to:

- Erase or amend data or programs without authority;
- Obtain unauthorised access to a computer;
- “Eavesdrop” on a computer;
- Make unauthorised use of computer time or facilities;
- Maliciously corrupt or erase data or programs;
- Deny access to authorised users.

### **Data protection act 1998**

This protects the rights and privacy of individual’s data. To comply with the law, information about individuals must be collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully. The Act states that personal data must be:

- Fairly and lawfully processed;
- Processed for limited purposes;
- Adequate, relevant and not excessive;
- Accurate;
- Not kept longer than necessary;
- Processed in accordance with the data subject’s rights;
- Secure;
- Not transferred to other countries without adequate protection.

### **Freedom of information act 2000**

The Freedom of Information Act gives individuals the right to request information held by public authorities. All public authorities and companies wholly owned by public authorities have obligations under the Freedom of Information Act. When responding to requests, they have to follow a number of set procedures.

### **Communications act 2003**

Sending by means of the Internet a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or sending a false message by means of or persistently making use of the Internet for the purpose of causing annoyance, inconvenience or needless anxiety is guilty of an offence liable, on conviction, to imprisonment. This wording is important because an offence is complete as soon as the message has been sent: there is no need to prove any intent or purpose.

### **Malicious communications act 1988**

It is an offence to send an indecent, offensive, or threatening letter, electronic communication or other article to another person.

### **Regulation of investigatory powers act 2000**

It is an offence for any person to intentionally and without lawful authority intercept any communication. Monitoring or keeping a record of any form of electronic communications is permitted, in order to:

- Establish the facts;
- Ascertain compliance with regulatory or self-regulatory practices or procedures; 12



- Demonstrate standards, which are or ought to be achieved by persons using the system;
- Investigate or detect unauthorised use of the communications system;
- Prevent or detect crime or in the interests of national security;
- Ensure the effective operation of the system.
- Monitoring but not recording is also permissible in order to:
- Ascertain whether the communication is business or personal;
- Protect or support help line staff.
- The school reserves the right to monitor its systems and communications in line with its rights under this act.

#### **Trade Marks act 1994**

This provides protection for Registered Trade Marks, which can be any symbol (words, shapes or images) that are associated with a particular set of goods or services. Registered Trade Marks must not be used without permission. This can also arise from using a Mark that is confusingly similar to an existing Mark.

#### **Copyright, designs and patents act 1988**

It is an offence to copy all, or a substantial part of a copyright work. There are, however, certain limited user permissions, such as fair dealing, which means under certain circumstances permission is not needed to copy small amounts for non-commercial research or private study. The Act also provides for Moral Rights, whereby authors can sue if their name is not included in a work they wrote, or if the work has been amended in such a way as to impugn their reputation. Copyright covers materials in print and electronic form, and includes words, images, and sounds, moving images, TV broadcasts and other media (e.g. youtube).

#### **Telecommunications act 1984**

It is an offence to send a message or other matter that is grossly offensive or of an indecent, obscene or menacing character. It is also an offence to send a message that is intended to cause annoyance, inconvenience or needless anxiety to another that the sender knows to be false.

#### **Criminal justice & public order act 1994**

This defines a criminal offence of intentional harassment, which covers all forms of harassment, including sexual. A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, they: -

- Use threatening, abusive or insulting words or behaviour, or disorderly behaviour; or
- Display any writing, sign or other visible representation, which is threatening, abusive or insulting, thereby causing that or another person harassment, alarm or distress.

#### **Racial and religious hatred act 2006**

This Act makes it a criminal offence to threaten people because of their faith, or to stir up religious hatred by displaying, publishing or distributing written material which is threatening. Other laws already protect people from threats based on their race, nationality or ethnic background.

#### **Protection from harassment act 1997**

A person must not pursue a course of conduct, which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other. A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions.

#### **Protection of children act 1978 13**

It is an offence to take, permit to be taken, make, possess, show, distribute or advertise indecent images of children in the United Kingdom. A child for these purposes is anyone under the age of 18. Viewing an indecent image of a child on your computer means that you have made a digital image. An image of a child also covers pseudo-photographs (digitally collated or otherwise).

### **Sexual offences act 2003**

A grooming offence is committed if you are over 18 and have communicated with a child under 16 at least twice (including by phone or using the Internet) and you arrange to meet them or travel to meet them (anywhere in the world) with the intention of committing a sexual offence. Causing a child under 16 to watch a sexual act is illegal, including looking at images such as videos, photos or webcams, for your own gratification. It is also an offence for a person in a position of trust to engage in any sexual activity with any person under 18, with whom they are in a position of trust. (Typically, teachers, social workers, health professionals fall in this category of trust). Any sexual intercourse with a child under the age of 13 commits the offence of rape.

### **Public order act 1986**

This Act makes it a criminal offence to stir up racial hatred by displaying, publishing or distributing written material which is threatening. Like the Racial and Religious Hatred Act 2006 it also makes the possession of inflammatory material with a view of releasing it a criminal offence.

### **Obscene publications act 1959 and 1964**

Publishing an "obscene" article is a criminal offence. Publishing includes electronic transmission.

### **Human rights act 1998**

This does not deal with any particular issue specifically or any discrete subject area within the law. It is a type of "higher law", affecting all other laws. In the school context, human rights to be aware of include:

- The right to a fair trial
- The right to respect for private and family life, home and correspondence
- Freedom of thought, conscience and religion
- Freedom of expression
- Freedom of assembly
- Prohibition of discrimination
- The right to education

These rights are not absolute. The organisation is obliged to respect these rights and freedoms, balancing them against those rights, duties and obligations, which arise from other relevant legislation. 14

**Where to find further information about WSCB:**

Website [www.wiltshirelscb.org](http://www.wiltshirelscb.org)

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Clifford Turner Phone via the WSCB Administrators

or email [Clifford.Turner@wiltshire.gov.uk](mailto:Clifford.Turner@wiltshire.gov.uk)

**Wiltshire Safeguarding Children Board Manager**

Julie Upson Phone 01225 718414/07799860938

or email [Julie.Upson@wiltshire.gov.uk](mailto:Julie.Upson@wiltshire.gov.uk)

**Safeguarding Advisor to the Independent Chair:**

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**Wiltshire Safeguarding Children Board Administrators:**

Kim Brown                      **Date**                      **Amendments**

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