



# Course Companion

for T Level Technical Qualification  
in Education and Early Years

*Element 3: Safeguarding, Health and Safety  
and Wellbeing*

Update v1.2, August 2024

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# Teacher's Introduction

This course companion is for **Element 3: Safeguarding, health and safety and well-being**, part of the NCFE Cache T Level Technical Qualification in Education and Early Years (603/5829/4). The aim of this resource is to guide students through the core content of this unit, providing them with in-depth information that covers each of the specification points. This resource aims to provide students with the knowledge and skills that will help them succeed in the assessment for this unit, which involves demonstrating an understanding of how additional needs are determined and how support can be provided to those with additional needs.


For clarity and ease of use, the content of this course companion matches the order of the specification points. The content is structured as follows against the unit's learning aims:

- **3.1** – The legal requirements and guidance relating to security, confidentiality of information, safeguarding health, safety and well-being\*
- **3.2** – How statutory guidance informs safeguarding policies and procedures in educational settings
- **3.3** – The importance of children's and young people's emotional health and its impact on their overall well-being\*
- **3.4** – The difference between a child / young person 'at risk' and a child / young person 'in need' and the mandatory reporting requirements to escalate concerns that a child / young person is in need or at risk
- **3.5** – The factors that may indicate that a child / young person is in danger or at risk of abuse, including but not limited to individual, parental and environmental factors
- **3.6** – The legal definition of a position of trust, as defined by the Sexual Offences Act 2003, and how power and influence can be used and abused when working with children and young people
- **3.7** – How children and young people could be groomed or exploited
- **3.8** – Indicators that an adult in the setting may have inappropriate relationships with children and young people and how practitioners deal with suspected abuse in line with the educational setting's codes of conduct
- **3.9** – How abuse, neglect, bullying, persecution and violence may impact on children's and young people's development and behaviour


Throughout the resource, there are key features to keep an eye out for:




**Keywords:** used to draw students' attention to various keywords throughout the unit.




**Did you know?**  
Provides further information and additional content to inspire students.



**Case studies**  
Help students to apply the issues identified in the resource to real-world scenarios.



**Applied activities** encourage application of knowledge to the case studies or to real-world scenarios in the health and social care sector.



**Research activities** inspire further research and stretch and challenge higher-ability students.

Some of the activities can be completed using either computers, mobile phones or tablets to aid students' research, and/or can be completed outside the classroom as homework.

There is also a set of **revision questions** provided at the end of each section (with answers included). These should help students recap their knowledge throughout the course companion and will ensure that they have understood what they have read.

*\* Some additional legislations and guidance that were covered in the 2020 version of the spec have been kept and included in an appendix at the end of this resource. Teachers should focus on the legislations given in the spec, but may wish to cover others as additional reading, particularly for higher ability learners.*

December 2022

## Update v1.1, August 2023 (to match specification changes for first teaching September 2023)

- Reference to 'Education and Childcare' has been amended to 'Education and Early Years' throughout.
- Reference to 'GDPR' has been amended in the title to 'UK GDPR' on p. 12.
- Updated dates of legislation: 'Prevent Duty Guidance' from 2015 to 2021 on p. 11 and 'Keeping Children Safe in Education (KCSIE)' from 2021 to 2023 on p. 18.
- Added further information on changes made to KCSIE to p. 20.
- Content has been amended in Chapter 3.3 (pp. 22, 23 and 25) to remove reference to Public Health England.
- Added new content on 'Country lines' to Chapter 3.7 on pp. 35 and 36 (new page added).

## Update v1.2, August 2024 (to match specification changes for first teaching September 2024)

- Updated dates of legislation: 'Prevent duty guidance' from 2021 to 2023 on p. 11 and 'Working together to safeguard children' from 2018 to 2023 on p. 15.
- Added summary of the 2023 key changes to the guidance 'Working together to safeguard children' on p. 15.
- Reference to 'domestic violence' has been updated to 'domestic abuse' on pp. 24, 29 and 50.

## Chapter 3.1: The legal requirements and guidance for safeguarding, security, confidentiality of information, safety and well-being

In this chapter we will look at the legislation that has helped form the duties and responsibilities of those working with children today. As an early years educator, or if you are assisting in a teaching role, you need to understand the law, the legal obligations it places upon you and how to act in the best interests of the child to keep him/her safe from harm. These responsibilities are drawn from an array of legislation.

### The legislation of safeguarding, health and well-being

'The welfare of our children and young people is crucial to the future well-being of our society. We know that abuse and neglect in childhood can cause long-lasting damage with consequences into adulthood.'

*(Safeguarding Children: A Joint Chief Inspectors' Report on Arrangements to Safeguard Children, October 2002)*

The Department of Health acknowledged the importance of safeguarding children and the devastating impact abuse and neglect can have on children; however, there is no legal definition of the term 'safeguarding'. The duty of care to safeguard the child is paramount. Over the years, without a legal definition, it has come to mean the protection of a child's human rights, health and mental well-being. A school has a duty to protect the rights of the child. In a school setting this is done through following legislation. In this chapter we will break down the duties and responsibilities of an educational setting.

#### Applied activity

Do you know of any legislation that safeguards the rights of a child?

### Health and Safety at Work Act 1974

The first Act of Parliament to introduce a degree of safety and well-being for children was the **Health and Safety at Work etc. Act 1974**. The purpose of the legislation is for employers to protect the health and safety of their employees at work and members of the public. Within a school setting this includes pupils, staff and visitors. Employees also have a duty to protect themselves and each other.

In the field of education, this is done by the **employer** / school / governing body /

- Complying with health and safety legislation
- Providing a safe school/premises for employees, pupils and visitors
- Providing a health and safety policy
- Providing health and safety training for employees
- Providing safety equipment where required
- Undertaking risk assessments

The **employee** / staff member also has a duty to:

- Comply with health and safety legislation
- Protect the health, safety and welfare of others
- Follow the school's health and safety policies
- Report any health and safety risks to the relevant person
- Use personal protective equipment (PPE) where necessary
- Use equipment/machinery in compliance with training and health and safety legislation
- Undertake health and safety training

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There is a responsibility to keep all children safe at school / in an educational setting. The employer/proprietor is accountable for the health and safety of all pupils and employees.

Responsibility usually rests with the local authority, the governing body or the employer. Educational settings are obligated to appoint a competent person to ensure compliance with the Act and other health and safety requirements. This may be a directly appointed position, or a role taken on by one of the existing academic staff. The competent person advises on how to manage risk and adhere to health and safety requirements.

#### Applied activity

A teacher in charge of 31 children in a town, which is not accessible by public transport. The teacher is responsible for the children until 3pm. The teacher is responsible for bringing a pack of all the potential risks and include in the risk assessment.

There is no requirement to assess every part of a trip, but there is a need to identify real risks, assess them and mitigate to reduce these risks wherever possible. The responsibility rests with the employer. The responsibility of teachers and other staff is to ensure the required risk assessments are completed, steps taken to mitigate and act responsibly. An employee will only be held liable where they have ignored direct instructions about risks or where they have failed to follow a basic duty of care.

For detailed guidance see: [www.gov.uk/guidance/child-safeguarding-guidance](https://www.gov.uk/guidance/child-safeguarding-guidance)

## Children Act 2004

Following the murder of eight-year-old Victoria Climbié by her aunt, Lord Laming produced a report into her death. It revealed numerous failings in the safeguarding of children. In response the government produced a paper, **Every Child Matters**, which sets out five key principles to protect children. This guidance paved the way for the introduction of the Children Act 2004, which built on the 1989 legislation of its namesake.

The primary function of the legislation is to enhance safeguarding for children by introducing measures to support multi-agency working and extend the duty of care to anyone working with children both in and outside of an educational setting.

#### Every Child Matters

This initiative identifies five key principles for working with children. Every child, irrespective of their circumstances, will have the opportunity to:

1. Be healthy
2. Stay safe
3. Enjoy and achieve
4. Make a positive contribution
5. Achieve economic wellbeing

The Act introduced a number of changes:

- The creation of the post of **Children's Commissioner** to promote and protect children's interests in England.
- A duty on local authorities and agencies to promote an integrated approach to the well-being of children and young people.
- An improved delivery of children's services.
- The appointment of a Director of Children's Services.
- A Local Safeguarding Children Board.

Today there is an obligation on all agencies working with children to ensure the safety of children and young people. This includes childminders, children's centres, early years, education etc. Safeguarding is the responsibility of each and every adult. There is a responsibility to comply with it. Ignorance is not an excuse.

#### Applied activity

Locate and familiarise yourself with your school's / work placement's safeguarding policy.

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The impact of this Act is that there is an obligation for agencies to work in partnership approach to protect children and young adults.

### Research activity

There was a series of high-profile child deaths leading up to and beyond the implementation of the Child Safeguarding Act 2004 (see below for a summary of the significant cases). Read the Child Safeguarding report to consider what key learning points they have identified to improve child protection. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11874-report](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11874/report.pdf)

#### Summary of significant cases:

*Feb 2000 – Victoria Climbié was murdered by her great-aunt Marie Therese Kinnear. Victoria had 128 separate injuries. She had two hospital admissions. Police and social services were involved, but the abuse was not discovered until her death. Lord Laming produced a report calling for significant changes to child protection under the Children Act 2004.*

*August 2002 – Jessica Chapman and Holly Wells were murdered by school caretaker Ian Huntley. Historically, Huntley had been investigated for previous sexual offences and worked in a school because he did not have any convictions. Sir Michael Bichard led an inquiry into these events which called for a single organisation to vet all individuals working with children and vulnerable adults – the Vetting and Barring Scheme.*

*2008 – Peter Connelly (Baby P) was killed at 17 months old by his mother, her partner and a friend. Peter was under the same local authority as Victoria Climbié (Haringey). There were significant failures in child protection procedures. Lord Laming carried out a subsequent report calling for changes in the way social workers were trained, recruited and supervised, leading to the Social Care Act 2012. The new board brought significant changes to procedure and practice for social care.*

*2010 – the Munro review reported on child protection procedures in England. It found that changes had caused the system to become too procedural and often curtailed the role of social workers.*

*More recently the effect of lockdown and the isolation of vulnerable children and young people has been going undetected.*

*June 2020 – Arthur Labinjo-Hughes was beaten to death by his stepmother Enayetur Raheem during a period of abuse.*

*September 2020 – Savannah Brockhill was found guilty of murdering her partner after a campaign of physical and psychological abuse. Family and friends made a campaign for the Council's Children's Services. An Ofsted report noted that the council was heavily impacted by staff shortages.*

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## Female Genital Mutilation Act 2003

**Female genital mutilation (FGM)** involves the partial or complete removal of female genital organs for no medical reasons. **FGM** can be carried out from any age – from birth through to adulthood – and is often performed between the ages of five and eight years old. It is often done for cultural or religious reasons and can cause significant pain and long-term medical complications. FGM can occur in many parts of the world. Legislation was introduced to prevent the practice of FGM. It is now illegal and regulated. FGM has been recorded in some Asian countries, areas of the Middle East, the African continent and some countries (Department for Education, Department of Health and Social Care and Home Office). The Act makes it an offence to perform or assist in FGM. Anyone with parental responsibility for a child who is the victim of the Act. Prosecution can result in a fine or imprisonment for up to seven years, or both.

A female genital mutilation protection order (FGMPO) can also be taken out to protect a child from further genital mutilation. Breach of such an order can result in five years' imprisonment or a fine, or both, or years' imprisonment for a civil offence. The legislation can also be used to protect a child from the surrender of her passport, preventing her from going abroad.

The legislation makes it mandatory for professionals (including teachers) to report:

- Any disclosure has been made to them by a victim of FGM
- They have observed any physical signs of FGM where there is no medical reason

Indicators that a female may be at risk of undergoing FGM include:

- A visitor from abroad known as a 'cutter'
- A ceremony preparing a female for marriage or womanhood
- Family history of females who have undergone FGM
- Long holiday/visit abroad
- High level of absenteeism from school
- A female struggling academically when previously they had not
- Running away or planning to do so

Indicators that a female may have undergone FGM include:

- Spending longer in the bathroom
- Having difficulty sitting, standing or walking
- Behaving differently after a period of absence
- Showing signs of being anxious or distressed

As with all indicators there may be other factors at play. If you have concerns about a child, speak with your safeguarding lead.

## Safeguarding Vulnerable Groups Act 2006

The Safeguarding Vulnerable Groups Act 2006 was brought in to protect children and vulnerable adults. It places a statutory duty on people who are regarded as unsuitable to work with such groups. It places a statutory duty on employers to undertake suitability checks on all individuals who work with children and vulnerable adults. The Act created the Disclosure and Barring Service (DBS). It created a vetting and barring scheme. It allows employers to check and bar people from working with children or vulnerable adults. People who are barred will automatically be barred from working with these groups. The Independent Safeguarding Authority (ISA) is responsible for maintaining these lists and making decisions as to who is barred. Checks must be carried out against the DBS database before anyone can work with children or vulnerable adults in either a paid or unpaid capacity. These are known as pre-employment vetting checks.

If a person who has already been vetted and approved to work with children subsequently becomes barred, puts them on the barred list, a new check will reveal a change in the employee's status. They will no longer be able to work with the vulnerable groups. If you are working with children or vulnerable adults, you must be checked against the vetting and barring list, regardless as to whether you are in paid or unpaid employment.



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# Children and Families Act 2014

The Children and Families Act 2014 was introduced primarily to provide greater support and protection to vulnerable children. In respect of adopted children, the courts could now grant or prohibit access between the adopted child and their birth parents/family. This can impact educational providers with regard to contact with birth families. It also sped up the process of adoption to reduce the impact on the child or young person. In childcare proceedings, the contact and residence orders of the Children's Act 2004 collectively became known as **child arrangement orders**.

Child arrangement orders for two or more children who live with different persons when the order is made, for a duration of more than one year. Child arrangement orders for contact with a parent or other person.

A **child arrangement order** can determine where a child lives, who they have contact with, and how often they have contact with their time with parents / family members. The order may also restrict or prevent contact with a child. It may affect who can collect a child from an educational place. If their parents are going through a divorce, this is something to be mindful about.

The Act also clarifies what a **special educational need or disability (SEND)** is. A child has a special educational need or disability if they have a greater difficulty learning than the majority of children of the same age, or their disability prevents them from accessing mainstream education.

Once identified, such children / young people would be entitled to the provision of special educational needs which would not otherwise be provided in a mainstream educational setting. The Act places a duty on schools to support children with specific medical conditions.

Part 3 of the legislation introduced education, health and care (EHC) plans. The purpose of the Act is to identify the health and social care needs of an individual and how these needs can be met. One of the provisions of the legislation is to have all provisions within one document, making it easier for stakeholders to work collaboratively. The local authority is responsible for creating an EHC plan on an annual basis. But this is done in close partnership with the school or educational institution and other relevant professionals involved in the care and support of the child / young person. The local authority has 20 weeks to complete an assessment and create a final plan. Any individual (the child or young person, parent/carer) who is unhappy with the assessment determination or the plan itself can appeal to the First-tier (Special Educational Needs and Disability) Tribunal. Parties are encouraged to resolve disputes through mediation.

The local offer was also devised under Part 3. This established a duty on each local authority to make provision available for SEND children and young people in their area.

The Act also paved the way for the SEND Code of Practice, which provides statutory guidance for children and young people with special educational needs or disabilities, from birth to 25 years. The code sets out how education, health services and social care should work together. It provides a framework for how institutions can identify and support students with SEND. The code established the requirement for an EHC plan. This document identifies a child's / a young person's assessed complex needs and the support they need that cannot be fully supported with mainstream learning alone. It involves the child or young person and their family within this process and ensures that they are consulted on their care and education.

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**Did you know?** The following organisations must follow the SEND Code of Practice

- Local authorities (education, social care and relevant housing and employment)
- The governing bodies of schools, including non-maintained special schools
- The governing bodies of further education colleges and sixth-form colleges
- The proprietors of academies (including free schools, university technical colleges)
- The management committees of pupil referral units
- Independent schools and independent specialist providers approved under the Education Act 2011
- All early years providers in the maintained, private, voluntary and independent sectors
- The local authority
- The National Health Service Commissioning Board
- Clinical commissioning groups (CCGs)
- NHS trusts
- NHS foundation trusts
- Local health boards
- Youth offending teams and relevant youth custodial establishments
- The First-tier Tribunal (Special Educational Needs and Disability)

Think about where you study. Does your organisation have to follow the SEND Code of Practice?

## Counter-Terrorism and Security Act 2015

The purpose of this legislation is to tackle the threat of terrorism by reducing the risk of terrorism or supporting terrorism. The aims of the legislation are threefold:

1. Challenge the ideological beliefs of terrorism doctrine and respond to the threat of terrorism in such ideals.
2. Prevent people supporting terrorism through interventions, support and advice.
3. Work directly with organisations where there is a risk of radicalisation.

The legislation created the **Prevent duty** – this is a duty on everyone to reduce the risk of terrorism by preventing people from joining terrorist organisations or supporting their cause.

### Educational organisations have a responsibility to:

- Understand how people may be radicalised in their area
- Support employees to identify risks of being radicalised and use strategies to reduce the risk
- Support and promote the Prevent duty
- Ensure all employees implement Prevent with due diligence
- Promote British values

All terrorist organisations aim to radicalise and recruit supporters, often through:

- Targeting vulnerable adults or children
- Violence
- Crime – including race and hate crimes
- Antisocial behaviour
- Peer pressure
- Group bonding
- Personal or political reasons
- Indoctrination
- Internet / Social media

Channel provides early intervention support to those who are identified as being at risk of radicalisation. It is a multi-agency body which can evaluate potential people at risk and provide support.

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Working in education, there is a responsibility on all staff to know how to identify terrorism and to know how to refer once a person has been so identified.

Educational organisations and other organisations use a vulnerability assessment. An individual may be drawn into supporting terrorism. Working in education, employees and staff who come into contact with people who may become involved in terrorism. Of this subject, know how to identify students/families who may be at risk of radicalisation, refer matters where they are concerned to Channel – the multi-agency organisation that safeguard and promote children or young people who may be drawn into terrorism. Often if an educational institution makes a Prevent referral, a safeguarding referral should be noted that there is also a distinction between those who may be at risk of radicalisation sympathies and those who pose a serious terrorism threat. Where there is a risk of radicalisation, a Channel referral will be appropriate. Where there is a genuine terrorism threat, it should be reported to the police rather than to Channel.

#### Research activity

Read the Department for Education's guidance for schools and childcare providers on how to determine how to build children's resilience to radicalisation: [zzed.uk/11874-radicalisation](https://www.zzed.uk/11874-radicalisation)

## Data Protection Act 2018

The Data Protection Act 2018 (DPA) protects the privacy of individuals. It sets out the rules that businesses, organisations and the government. The DPA concerns information held by businesses, organisations and the government. The Freedom of Information Act 2000 covers information held by a public body (see the Freedom of Information Act 2000). The Act is split into the following topics:

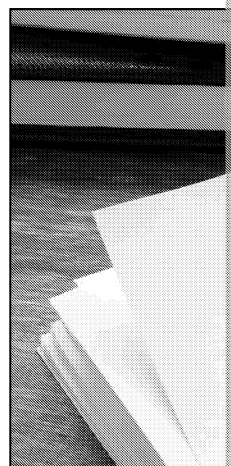
- Part 2: General processing, which is actually the UK General Data Protection Regulation (GDPR) (*see further information*)
- Part 3: Law enforcement processing
- Part 4: Intelligence services processing

Educational organisations work with large amounts of personal data belonging to students, staff and volunteers. Personal information includes a person's name, address and date of birth, medical information and so forth – this all falls within the rules of the DPA. A data controller is a person/company/body that processes the information. In the case of educational organisations, schools and universities are normally regarded as the data controller. A data processor is a person who processes data for the data controller. This includes the majority of educational staff. When an organisation collects or retains personal data it must follow the **data protection principles**. The data protection principles must be followed to ensure personal information is dealt with in a lawful way.

#### Data protection principles

When using personal data the information must be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage



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### 3.1 Revision questions

1. Which legislation introduced the Prevent strategy?
2. Which **one** of the following principles is not included in Every Child Matters?
  - A. Be healthy
  - B. Be educated
  - C. Stay safe
  - D. Enjoy and achieve
3. Which **one** of the following is not a risk factor in radicalisation?
  - A. Social class
  - B. Vulnerability
  - C. Personal/political views
  - D. Isolation
4. Outline the purpose of Channel.
5. Identify **three** primary aims of the Counter-Terrorism and Security Act 2015.
6. Outline **two** responsibilities that the employer has in relation to the Health and Safety at Work Act 1974.
7. Identify **three** different people or organisations who can have parental responsibility for a child.
8. Define the term 'personal data' and give **one** example of personal data that is protected under the Data Protection Act 2018.
9. Outline **three** types of indicator that might indicate that a female is at risk of female genital mutilation.
10. What are the **two** requirements for a person with a physical or mental impairment to be eligible for a reasonable adjustment?
11.

*Sophia is a nine-year-old girl who has cerebral palsy; other than that she is working one year below her peers academically. Her older brother has already been identified as being at risk of radicalisation. Her mother has emotional and social challenges, and it is difficult for her to access support.*

Explain **two** factors that could be used to identify whether Sophia would be at risk of radicalisation.
12. A school administrator saves the CVs of all the applicants who applied for a teaching position. Discuss how the principles of the Data Protection Act 2018 establish how personal data should be handled.

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## Chapter 3.2: Statutory guidance which informs policies and procedures in education

All childcare settings are required to follow applicable laws and legislation relating to young adults. Educational settings and public bodies are also obligated to follow policies and procedures in educational settings, particularly on the topics of health, confidentiality and safeguarding. Each piece of guidance identifies the organisation the guidance and whether compliance is essential or can be ignored where there is a discretionary duty to follow. You therefore need to know which guidance applies to you in your educational setting or a discretionary duty to follow. We will consider each piece of guidance below.

### Health and safety: responsibilities and duties of educational organisations

This guidance reinforces the Health and Safety Act 1974 and applies the legislation to educational settings. The educational organisation must identify any hazards, who might be harmed and how to reduce or control the risk. This is usually detailed in a risk assessment. Risk assessments must ensure they are up to date and relevant.

When assessing risk, the following questions should be considered:

1. **Elimination** – if an activity is not essential, can it be stopped to avoid the risk?
2. **Substitution** – can the activity be replaced to reduce/avoid the risk? Note it must be a risk assessment for the substituted task.
3. **Engineering controls** – can any design measures be applied to mitigate risk?
4. **Administrative controls** – what procedures/measures could be followed to reduce the risk?
5. Is PPE required to mitigate risk?

The guidance also contains specific guidance in matters such as COVID-19, managing work-related stress.

### EYFS welfare requirements

The EYFS has been updated to include a duty on all staff to take reasonable steps to ensure the welfare of children. The EYFS welfare requirements are as follows:

- **Child protection** – recognise any issues of concern that may affect a young child's learning and ensure compliance with safeguarding policies and procedures
- **Suitable people** – check the suitability of those working with young children and ensure they perform their role appropriately.
- **Key persons** – each young person must be assigned a key person who is responsible for the educational organisation and building a relationship with the child and the staff.
- **Staff-to-child ratios** – ensure there are sufficient staff present to supervise the children.
- **Health** – promote the health of young children. This includes following procedures for accidents, food and drink, illness and infection control.
- **Managing behaviour** – use appropriate behaviour management strategies to manage and encourage desirable behaviour.
- **Safety and suitability of premises, environment and equipment** – ensure the environment for children is age-appropriate and safely maintained; carry out risk assessments and ensure the environment provides a safe environment wherever the young person is.
- **Special educational needs** – comply with the SEND Code of Practice in order to meet the needs of children with SEND.
- **Information and records** – educational organisations must maintain appropriate information with parents/carers and professionals alike, to ensure the needs of children are met.

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## Prevent duty guidance (2023) *(Replacing 2021 version)*

Prevent duty guidance was introduced under the Counter-Terrorism and Security Act 2015. The first guidance was a counterterrorism move to respond to the threat of terrorism, to prevent people from becoming terrorists, and to work with sectors and institutions where there is a high risk of radicalisation. It continues to be updated as the threats of terrorism develop. Presently the government identifies Al-Qa'ida and specific terrorist organisations in Syria and Iraq as posing the highest threat to Britain.

Extremism is currently identified in Britain as behaviour that threatens established British values. This includes attacks on the rule of law, our democracy, freedoms, religion and beliefs and threats made against service personnel.

There is a known link between extremist ideology and terrorist groups. Extremist ideology in itself may or may not be lawful, but there is a known link between extremist ideology and terrorism.



### **Did you know?**

*If you are concerned about terrorism and/or extremism you can report your concerns to the local police on 101 or – in the event of an emergency – 999.*

The Prevent strategy was updated to extend to all forms of terrorism including non-violent extremism. This includes operating legally with extremist groups. They may be moving into acts of terrorism. There are specified authorities to work collaboratively. There is a duty on schools in England

cohesion and promote British values.

Early years providers are required to focus on children's personal, social and emotional development, to help children learn right from wrong as well as learn about shared and different cultural values. Many educational and childcare organisations to prevent people from being drawn into extremism. They should be safe places for all, and while the intention of Prevent is not to stifle discussion, it is to help children learn how to challenge terrorist ideology.

The guidance requires staff to be trained to identify children at risk of being drawn into extremism. Staff working with children should therefore receive Prevent training. They should know when to refer children or young people at risk. Ofsted also inspects the effectiveness of Prevent. It looks at how they keep pupils safe. Safeguarding and Prevent strategies are usually closely linked. They should recruit vulnerable adults, young people and children who may be susceptible to extremism.

There is specific guidance for schools and childcare providers – *The Prevent duty for schools and childcare providers* (2021). It places a Prevent duty on schools and childcare providers. In educational and childcare settings, providers must consider how they can reduce the risk of radicalisation and young people they support. Staff need to identify those children / young people at risk of radicalisation and take steps to protect them. This is part of their safeguarding responsibilities. In colleges, colleges can challenge extremist views through the promotion of British values. In primary schools (EYFS) profile it would be understanding the world and social and emotional development. Children are encouraged to learn about their own family's beliefs, customs and values, while respecting others' identity. They are encouraged to embrace differences as well as celebrate what is good.

The intention of the guidance is not to stifle debate about different ideologies. Part of the Prevent strategy is used to help pupils learn and understand the values of British society. Speakers can be brought into schools from a range of political backgrounds to encourage discussion of different ideologies. Students should be encouraged to understand the ideals of democracy. They should experience where decisions are taken that affect them in a fair and democratic manner. They should be encouraged to express their own voice through student councils and committees. They should be encouraged to develop their own ideas and express their reasoned opinions on current issues. They should also be given the opportunity to hone their debating skills supporting different sides of an argument. They should understand the importance of free speech and how to respect the views of others.

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Educational providers should carry out a risk assessment. A balance must be struck between supporting a private family life, and preventing terrorism. Action must be taken where there is a risk. The Channel programme provides early intervention support for students at risk.

### Research activity

What Prevent guidance is there at your educational organisation where you work?



### Did you know?

The Channel programme and Prevent Multi-Agency Panel (PMAP) provide details of the support you are concerned about a child / young person who may be at risk of radicalisation.

For more information visit [zzed.uk/11874-pmap](https://www.zzed.uk/11874-pmap)

and online learning for staff can be found here: [zzed.uk/11874-prevent](https://www.zzed.uk/11874-prevent)

## UK General Data Protection Regulation (UK GDPR)

The UK General Data Protection Regulation (GDPR) came into effect on 1<sup>st</sup> January 2020 in respect of data, as the UK is no longer a member of the European Union. On the 1<sup>st</sup> January 2020, the UK Data Protection Regulation that existed before Brexit, with the exception of law enforcement and intelligence agencies, which now refer to UK agencies.

Educational organisations that operate in the UK and in Europe may need to ensure they comply with both sets of regulations.

If your educational organisation deals with countries in the European Economic Area (not the UK), you must follow the EU GDPR legislation and may want to read

[zzed.uk/11874-data](https://www.zzed.uk/11874-data) for further guidance. For UK guidance see [zzed.uk/11874-gdpr](https://www.zzed.uk/11874-gdpr)

These regulations form Part 2 of the Data Protection Act 2018 – General processing of personal data should be read alongside these regulations. They require every organisation to have a policy to ensure compliance with the legislation, monitor internal compliance with data protection, conduct data protection impact assessments. It also introduced the data protection principles adopted into the DPA (2018) as identified above. There remained some differences between the legislation; for example, the age of child consent is 16 under the GDPR but could be 13 under the DPA (2018) also extends to processing information outside of EU laws. However, these variations aside, as a whole, there are significant areas of commonality between the two pieces of legislation.

The UK regulations reinforce the 'data protection principles'. These are a set of principles that must be followed when using **personal data**. **Personal data** is information which identifies an individual or from which an individual may *indirectly* be identified from the data provided; for example, the information provided but their identity can be worked out from other information provided.

All educational providers will use and process personal data relating to the children and young people and their volunteers. Therefore, when obtaining or processing this information, educational providers must follow the data protection principles. The legislation is designed to safeguard and protect personal data. Educational organisations must be able to prove that they are compliant with this legislation and that they effectively manage, process and store data under the Act.



### Did you know?

**Personal data** is data relating to an individual. In an educational setting this will include information such as name, address, National Insurance number, medical records, behaviour records, exam results, financial records, bank details, recruitment information, safeguarding information, etc. This is not an exhaustive list and can apply to children, young adults, parents, guardians, and volunteers. When dealing with such information you must ensure you are acting in accordance with the data protection principles.

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Each educational organisation must publish a privacy notice which explains what information is collected, how it is shared with third parties and which consents have been obtained. Information can be stored and processed.

If you store personal data you must ensure compliance with the seven GDPR principles.

<b>1. Lawfulness, fairness and transparency</b>	Data must be obtained lawfully. Individuals must be fully informed of what the establishment needs the information it is requesting. They must know how long it will retain the information for, and how individuals can access their data to ensure transparency. There must be full compliance with the GDPR.
<b>2. Purpose limitation</b>	Organisations must set out why the information is being collected. It can only be used for that purpose. If they need to use information for a different purpose, organisations must seek new approval before doing so. Organisations should have a number of potential purposes to avoid the need to obtain new approval.
<b>3. Data minimisation</b>	Data collection must be adequate, relevant and limited to what is necessary for that purpose. Educational organisations must produce a privacy notice showing how this is done.
<b>4. Accuracy</b>	Any data kept must be accurate and up to date. Therefore, organisations should have a process of removing personal data that is no longer needed. This is particularly important in respect of former pupils, staff and contractors. Periodically, records should be reviewed to see whether information is still needed.
<b>5. Storage limitations</b>	When collecting data, an educational organisation must set out how long it is needed to be stored to ensure it is not kept for any longer than necessary. Organisations should have systems in place to review time limits for GDPR compliance.
<b>6. Integrity and confidentiality</b>	There is a responsibility on the educational organisation to ensure that data is protected against 'unlawful processing or accidental loss, destruction or damage'. This could include anonymised record-keeping, encryption of digital data, locked paper copies. Organisations should also consider who has access to this information.
<b>7. Accountability</b>	All educational organisations are required to demonstrate compliance. They must produce policies showing compliance with the GDPR. It is the responsibility of the organisation to have robust policies and procedures in place and to carry out regular training records. Such measures demonstrate an organisation's commitment to compliance.

All data must be securely protected to prevent any breaches. This could include using encryption or anonymised data, shredding of hard copies, limiting access to personal data, ensuring digital security, locking away hard copy documents in a secure cabinet and ensuring physical security.



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## Supporting pupils at school with medical conditions

This is statutory and non-statutory guidance brought under the Children and Families Act 2014, which includes governing bodies of maintained schools, private schools, parents/carers, relevant public bodies and management committees in pupil referral units. Educational bodies must take to support pupils with medical conditions at school, off site or participating in school activities. Early years settings do not follow this guidance but continue to follow the statutory framework for the early years foundation stage.

The primary aim is to ensure pupils with medical conditions can fully access the curriculum, physical education and school trips. There must be arrangements put in place to support pupils with medical conditions. School leaders are therefore required to consult with health and social care professionals to ensure students are supported.

Staff who may be required to carry out medical procedures in the school setting should be trained to enable them to discharge these duties safely and competently.

Pupils with medical conditions should have individual healthcare plans which identify the support that is required, what to do in an emergency, who will provide the support, how to access it, and arrangements for trips and activities outside of school and any risk assessments that may be required.

The guidance also supports children who can independently take their medicines without supervision. Should a pupil not want to take their medicine or carry out a procedure, they should not be forced to do so, and staff should then follow the previously agreed procedure. If an incident happens, the pupil's parents must be informed.

### Case study:

*Fujin is a 14-year-old student who uses a gastrostomy tube (a PEG feed) and cannot swallow orally. The PEG is under Fujin's clothes and goes through his stomach via his abdomen. Fujin has undergone Feeding Tube Awareness training. Fujin refuses to take his formula when offered. What should staff do in this situation?*

Pupils should know where their medicine is stored, how to access it and, where appropriate, how to administer it. The guidance also deals with storing and administering controlled drugs. Record books for medicines are administered to pupils, including what was administered (and the dose) and when.

There should be sufficient liability and indemnity insurance to cover staff providing support for pupils with medical conditions.

Whenever administering treatment or supporting pupils with their medical needs, a senior member of staff or another member of staff present to ensure the safety of the pupil and to provide support in any allegations.

The overarching purpose of this guidance is to ensure that pupils with medical needs can access all opportunities as their peers, while remaining safely within mainstream education.

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## Working together to safeguard children (2023)

This specific statutory guidance relates to all organisations or agencies who have contact with children and young people under the age of 18. It is published by the Department for Education and sets out the legal responsibilities of multiple agencies to keep children safe. It reinforces a child-centred approach to safeguarding where the interests of the child are always paramount.

It promotes the understanding that providing early help is more effective in supporting children and young people than addressing a more serious matter at a later point in time. It therefore requires local authorities, health services, police, and other organisations and agencies to identify and then offer early help to children and young people.

The guidance explains how to assess need and how to provide help to children and young people in different circumstances. It identifies organisational responsibilities across agencies. It sets out the arrangements for multi-agency safeguarding. It establishes local and national good practice for safeguarding. It covers the arrangements for a young person's death review. Local Safeguarding Children Boards have been replaced by Multi-Agency Safeguarding Hubs. The local authority, chief officer of police, and clinical commissioning groups – who work collaboratively to safeguard and protect children and young people in their area. A Serious Case Review Panel has now been established which reviews the serious child / young person deaths which are deemed complex or of national importance.

Safeguarding is everyone's responsibility and multiple agencies should work collaboratively to protect the child or young person. The guidance establishes key safeguarding roles for organisations and individuals.



### Did you know?

*There is a duty to consider whether early help is required for children who:*

- *are disabled with specific additional needs*
- *have special educational needs*
- *are young carers*
- *are showing signs of antisocial/criminal behaviour, including gangs and organised crime*
- *are frequently missing*
- *are at risk of trafficking, exploitation or modern slavery*
- *are in challenging family situations such as domestic abuse, drug and alcohol issues, mental health issues*
- *are misusing alcohol or drugs themselves*
- *have returned to their birth family from care*
- *are fostered*
- *have a parent/carer in custody*
- *are suffering mental health challenges*

In 2023 the guidance introduced several key changes to enhance multi-agency collaboration, clarify roles and responsibilities, and strengthen the support and protection systems for children and families. New chapters and revisions emphasise the importance of partnerships with parents, carers, and voluntary organisations, while highlighting the role of education and local authorities in safeguarding efforts. The document also introduces national child protection standards, updates procedures for learning from serious incidents, and includes factual changes to reflect new legislation and policies. These updates aim to improve consistency, accountability, and outcomes in child safeguarding practices.

You can review the 2023 changes here: [zzed.uk/11874-working-together](https://www.zzed.uk/11874-working-together)

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## Sexual violence and sexual harassment between schools and colleges (2021) *(Replacing 2018 version)*

This guidance creates a statutory duty on all educational providers to promote the safety of their students. Each educational organisation should now adopt a zero-tolerance approach to sexual violence and sexual harassment. There should be an awareness of the need to avoid inequality and ensure that all students are protected. Those students with protected characteristics (see Appendix p.63 for more information) are at a greater risk of being abused, and educational organisations should consider this in their policies. This guidance sets out how to deal with child-on-child sexual violence and sexual harassment in school policies. The guidance relates to children up to the age of 18, but it is also applicable to adult students over the age of 18. In such a situation it is also sensible to involve the police where appropriate.

The guidance identifies ways to reduce the risk of sexual violence or sexual harassment. When an allegation or incident of sexual violence/harassment occurs, the matter should be dealt with.

Sexual violence is regarded as rape, assault by penetration, sexual assault or causing a person to engage in sexual activity without consent, as set out in the Sexual Offences Act 2003.

Sexual harassment is described as 'unwanted conduct of a sexual nature' which occurs on school premises, online or offline, or both. It can include the following: sexual comments about a person's clothes or appearance, sexualised names, physical contact, e.g. brushing against someone's clothes, displaying images of a sexual nature, online harassment – sharing non-consensual images. The taking or sharing of a nude photograph of a child / young person under 18 is a criminal offence. Upskirting is also unlawful sexual harassment regardless of the victim's age. Examples of sexual harassment include sharing unwanted explicit content, sexualised online bullying, unwanted sexual advances (including on social media platforms), sexual exploitation, coercion and threats.

Student use of social media platforms outside of the educational establishment can lead to sexual harassment. All staff are advised to adopt the attitude 'it could happen here'. Educational providers to respond to all matters, including those occurring off premises. A zero-tolerance approach to sexual harassment/violence requires educational organisations to challenge what may in the past have been regarded as humour. Challenging behaviour such as 'grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and underwear' and such behaviours are seen as harassment and not tolerated in any circumstance.

As students with SEND needs are more likely to suffer abuse than their peers, staff should be alert to signs of sexual violence or sexual harassment.

**Harmful sexual behaviour (HSB)** is sexual behaviour that occurs outside the normal development of a child / young person as they grow up. Sexual behaviour is considered harmful if there is a significant age difference of two years or more where there is child-on-child sexual behaviour. In such a situation, educational providers are directed to seek specialist support and advice.

**Harmful sexual behaviour** is advanced sexual behaviour between children / young people that is part of a pattern of sexual development.

Under the guidance, schools are encouraged to develop suitable curriculum content to promote healthy relationships, encourage healthy and respectful relationships, explain the importance of consent, build self-confidence and address sexual violence and harassment at age-appropriate levels.

When a sexual violence or sexual harassment report is received, the designated safeguarding lead should undertake an immediate risk and needs assessment considering the following:

1. Does the victim need protection and what support should be given to them?
2. Are there any other victims?
3. Is there a need to protect other students from the alleged perpetrator or is the perpetrator in need of support?

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If the alleged perpetrator shares a classroom with the alleged victim, the perpetrator should not be given any judgement as to their guilt or innocence. In the case of a criminal investigation involving penetration or sexual assault, the alleged perpetrator should be removed from the school premises. If a caution or conviction is secured, the school should consider permanent exclusion of the offender.

**Case study:**

*Twelve-year-old Anya reports to staff that some boys in her class group were using vulgar language to describe what they would like to do to her. Anya is very upset by this and thinks that this should happen in this example?*

**Research activity**

Research Ofsted's latest findings and recommendations on sexual harassment and abuse at <https://www.ofsted.gov.uk/research/sexual-harassment-and-abuse> and <https://www.gov.uk/guidance/sexual-harassment-and-abuse>



**Did you know?**

*Multi agencies, in conjunction with victims and their families, may decide not to refer a pupil to specialist services, but instead may direct a pupil perpetrator to early help (see the following page for more on early help.) This can be used as an alternative way to tackle non-violent HSB.*

Where a pupil is either at risk of harm or has suffered harm, a referral to social services should occur. The guidance reminds educational organisations to work cooperatively with statutory agencies. A referral to police should occur in the case of rape, assault by penetration or sexual assault.

## Multi-agency statutory guidance on female genital mutilation (2020)

This guidance is for all statutory bodies in England and Wales who are responsible for safeguarding the welfare of children and vulnerable adults. It sits alongside statutory safeguarding guidance, specifically with female genital mutilation (FGM). FGM is where a female's genitalia are removed or altered for non-medical reasons. Victims are often placed in immediate physical harm and experience psychological problems, fertility problems and complications in childbirth. The aim of the document is to ensure that agencies work collaboratively to support victims of FGM or to protect those at risk of FGM. FGM is an offence under the law, whether it is injury/removal (whole or partial) of external female genitalia. It is an illegal criminal offence for female adults and children. As discussed in Chapter 3.1 it is child abuse or a violent crime if the victim is under the age of the victim.

Failure to protect a female at risk of FGM is an offence. FGM is an offence whether it is committed in the UK, if the perpetrator is a UK resident. Victims of FGM have continuous anonymity and should be protected. There is a mandatory duty to report all known cases of FGM to the police. There is a mandatory duty to report all known cases of FGM to the police. There is a mandatory duty to report all known cases of FGM to the police. There is a mandatory duty to report all known cases of FGM to the police. This duty applies to all statutory bodies.

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## Keeping children safe in education 2023

This is statutory guidance produced by the Department for Education which comes from the Children Act 2004. The guidance is for schools and colleges in England, setting out what they must do to safeguard the welfare of children and young people up to the age of 18 years old. Every educational organisation must have a child protection policy. Everybody working with a child or young person must understand their responsibilities and how to promote the welfare of children and young people.

The policy must take a child-centred approach. This is done by:

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



(*Keeping children safe in education 2023: Statutory guidance for schools and Colleges*)

In an educational setting, teachers often receive safeguarding disclosures from students. Alternatively, due to the student-teacher relationship, they can be in a unique position to identify concerns by observing changes in the young person. The *Keeping children safe in education 2023* guidance sets out how staff can be trained to identify safeguarding warning signs. The document sets out how to respond to disclosures made and how to reassure victims and keep them safe. The 2023 guidance deals with sexual violence and sexual harassment, supporting victims of abuse, online safety, inappropriate nude images or videos, child criminal and sexual exploitation and mental health. It also recognises criminal and sexual exploitation of young adults in an educational setting. It encourages staff to always recognise criminal and sexual exploitation of young adults in an educational setting and not dismiss offensive behaviour down to joking or 'banter'. Educational staff are encouraged to identify and address situations that may have previously fallen into such categories. They should take abuse and to assume an 'it could happen here' approach. Abuse can take different forms and affect young people. Abuse can happen as an isolated incident or on a recurring basis, in different settings and can include group abuse.

### Research activity

Review Ofsted's latest findings on sexual abuse in schools and colleges: [zzed.uk/](https://www.zzed.uk/)

The following risk factors *may* increase the risk of a serious violent incident occurring:

- Being male
- High levels of absenteeism or exclusion from an educational setting
- Suffering maltreatment
- Having a history of criminal activity

In such situations educational providers should be aware of the increased potential for violence. Educational organisations are therefore encouraged to share as much information as possible with social care. In the interest of keeping children safe, it is therefore essential that educational organisations and social care continue to work collaboratively.

There is a need to ensure clear and accurate records are maintained in relation to safeguarding incidents. When recording a safeguarding incident, the concern should be clearly and completely recorded. It should be kept detailing how the concern was addressed and resolved; it should also include the decisions reached and the final outcome, to ensure events are correctly recorded.

When making or reviewing any policies or guidance, educational organisations should ensure that child protection matters are at the forefront of this process. Not only is this good practice, it is also a requirement with this statutory duty.

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If a child or young person makes a safeguarding disclosure, the following steps must be followed:

- Listen carefully to what the child / young person has said.
- Ensure the child / young person feels listened to and that their disclosure is being taken seriously.
- Use their language to reflect back to them what they have told you.
- Do not ask leading questions.
- Only prompt the child / young person when necessary, using words such as 'and then?'
- It is acceptable to ask the child / young person if they have been harmed and if they are at risk of harm.
- At the end of a reported incident, record what you have been told using the child's / young person's words where possible as soon after the event as possible.
- Record only the facts that the child / young person has told you.
- Do not include your opinion.
- Do not promise confidentiality.
- Inform your safeguarding lead/deputy as soon as you are able to do so.
- The safeguarding lead/deputy will make an immediate risk and needs assessment.
- Where a child / young person has been harmed / is at risk of harm / is in immediate danger, refer to children's social care.
- Any report of rape, sexual assault or penetrative assault should be reported to the police and then to social care.

The government continues to update guidance and legislation to give a voice to all stakeholders are working together to promote the welfare and safety of the child in care. Educational organisations should continue to keep up to date with changes.



#### **Did you know?**

**Incels** is an abbreviated form of the phrase 'involuntarily celibate'. Incels define themselves as men who are unable to form or access sexual relationships with women. Incels are an expanding online community of men who feel they have been rejected by women because they do not fit a stereotypical male image, often claiming they do not have enough money. The group promotes violence and misogyny towards females and is associated with extremist and racist groups. Incels believe that genetics has affected their physical appearance, making them unattractive to females. There is a high suicide rate among incels and an increased risk of violence (see the 12<sup>th</sup> August Plymouth attacks). They may target women who they feel have rejected them, as Chads, and ethnic minorities. Incels use significant coding to hide their ideology. As part of a Prevent strategy, educationalists should be aware of key vocabulary which may be used by incels. Incels use their own terminology and phrases such as 'Chad' (the male archetype), 'Stacy' (an attractive female who will only date Chads), and 'Beckys' and 'Betas' (women who rank below Stacys in looks and social standing). The groups often recruit vulnerable young white males.

All educational staff must follow to keep children safe. This includes governors, parents, and staff at academies and further education facilities. All staff (whether working directly or indirectly) are required to read and understand part 1 of the guidance in full.

The government regularly updates this guidance, so ensure you are using the latest version. All staff should be able to identify children who may benefit from early help (see section 'Working together to safeguard children' for more information on early help). Early help is a way of providing support as soon as a problem occurs, at any age in a child's life. All staff should be aware of the safeguarding systems in their school or organisation, including child protection, behaviour policies, staff code of conduct, safeguarding response to children who go missing from education, and the role of the designated safeguarding lead.

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- Each organisation must have a policy addressing child-on-child abuse. This covers sexual violence, physical abuse, sexting and ritual abuse. This is not an exhaustive list.
- Any victim making a disclosure should be reassured that their disclosure is being taken seriously and they should feel supported.
- One incident may be sufficient to be considered exploitation, particularly regarding sexual exploitation.
- Exploitation can also be long term. All children and young adults up to the age of 25 are at risk of sexual exploitation.
- The guidance provides resources for staff to support children with mental health issues.
- All staff need to be aware of the indicators that may suggest a child is at risk of exploitation.
- There is a greater emphasis on sharing information between agencies particularly in relation to safeguarding referrals.
- There is a requirement to record a clear and comprehensive summary of all decisions made around safeguarding.

The most recent changes to the guidance have resulted in the following:

- Filtering and monitoring standards – all schools and colleges are required to have a policy to protect children from harmful or inappropriate online material. There must be a clear plan to monitor and filter content. For further guidance see: [zzed.uk/11874-technology](https://www.zzed.uk/11874-technology)
- All staff, governing bodies and proprietors should have appropriate training and responsibilities, which includes filtering and monitoring.
- There is a need to identify and assign roles and responsibilities to manage IT systems.
- The filtering and monitoring provision should be reviewed annually as a minimum.
- Content that is harmful/inappropriate should be blocked without impacting on the educational use of the network.
- There should be appropriate monitoring strategies to meet safeguarding needs.
- There should be discussions with IT staff to review these standards to ensure they are up to date. The safeguarding and child protection policy should be updated to reflect the changes to networks and devices.
- Where a child's absence is a cause for concern, the school/college should work with the Local Authority to address the lack of attendance. For further guidance see [zzed.uk/11874-attendance](https://www.zzed.uk/11874-attendance)
- As part of due diligence and to promote safer recruitment, shortlisted candidates should be checked. Online searches may be carried out. Copies of such searches should be kept for a minimum of 5 years.
- Where school premises are used for non-school activities it should be clear who is responsible for the safety of the premises. The school expects the providers to follow the school's policy.
- If an allegation is raised in a non-school activity, the Local Authority Designated Officer should be informed and the school should continue to follow its own safeguarding policy. The existing policy should be updated to reflect this.
- It is now a crime to force any young person to wed before they turn 18 and a requirement to show coercion, violence or threats were used.

### Research activity

The following guidance is a toolkit to support planning for early intervention and support for people who need early help. Review an early help policy in your area to see if it is up to date. For further guidance see [zzed.uk/11874-early-help](https://www.zzed.uk/11874-early-help)

If you have a concern about a child or young person, you must always act upon the educational organisation's safeguarding policy.

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### 3.2 Revision questions

1. a) What is female genital mutilation (FGM)?

*Zuri is a seven-year-old girl whose family originate from Swahili. She tell visiting and helping her with an important ritual to become a woman.*

- b) What responsibilities do you have under the FGM legislation? What can
2. Outline the **three** primary purposes of the Prevent guidance (2021).
3. Give **two** ways a teacher in a secondary school could teach the Prevent strate
4. Identify which groups are targeted by incels for their recruitment campaign
5. a) Give **three** rights that special educational needs and disability (SEND) pu
- b) Explain how educational organisations can ensure they are meeting the
6. State the primary objective and outline the purpose of the statutory guidance medical conditions (2015)'.
7. Outline **four** of the most recent changes to the guidance 'Keeping children sa
8. a) Define the term 'sexual harassment'.
- b) Give **two** examples of sexual harassment.
- c) Outline what steps the safeguarding lead should take when a report of s harassment is made.
9. Identify **four** occasions when there is a duty to consider early help under the safeguard children' (2020).
10. Identify **two** key principles of the General Data Protection Regulation (GDPR)
11. Evaluate the changes in practice brought about by the statutory guidance 'Ke 2021' in child protection.  
Your response should demonstrate:
- How a child / young person is protected under the Act
  - What changes were brought in as a result of the legislation
  - A reasoned explanation as to why new practice was implemented

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## Chapter 3.3: The importance of children's and young people's emotional health and its impact on overall learning

There is an obligation upon early years settings, schools and colleges to apply the eight principles to support the emotional health and well-being of children and young people. This chapter outlines eight principles for a whole-organisation approach to achieving this. In this chapter, we will look at the first principle in more detail.

### 1. An ethos and environment that promotes respect and value

Research has shown that the environment in which students and staff work can directly impact on their emotional and mental health, which in turn impacts their behaviour and their attainment. Leaders of educational organisations are therefore encouraged to review their policies and procedures to ensure discipline in an educational setting, address bullying and harassment and make educational organisations inclusive places for all. The ethos of an educational organisation can be defined as the values and beliefs that are experienced by the students, parents and staff. Inclusivity is essential to developing an environment where all students to reach their full potential they must feel valued and supported within their educational setting. In order to achieve this, educational institutions need to create supportive learning environments that can adapt to the needs of the learners. In particular, the organisation should ensure compliance with the SEND Code of Practice (see Appendix for more information on the SEND Code of Practice). Leaders should not only provide equitable access to learning for all, but should value the importance of a diverse range of students and staff. When diversity is fully embraced, incidences of bullying and harassment are significantly reduced.



#### Did you know?

The Respectful Schools and Signposting Tool is a resource for developing a whole-school approach to respect and discipline, addressing bullying and harassment and improving practice. It is a useful external resource that has been successfully used in many schools. Visit [zzed.uk/11874-rs](https://www.zzed.uk/11874-rs) for more information.

### 2. Curriculum, teaching and learning to promote resilience and emotional learning.

It is recognised that all educational organisations have a responsibility to develop the academic skills of their students; they also have a responsibility to develop the health and social and emotional well-being of their students at the same time. Opportunities to do this exist in the Personal, Social, Health and Economic Education curriculum. Depending on the age of the students, there is directed statutory content in the curriculum for Personal, Social, Health and Economic Education and Relationships and Sex Education and Health Education.

The Health Education curriculum sets out what students should be taught about their academic learning. The aim is that, towards the end of primary school, pupils should be able to identify 'normal' behaviour and behaviour that may be of concern. They should know how to seek help from others at an early stage, from a range of appropriate resources that they should be able to access. Towards the end of secondary school, the students should also be able to express how they are feeling and what they need. They should develop communication skills to talk about their health, emotional well-being and mental health. They should also be taught how to identify 'normal' behaviour and to know when it is appropriate to seek help. It is recognised that pupils will engage with learning when the teaching is delivered in a way that is relevant to them. Teachers are therefore encouraged to adapt the curriculum to meet the needs of their students; for example, giving strategies for managing emotions during the transition when moving between schools, or teaching emotional resilience during the transition from primary to secondary school.

#### Research activity

The PSHE Association is a charity which provides teaching resources, guidance and support for schools and colleges delivering the PSHE curriculum. See what resources you can find to support and enhance your teaching: [zzed.uk/11874-pshe](https://www.zzed.uk/11874-pshe)

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In order to support students with their mental health and well-being, it is essential that they have a voice and actively participate in decisions that affect them. Educational organisations are encouraged to move away from the traditional model of a teacher-directed approach towards a listening approach to engage students and act on student preferences. If students are involved in their own learning they feel more engaged and empowered to improve their self-worth. There are a number of ways to encourage student voice; for example, some educational organisations have student councils, conduct student surveys, obtain student feedback or invite students to give their opinions in informal ways. feedback from a range of different methods to ensure all students have an opportunity

In organisations where there is a student voice, the pupils better understand their role and are more likely to engage with them to make informed choices. A collective student voice enables young people to work together to develop a shared process and share views and ideas, and reinforces strong student networks.

## Research activity

Find out ways you can make your voice heard where you are studying. Is there an opportunity for students to give feedback to the senior management? Is there an opportunity for students to give feedback to the senior management? Is student voice adequate, or could your organisation do more?

#### 4. Staff development to support their own well-being and the

The poor mental health of teaching staff can negatively impact the mental health and attainment of the students they teach. Therefore, it is essential that both staff and student well-being and mental health is given the necessary support and attention it deserves. Staff need to feel comfortable with their managers to be able to discuss their mental health without fear of judgement or repercussion.

Having an open-door policy and sharing issues will help to foster a supportive culture. Mentoring and buddying systems can be used to support new/inexperienced staff or those needing additional support or direction. Teaching staff have identified workload is the major cause of mental health problems. The guide suggests educational organisations sign up to the **Workplace Wellbeing Charter National**

**Standards.** This identifies best practice and ways to bring about change and improve

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The welfare and mental health of the educational staff directly impacts their ability to support students. Staff face a range of health and well-being challenges, and links to the ethos of the educational organisation. If the support team can support the staff, they in turn are better able to support the students. This support should be three-pronged – supporting students, staff and management. Educational organisations should regularly assess the mental health and well-being needs of all their workforce and encourage staff to seek support. The eight principles created by the Department for Education also signpost a number of ways to support staff.

## 5. Identifying need and monitoring impact of interventions.

In order to evaluate the effectiveness of any measures taken to support emotional well-being it is necessary to monitor the impact of such interventions. There are a number of ways of doing this, from applying a basic traffic light system or smiley face system to more complex systems involving mental health and well-being. The document also refers to two scales used to measure children's well-being scale and the Warwick-Edinburgh mental well-being index which is measuring well-being in students between the ages of eight and 15, whereas the other one is for people from age 16 years upwards.

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## 6. Working with parents/carers.

The effect of home life can have a significant impact on the mental health and we considered alongside any educational support or interventions. Parents and carers appropriate with emotional, parenting and practical life skills. Parents and carers support that is being offered to the student in the first instance. If it appears to be their own unmet needs, educational organisations may work with the local authority and carers that may be available to them, in their particular area.

The document provides specific examples where charities and schemes have been parents and carers outside of the school setting.

## 7. Targeted support and appropriate referral.

The guide identifies some students who are at a greater risk of suffering poor mental health in a specific set of circumstances.

The categories are as follows:

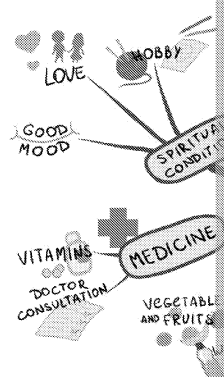
- Students who are in care
- Young carers
- Students who have accessed children and young person's mental health services
- Students whose parents/carers have mental illness
- Students exposed to domestic abuse

This is not an exhaustive list, and is not a predeterminant of mental health struggles. Providers should be aware of students that fall into the above categories and show that support is required. It is known that early intervention in mental health matters is important. Providing the necessary mental health and well-being support can have serious and long-term effects on a child / young person and/or their family. The guide signposts to other government guidance and assistance in respect of looked after children, mental health in schools and counselling.

## 8. Leadership and management that supports and champions emotional health and well-being.

As principle four has already addressed the importance of whole-staff engagement with mental well-being, the leadership and management team should also be actively involved in this agenda. A way to demonstrate leadership and management support is to have a named contact for emotional and mental health and well-being. This could encourage a holistic approach to all aspects of the organisation. Having systems in place to support staff to identify students where emotional well-being concerns is also useful. Checks could be put in place to see how to refer into the system and who the lead champion is. A named contact should be seen to work with external stakeholders such as Children and Adolescent Mental Health Services. There should also be an emphasis on collaborative working with stakeholders. The leadership team should be seen to model positive and inclusive behaviour in relation to emotional and mental health and well-being. The leadership team should be seen to champion the need to talk about mental health and well-being and actively embrace proven strategies to support staff and learners to take steps to protect their mental health and well-being.

All educational organisations should strive to follow these eight principles in order to demonstrate a compassionate, inclusive and caring workplace dedicated to the mental and emotional well-being of staff and students.



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### 3.3 Revision questions

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1. Identify **four** ways that educational organisations can work with parents and one of the Department for Education's eight principles.
2. The Head of English is going through the menopause. Her colleagues 'joking' she prefers her working environment to be cool.

Explain why an ethos and environment that promotes respect and values diversity (one of Education's eight principles) is important in an educational setting.

Your answer should include:

- An outline of the issues that may arise in this scenario (2 marks)
- How the senior leadership team may promote respect and value diversity
- An explanation as to why it is important to promote this principle in a school

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## Chapter 3.4: The difference between a child / young person 'at risk' and a child / young person 'in need'

In this chapter we will concentrate on understanding the difference between a child / young person 'at risk' and a child / young person 'in need'. Understanding these definitions is important as it determines what particular support they may need.

### A child in need

A **child in need** is a child who:

1. is disabled, or
2. is unable to maintain a reasonable level of health and or development, or
3. is unlikely to achieve a reasonable level of health and/or development, or
4. is suffering significantly in terms of their health and/or development, or
5. is likely to suffer further impairment without s.17 support

When a child falls within one of the above three categories or is suffering significant harm, the Children Act 1989 places a duty on local authorities to 'safeguard and promote the welfare of children in their area who are **in need**'; by providing a range and level of services appropriate to their needs, which may include promoting the child's upbringing by their family.

A child may be in need when they have no one with parental responsibility for them, or has no appropriate care or accommodation in such situations, section 20 of the Children Act 1989 places a duty on the local authority to provide accommodation to the child.

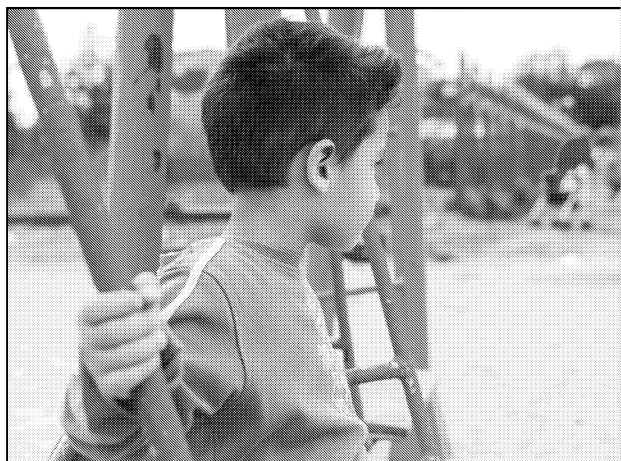
In order for a child to be regarded as a child in need, the person/people with parental responsibility must agree to a voluntary plan which allows those children identified as children in need to live with their family. There are no time frames or statutory frameworks to follow, so generally a child in need is not considered an issue as a child at risk, who has a child protection plan (see below).

### A child at risk

A child is deemed at risk when the local authority believes that the child is:

1. suffering significant harm
2. likely to suffer significant harm

Under section 47 of the Children Act 1989, the local authority must act to safeguard and promote the welfare of children in their area who are **at risk**. The local authority is therefore obligated to investigate any concerns or allegations of significant harm, emotional, sexual, or neglect.



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## Chapter 3.5: Understanding the factors that make a child / young person is in danger or at risk

Any child from any background, in any socio-economic group, could be a victim of abuse. Abuse can be caused by a single factor or a combination of factors that determine whether a child will in fact be abused. People who are aware of the factors that may contribute to abuse means people can be more vigilant.

Analysis of those children who have been abused reveals an alarming commonality of factors. The factors listed below are listed below. The presence of these factors does not mean a child *is* being abused, but it does mean that the child has a higher risk of being abused. These factors should therefore be used to identify children who are significantly more at risk of abuse than their peers. The greater the number of factors present, the greater the risk of abuse. Identifying such vulnerable children in your academic setting will enable you to support those children most at risk.

### Individual factors that could lead to abuse

#### Child / young person has a physical disability

A physical disability is a physical condition which is 'substantial' and 'long term'. A child is/ will be 12 months or more in duration, which prevents a child undertaking normal activities. A child is regarded as a physical disability. See 3.1, p. 6, for more information on what a special educational disability (SEND) is. The following conditions may constitute a disability if they are

1. Learning disabilities
2. Learning difficulties, e.g. dyslexia, dyscalculia
3. Autism spectrum disorders
4. Difficulties with sight or hearing
5. Conditions affecting vital organs, e.g. heart disease, stroke, asthma, chronic conditions
6. HIV
7. Cancer

#### Child / young person has a developmental disability

All babies and children develop at different rates when it comes to learning how to behave; however, developmental milestones are used as a generic way of determining if a child is progressing in comparison to his/her peers. This is not a precise guide but is used to identify if there are any concerns about a young person's development. A baby/child may be identified as having a developmental disability when they are not reaching these generic milestones. There are many factors that can cause developmental disabilities. Genetics can be the cause of developmental disabilities. Harm may occur in vitro (e.g. the mother smoking/drinking or taking drugs/medication during pregnancy or childbirth). Problems can arise due to complications during labour or delivery. Developmental disabilities can also occur if the baby has jaundice that is untreated. Premature babies can increase the risk of problems. The following is a list of possible developmental disabilities

- Learning disabilities
- Autism
- ADHD
- Cerebral palsy
- Hearing or visual difficulties

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## Child / young person is the product of an abusive relationship

A child or young person who witnesses an abusive relationship with his/her primary carer and another can suffer behavioural, emotional and cognitive difficulties as a result of this exposure.

The Royal College of Psychiatrists (2004) observed specific behavioural traits in *some* children who had witnessed domestic abuse.

A child may:

- suffer anxiety or depression
- have challenging behaviour and/or difficulties at school
- be aggressive or withdrawn
- suffer low self-esteem
- have physical symptoms
- be truant
- abuse alcohol or drugs

This is not an exhaustive list but shows the significant damage that can occur where at home where there is an abusive relationship.

## Lack of secure attachment with parent/carer

A lack of attachment means a child is unable to develop a consistent emotional connection with their primary carer(s). In some occasions, this can lead to children developing anxiety and behavioural problems (see below for more detailed information). Later in life the adult child may find it difficult to maintain long-term relationships. A baby and parent normally develop a secure bond during the first years of the baby's life. Children can develop attachment disorder issues particularly where they have been neglected, or witnessed abuse. However, if attachment issues are caught early, children can be supported to develop healthy attachment bonds with a positive and reliable caregiver.

## Parental factors that could lead to abuse

### Parent has already abused a child

When an adult has already abused a child, there is significant risk that they will go on to abuse again. As with all of these points, this increases the risk of abuse but does not mean abuse will occur. Sometimes abuse can occur because a parent lacks parenting skills or has had negative experiences. Support and education can be used to reduce the risk of subsequent abuse.

### Parent was abused when growing up

Most adults who have suffered abuse as a child do not go on to abuse their own children. A small proportion of parents who do. This is known as intergenerational abuse. For some parents, their own abuse is a way of dealing with interpersonal relationships. Sometimes this can be addressed through support and parental training.

### Single parent with low education

Statistically, single parents with low education are more likely to abuse children than those in two-parent homes. However, this does not mean that all single parents with low academic skills will abuse their children. These two factors *may* raise the risk of abuse but certainly do not determine abuse. A parent with low parenting skills to safely discipline a child and is more likely to abuse their child.

### Parents have unrealistic expectations of the child / young person and lack parenting skills

A parent who does not understand a child's developmental stage, behaviour and needs may be more likely to abuse his/her offspring as they have higher expectations than the child is able to achieve. The parent may expect the child to achieve something that they cannot do due to their lack of maturity or understanding.

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### Parent is isolated and has limited support

Some parents who are isolated and lack support from family, friends, a partner, etc. may abuse their child when they are unable to cope with the demands of parenting. A support mechanism they can turn to for help.

### Parent has a mental illness or is abusing drugs or alcohol

A parent who is mentally unwell or who misuses alcohol or drugs may be more inclined to abuse their child. This abuse may be due to lack of awareness, or because the pull of alcohol or drugs is stronger than the pull to parent appropriately. There may be times when a child / young person is neglected when the parent is unable to supervise their offspring because they are inebriated or under the influence of substances.

## Environmental factors that increase the risk of child abuse

### Overcrowding in the home

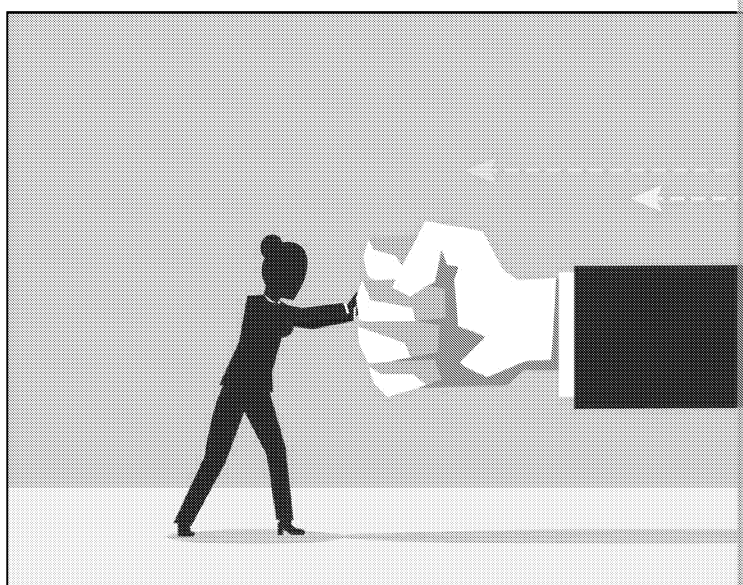
There is a correlation between higher occupancy in the home and an increased risk of child abuse. The more people that are present, the more the risk increases, particularly in regard to sexual abuse.

### Poverty or lack of opportunity to improve the family's resources

Children who suffer extreme poverty have an increased risk of suffering child abuse or exploitation for food or money. Therefore, educational organisations should identify children in poverty and provide them with benefits and living in poverty in an effort to ensure the student and their family are supported and resources are available to them.

### Presence of domestic abuse

As identified on the previous page, the impact of domestic abuse can often lead to children living in an abusive environment or where a parent is abusive. It has even been found that children who are not the target of domestic abuse but witness the violence can be affected by it. Children who suffer domestic abuse. The domestic abuse could be aimed at the child, or a parent, or both. The child could be the victim of abuse. Where there is any domestic abuse at home, there is a risk to the child.



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### 3.4/3.5 Revision questions

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1. Define what is meant by a 'child at risk'.
2. Define what 'a child in need' means and give **two** examples from the different categories regarded as being in need.
3. Give **one** factor (for each of the below) that could lead to the abuse of a child or young person:  
may lead to a child / young person being abused:
  - Individual factor (2 marks)
  - Parental factor (2 marks)
  - Environmental factor (2 marks)

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## Chapter 3.6: Understanding the legal definition of a position of trust and how power and influence can be used by adults working with children / young people

All adults working with children and young people have a duty of care to act professionally and to safeguard and promote the health and well-being of those in their care. Children and young people should be treated with dignity and respect. All adults working with children and young people have a duty of care towards them.

A person is in a **position of trust** when s/he holds authority over another person. There are many ways to abuse a **position of trust** and many ways a child / young person could be abused by an adult or older peer. It should be noted that not all abuse of a position of trust carries legal penalties. In the paragraphs below, we will explore relationships between adults and children under 18 and identify ways in which they may be abused and exploited.

A person is in a position of trust if s/he has responsibility for a young person who works in the following professions:

- Education
- Care services
- Hospitals
- Child protection
- Criminal justice

### Identifying people in a position of trust with a young person

A person in a **position of trust** is often able to build up a relationship with the child or young person. However, not all parties are equal. In fact, the opposite is normally the case. One party has more influence or authority over another, and it is this power imbalance that is often exploited. Because of this imbalance, there is the opportunity to exploit the relationship to the adult's advantage.

The legal definition of a person in a **position of trust** is set out in the Sexual Offences Act 2003. This Act identifies such people as those working in educational, residential, care, criminal justice or health services with a young person under the age of 18. The contact between the adult and the young person is regarded as being in a **position of trust**. Normally the age of consent to enter into a sexual relationship is 16 in England; however, where there is a position of trust it is unlawful for someone to have a sexual relationship with a person under the age of 18. The purpose of the legislation is to protect young people from sexual abuse by workers, youth justice workers, social workers and doctors, etc. from abusing their position of trust.

Section 45 of the Police, Crime, Sentencing and Courts Act 2017 is being used to extend the definition of a **position of trust** to include coaches, youth workers, and those running community centres. These professions are currently not included and the cases of such people engaging in sexual behaviours with young adults over 16. Currently, if an adult has any sexual interaction with a young person aged 16 or over, they can escape prosecution if the age of consent has not been breached. It is anticipated that the proposed extension of the law will then mean coaches and faith leaders cannot rely on the age of consent to avoid prosecution if they have a sexual encounter with a person they are in a **position of trust** with. However, not all people in a position of trust, such as police officers, tutors and driving instructors, are covered by this legislation.

### How power and influence can be used and abused by adults working with children / young people

#### Gaining unauthorised access to private/sensitive information from a young person

We have already addressed the duties and responsibilities of due diligence under the Data Protection Act 1998 and the General Data Protection Regulation 2018 (see p. 812, Chapter 3.2, for further information). It is advised to familiarise themselves with this legislation.

An adult in a **position of trust** may be able to exploit a professional relationship to gain access to private/sensitive information about a young person that could be used to the adult's advantage. There is a moral obligation on the adult to not use such information to their own personal advantage. A person in a **position of trust** should ensure they deal with any private/sensitive information in a legal and ethical manner. They should follow due diligence with regard to data protection and general data protection regulations. They should follow protocol with regard to safeguarding, information sharing and data protection.

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### Did you know?

The Computer Misuse Act 1990 was introduced with the primary objective of protecting information held by computers. The legislation makes it illegal to access, hack, modify, delete or destroy computer material without the correct authorisation. It is an offence to access computer material with the intent of committing a further crime. It is unlawful to amend, delete or destroy computer material with the intent of committing a further crime. It is unlawful to amend, delete or destroy computer material with the intent of committing a further crime. It is also an offence to make, adapt, supply or obtain anything to unlawfully gain access to computer material or to impair the operation of a computer. This includes alerting, erasing, copying or deleting computer material where an individual is not entitled to do so, or does not have consent.

To avoid data breaches of any kind, businesses are encouraged to ensure that their computer software is done on a regular and frequent basis. Encryption may be used to protect data. A multistep authentication method, using strong credentials/passwords, and secure communication channels are also recommended. Educational organisations are advised to follow good practice to demonstrate good working practice. This could be the Data Protection Act 1998.

## Manipulation of an individual

Manipulation is when one person exerts control or pressure over another person, often for their own gain, something from the exploitation of the other; however, manipulation can be used for the benefit of another person. Manipulation is a form of abuse. When an adult holds a position of trust over a child / young person, they can exploit this position to coerce the child / young person into doing something they do not want to do.

Manipulation may give rise to the following forms of abuse:

- Child abuse
- Vulnerable adult abuse
- Domestic abuse
- Controlling or coercive behaviour in an intimate or family relationship
- Criminal exploitation

(This is not an exhaustive list.)

### Research activity

Some private organisations and many public organisations have set policies about gifts and hospitality. Receiving any of these when you are in a position of trust could lead to a conflict of interest. Does your educational organisation have such a policy? Do you have to declare any gifts? If your organisation does not have a policy, read 'North of Tyne Combined Authority Procedures' as an example of acceptable standards.

[zzed.uk/11874-gifts](https://www.northyne.gov.uk/zzed.uk/11874-gifts)

## Using a position of trust to bully, humiliate or undermine

Being in a position of trust affords people the opportunity to bully, humiliate or undermine others because of the power dynamic.

'Bullying' is not legally defined; however, it can be described as repetitive, deliberate acts that cause detriment of the victim. Bullying can occur in person or online.

Harassment can occur when a person is bullied for one or more of the protected characteristics. It could invoke criminal offences (see Chapter 3.2). Each educational organisation should have policies in place with bullying and harassment.

Bullying perpetrated by someone in a position of trust is an abuse of power and should be prevented and support the welfare of children and young people.

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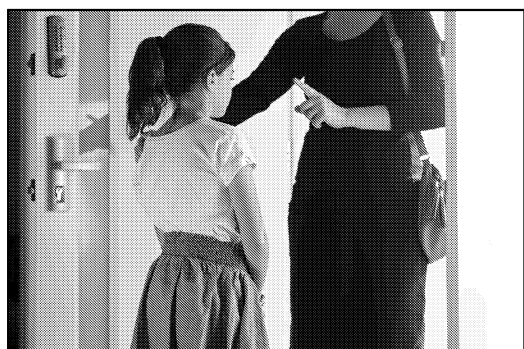
A person is humiliated when a person in a position of trust uses their position to do so. Humiliation is an intentional act to make a person feel embarrassed or ashamed. A person in a position of trust is privy to sensitive information acquired in their professional / young person. To then use this information to denigrate a young person or child is an abuse of a person's mental well-being.

An adult in a position of trust may use information obtained through their special relationship with a person / child to make them feel weaker or more vulnerable and to reduce their confidence. This often has devastating consequences as the child / young person feels further exposed and is unable to keep them safe.

### Threatening punishment for non-compliance with unreasonable demands

Any adult in a position of trust should not use threats of punishment to achieve their aims. This should be regarded as criminal offences, e.g. a threat to kill (Offences Against the Person Act 1861 (s.39 Criminal Justice Act 1988). Common assault is any act which causes another person to be afraid of being harmed. Due to an imbalance of power that exists within a position of trust, this will automatically be perceived to be an abuse of their position.

You will note that the threat of punishment must be attached to *unreasonable demands*. Therefore, a teacher therefore permits lawful or reasonable sanctions which may be used to encourage a child. A teacher may withdraw a reward for non-compliance with a task. This example may be used with a child / young person to complete their work. The application of a consequence (withdrawal of reward) is likely to be regarded as acceptable. Contrast that example with the case of a professional threatening to give a young person an unjustified negative report unless the young person carries out a task. The latter would be regarded as unreasonable as well as a criminal act.



#### Did you know?

There are many ways children are exploited and abused, particularly through drugs, violence, gangs, safeguarding, exploitation, modern slavery, or trafficking. The reader is directed to 'Criminal Justice and vulnerable adults: county lines' which continues to be a huge challenge for the police. [zigzag-education.co.uk/11874-exploitation](https://www.zigzag-education.co.uk/11874-exploitation)

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## Chapter 3.7: Understanding the term 'grooming'

Children, young people and vulnerable adults can all be subject to **grooming**. Grooming can occur online or face to face. Perpetrators can be strangers or familiar to the individual. Groomers may groom their victims by playing the role of mentor, or by acting as an authoritative figure, or by being the main or dominant figure in a person's life. Some groomers develop a romantic relationship with the victim. The groomer may focus on one individual or target a group of potential victims. Some strategies that a groomer may use can include being empathetic to the victim's troubles, giving significant attention, buying gifts or taking the victim on trips. Often they try to isolate the victim from their friends and family. Often the victim is groomed and may have feelings of love or admiration for the groomer. Others are not and may feel they are trapped, or fearful or distressed when around their groomer.

There is a definition of grooming that occurs in a relationship where the individual is the initiator or expl

Grooming can occur in many different situations and in many ways. Two potential situations are:

- **Adults in a position of trust** – there is opportunity for a person to be groomed if an adult holds a position of trust. It is important to note that does not mean a child is not at risk, the potential is there for abuse to occur.

### Case study:

Jimmy Savile was found to have abused 72 people using his celebrity and charity worker status. Doctor Myles Bradbury was convicted for sexual offences against his seriously ill patients, and William Rathbone – an award-winning foster carer – was found to have committed offences against the young girls in his care.



As we have already discussed, the age of consent rises to 18 years of age which means that any consent on the part of the young person is void until they are 18.

- **Intrafamilial abuse** – this is abuse that occurs within the family environment. It can place enormous pressure on the victim and the family. Often relatives 'take sides'. The victim often blames themselves after disclosing abuse and seeing the negative reaction from the family. They can sometimes retract or change their story. This type of abuse affects a majority of victims are under 18.

### Applied activity

Grooming can occur in many other situations within an educational setting. Discuss the following situations and discuss with a partner how grooming may occur in each.

- Inappropriate games
- Online materials and communication
- Observing sexual behaviour of others
- Being exposed to pornographic content
- Threats of harm to the individual or family

*Can you think of any other situations?*

If you are concerned that a young person is being groomed you can follow the safeguarding policy of your organisation or make a referral to the Multi-Agency Safeguarding Hub.

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It is important when working in education to recognise the range of signs of grooming. It is also important to be able to support parents in recognising these signs. A few of these are listed below:

<b>Changes in typical behaviour</b>	<ul style="list-style-type: none"> <li>• May be more aggressive, anxious or depressed</li> <li>• May take part in activities that are unusual</li> <li>• May be truant from school</li> <li>• Changes in eating habits</li> </ul>
<b>Becoming withdrawn or isolated from peers and adults</b>	<ul style="list-style-type: none"> <li>• May appear to be troubled by something</li> <li>• May be very secretive about how they feel</li> <li>• May be on their phone late at night or in class</li> <li>• May show a lack of interest in extracurricular activities</li> <li>• May go to unusual places to meet friends</li> </ul>
<b>Inability to concentrate in class</b>	<ul style="list-style-type: none"> <li>• May be preoccupied, or caught daydreaming</li> </ul>
<b>Sexualised behaviour, language or demonstrating an understanding of sex that is inappropriate for age</b>	<p>It is usual for children and young people to be curious about sex and relationships, and for children to ask questions about the changes that happen during puberty. However, if a child's sexual behaviour is inappropriate for their age, it may be a sign of grooming. Some examples are given below:</p> <ul style="list-style-type: none"> <li>• Giving inappropriate comments about their own body or others</li> <li>• Sexualised behaviour that becomes a distraction</li> <li>• Accessing pornography or explicit images</li> <li>• Sexual interests in adults or those older than themselves (including having an older boyfriend/girlfriend)</li> </ul>

If grooming or abuse is suspected, it is important to take appropriate action.

- ✓ **Follow safeguarding policies and procedures of the educational setting** – it is important for all educational settings to set out clear reporting steps so that all teachers are aware of how to respond to concerns appropriately and confidentially.
- ✓ **Report immediately to the designated safeguarding lead (DSL)**
- ✓ **Remain calm and professional**
- ✓ **Maintain accurate and coherent records and reports** – these may be needed for a formal report to the CEOP report online. They may also contact the local authority children's services or the police to report any concerns.
- ✓ **Share information only when required** – it is important that reporting the concern is done in a way that minimises risk and that information is shared only with the DSL and no other individuals.
- ✓ **Maintain confidentiality**

## County Lines

County lines are where drugs are transported from one area to another usually by a single person. The county line refers to the mobile phone line used to order the drugs to be transported from one area to another. The gangs often use young people to store drugs in or move drugs into an area. Strategies including the use of weapons, violence, intimidation and coercion.

The Home Office 'Criminal Exploitation of children and vulnerable adults: County lines' defines criminal exploitation as something that

'... occurs where an individual or group takes advantage of an imbalance of power or deceive a child or young person under the age of 18. The victim may have been coerced into the activity appears consensual. Child Criminal Exploitation does not always involve physical contact through the use of technology.'<sup>1</sup>

<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/711111/CCES-Sept2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/711111/CCES-Sept2018.pdf)

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Gangs use children and vulnerable people to avoid police detection. Cuckooing is a victim's property conducting the criminal activities from a victim's home. The risk financial and sexual harm are high, with some victims being trafficked along different routes. Some victims are not aware they have been groomed, or that they have been abused.

### Signs of County Line drug dealing:

- An increase in cars at and visitors to a premises
- A child / young person who regularly changes residency
- Unexplained new clothes, jewellery, etc.
- A change in the child / young person's manner – they may appear withdrawn, suspicious
- Absence from school, or the community
- Unexplained injuries
- Excessive texts/calls at all times of the day
- Carrying weapons
- Self-harming
- Becoming isolated from peers
- Developing an interest in gang culture

It is important for anyone coming into contact with such children or young people to be aware of the signs of abuse, but rather victims of abuse, and follow the safeguarding policies and procedures of the school/college.

Children and young people who have experienced abuse, who may be socially isolated, have mental health problems, have learning disabilities, have been in the care system or excluded from school, or those who have misused substances, are at a higher risk of being exploited. Gangs can be found in homes, homeless shelters, anywhere they know vulnerable people will be.

If there are concerns that a child / young person is in immediate danger, the matter should be referred to the police, dialing 999.

Staff should also follow their own safeguarding and child protection procedures. Advice can be sought from child protection services and the NSPCC helpline.

Where a person has been trafficked to a different location a National Referral Mechanism should be used to support a young person who may be facing criminal proceedings.

There are also Independent Child Trafficking Guardians who can give advice and support to young people who do not have someone with parental responsibility to help them.

Schools and colleges are also encouraged to raise awareness of County Lines with parents and the community where to go for advice or to refer a friend that they may be concerned about.

### Research activity

Research the Internet and design a flow chart that could be given to teachers on signs of grooming.

Some useful websites to get you started:

- [zzed.uk/11874-grooming](https://www.zzed.uk/11874-grooming)
- [zzed.uk/11874-ceop](https://www.zzed.uk/11874-ceop)
- [zzed.uk/11874-safeguarding](https://www.zzed.uk/11874-safeguarding)

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## Chapter 3.8: Understanding the range of indicators that suggest an adult has an inappropriate relationship with a child and young people

There are a number of indicators that, when present, may suggest there is potential for abuse. However, no single indicator is not a predeterminant. Each case needs to be considered carefully based on its own merits, as follows:

<b>Being overly affectionate, giving gifts, or showing favouritism towards a child or young person</b>
An abuser may be overly affectionate towards their victim. This is often the case when a child is being sexually exploited. The abuser may give gifts, money or toys to their victim to gain their trust or to win them by singling them out for attention, praise or one-on-one time.
<b>Spending time alone with a child / young person</b>
An abuser needs time alone with their victim in order to perpetrate the abuse. They may deliberately orchestrate time to be alone with the victim. Often the reason for the unsupervised time is plausible and reasonable, e.g. transporting the victim to and from places, supervising them during a school trip or the absence of other adults. Sometimes one-on-one time is encouraged or necessary for the abuser to provide tutoring/coaching. A perpetrator will often share hobbies/sports/interests with the victim to facilitate alone time with their victim.
<b>Making friends with a child's or young person's parents or carers and/or visiting the family home</b>
Many abusers invest time and energy into grooming both the victim and their family. They may develop a relationship of trust and respect with the parents. Once the adult has gained the trust of the family and home and trusted, it is easier for the perpetrator to carry out the abuse. Families may not realise adults they believe they can trust. Perpetrators can become a child's / young person's friend, an abuse of trust an even greater betrayal.
<b>Using private texts or social media to communicate with a child / young person</b>
An abuser will find ways to contact the child / young person without family members knowing. They may use young people's preferred social media and networking sites to make contact. They may use mobile phones or SIM cards to keep their contact hidden, or, if the family sees the abuser, they may use the young person, the contact may be overt and fully accepted.

### How to deal with suspected abuse

It is important to understand how to deal with suspected abuse. Organisations must have a clear policy and an educational setting's code of conduct. Training should be given to all staff, including governors. Procedures should include, but are not limited to, the following:

#### Observing and recording as appropriate

Whenever there is a concern of abuse, observations should be made to see how the child or young person is behaving. These observations can include:

- Are there any changes in behaviour at home or in the educational setting?
- Are there any changes in confidence and socialisation?
- Are there any changes in the child's / young person's personality?
- Is the child / young person withdrawn, anxious or aggressive, when s/he has been in contact with the suspected abuser?
- Are they struggling with social skills and mixing with their peers?
- Is there a breakdown in relations with a parent/carer in their life?
- Are they displaying knowledge of adult matters not appropriate for their age?
- Are there truancy issues?

As with all indicators, these only suggest the potential of abuse, but this is not conclusive. It is important to maintain a positive relationship with the child / young person to talk to them without judgement, to give them an opportunity to discuss what is happening. In the case of suspected abuse, this is done in conjunction with the safeguarding lead to ensure impartiality.

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## Following organisational policies and procedures for child protection

Every educational organisation has its own policies and procedures that must be followed in the event of suspected or disclosed abuse. If there is the luxury of time, and the child / young person is not in immediate harm, it is recommended that the matter is discussed with the safeguarding lead, who will be established to draw up next steps. Any action taken should be recorded and then reviewed to ensure the safety and well-being of the child / young person.

## Following procedures set out by the local safeguarding partner

The safeguarding lead can advise what local safeguarding procedures must be followed. The educational organisation complies with its responsibilities in their area. Records of these steps should be kept in a manner with congruent follow-ups to ensure local safeguarding partners have received the necessary information.

## Following accurate lines of reporting in a timely manner

Where a disclosure of abuse is made, the details of the conversation should be recorded contemporaneously to the event as possible. Record the precise language used by the child / young person wherever possible to reduce the risk of error or omission.

## Maintaining professional boundaries

Professional boundaries should be in place to protect both the professional and the child / young person. Following professional boundaries provides staff a degree of protection against all parties. It creates an environment of openness and transparency. It protects the well-being of staff by ensuring they are not oversteering in relation to their role, giving them downtime to process these difficult situations.

## Contacting the police if a child or young person is in immediate danger

Whenever there is a disclosure or concern for a child or young person, the primary concern is the safety of the child / young person in immediate danger? If the answer is yes, what can be done to ensure the child / young person is safe? It is likely to result in the need to contact the police and/or social services. The police will take action if a child / young person has to be removed from immediate danger. The local protocol for contacting the police and social services will give further guidance on this. The local protocol for contacting the police should have been followed as identified above.

When a child / young person is not in immediate danger, but where a crime has been committed, the educational organisation is required to consider whether to refer the matter to the police. Some matters can be dealt with internally, following the educational setting's behaviour policy. Other matters must involve the police. All decisions must be recorded, particularly in relation to matters where the alleged perpetrator and victim share the same educational setting. In such cases, the victim and the perpetrator may need to receive support. The seriousness of the offence, the nature of the aggravating features, may determine whether the matter should be reported to the police. If there is an immediate risk of harm, any actions – and the reasons for these actions – should be recorded. Relevant parties have been consulted. Where there is an immediate risk of harm, a risk assessment, intervention, and the police are normally consulted in such situations.



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## Chapter 3.9: How abuse, neglect, bullying, and violence may impact children's / young people

Children and young adults who suffer abuse feel the impact in so many ways. The abuse can cause significant harm extending into adulthood. Every child is different in regard to how they experience abuse. The impact of maltreatment will vary depending on the age at which the child / young person experiences abuse, the number of different categories of abuse suffered, the severity of the abuse, and the support available to the child / young person. The impact and longer-term effects are also affected by whether the child / young person has positive relationships in their life to support them.

Children / young people who have been abused are at a higher risk of being impacted by abuse in other ways.

### Educational attainment

Research has found that children exposed to abuse in early childhood are at an increased risk of language and communication skills issues. If brain development is delayed in the early years, there is an increased risk that the child will not achieve the attainment level of their peers. There is a strong link between abuse and lower academic attainment for victims of abuse.

Those children who suffer maltreatment are at greater risk of:

- having behaviour challenges
- being bullied
- having special educational needs
- truanting from school
- being excluded from school

It is important to note that abused children are at a greater risk of lower academic attainment, but this is not always the case. Sometimes school is a stabilising environment for the child / young person, providing role models, and for a minority of maltreated children they experience academic success.

### Attachments and relationships

**Attachment** is described as the emotional relationship between a child and the main caregiver in their life. These relationships can impact a child's / young person's sense of self, their physical and mental development and how they develop relationships as adults. Positive attachments/relationships are formed when the primary caregiver is consistently responsive to a child's / young person's basic needs, and they feel safe and secure. This positive learned relationship can transfer to significant adults in the child's / young person's life, e.g., teachers, and to their relationships with partners and eventually their own children. Insecure attachments are formed when the primary caregiver is inconsistent, negative or abusive, or when the primary caregiver may be the victim of abuse. Attachment theory is where children are born with an innate drive to make connections with their primary caregiver and then later to expand this to significant caregivers in their life. These attachments are then used later in life to create adult relationships. When a child receives consistent care from his/her main caregiver they are often able to grow and develop their own positive relationships.

In early years and infants, teaching staff may observe examples of separation anxiety. Children are often distressed when separated from their significant caregivers. This can be particularly true when starting a new school, a new class or when the child feels scared. They will want to retreat to their main caregivers.

Children who fail to develop positive attachments may develop mental health problems, such as anxiety, stress disorder, oppositional defiant disorder or conduct disorder. Children with positive attachments develop a positive self-image and the ability to develop healthy relationships into adulthood.

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## Special educational needs

We have already discussed how children with disabilities, autism or special educational needs are more vulnerable than their peers to experience abuse. Studies have also shown that children with disabilities have a more significant risk of experiencing multiple types of maltreatment. A number of factors which may cause this. The nature of a child's / young person's disability may mean they are not aware that abuse is actually taking place. The child / young person may not be able to report it. They may also be dependent on their abuser for care. Signs of abuse may be misinterpreted as the young person's challenges, rather than abuse. Teaching staff/professionals may find it difficult to identify the signs of abuse in children / young people with complex needs. To avoid this, educational organisations should have robust measures in place to identify SEND children at risk of abuse. There should be specialist training provided to staff working with SEND children around safeguarding and their specific needs to reduce the risk of abuse going undetected.

Some abused students go undetected due to poor attendance and educational opportunities, which reduces the opportunity to monitor the child / young person. This became very apparent in the cases of child deaths and cases of serious harm reported by councils during the pandemic. Therefore, it is wise to identify those students who are persistently truant or absent, as they may face abuse.

Children who have suffered abuse are also at risk of developing communication and language difficulties, which can then impact their learning, attention skills and attainment levels. This can result in increased needs and increasing his/her vulnerability.

Some SEND children may also go on to perpetrate abuse on other children / young people. They may not recognise their behaviours as being inappropriate, or they may lack the skills to know what is appropriate.

## Physical health

Research has shown a correlation between abuse and higher levels of poor physical health.

There is a direct link between physical health and physical abuse, and all types of abuse can impact health. If a child is not meeting their developmental milestones, this could impact their physical health. If a child is deprived of emotional and physical connections, this can affect the development of the brain, which can also lead to physical difficulties later in life. Stress caused by abuse can also result in physical problems. However, poor physical health does not necessarily mean a child is being abused. As with all these points, they are just indicators of potential abuse.

Some children / young people who live in economically deprived homes may also have poor diets which may be high in processed foods and lacking in fresh food. This can lead to health problems.

A number of research studies have found that abused children / young adults have the following:

<i>Diabetes</i>	<i>Lung disease</i>	
<i>Vision problems</i>	<i>Functional limitations (i.e. being limited in activities)</i>	
<i>Arthritis</i>	<i>Back problems</i>	
<i>Brain damage</i>	<i>Migraine headaches</i>	
<i>Emphysema / chronic obstructive pulmonary disease</i>	<i>Cancer</i>	
<i>Bowel disease</i>	<i>Chronic fatigue syndrome</i>	NB

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### Research activity

Research [zzed.uk/11874-maltreatment](https://www.zzed.uk/11874-maltreatment) and note down the key findings in regard to abuse and adult health problems.

## Mental health

Children or young people who experience abuse can develop a range of psychological issues. They may suffer low self-esteem, attachment difficulties, anxiety, depression and other mental health conditions. There is also a correlation between suicide attempts in adults and those who suffered abuse in childhood. Children may also develop problems with memory and empathy, and experience cognitive challenges. Some children develop post-traumatic stress disorder where they relive the experience of abuse and severe avoidance of people, places or events that remind them of the abuse. It is not possible to list all the mental health conditions that may be triggered by abuse, but what is clear is that abuse has a significant impact on the emotional, mental and physical well-being of an individual. When faced with trauma, many people can also go on to develop further unwanted behaviours as identified below.

## Unwanted behaviour

<b>Self-harm/ suicide</b>	Those who have been abused may have depression or other mental health issues that can increase the risk of self-harming or committing suicide.
<b>Alcohol and drug misuse</b>	Abuse victims are at a significantly higher risk of drug and alcohol misuse. They may use alcohol or drugs to temporarily relieve the pain of abuse. Alcohol/substance misuse can exacerbate pre-existing medical conditions or cause new physical health problems.
<b>Aggression</b>	It is not uncommon for those suffering mental health challenges to exhibit aggressive behaviour as part of their condition, and aggression is one of the most common behavioural issues. Those children / young people may use aggression as the only way to express their relational conflict.
<b>Risky or sexualised behaviour / promiscuity</b>	Abuse victims are more likely to participate in risky or sexually promiscuous behaviour. This could include high-risk behaviours, having a large number of sexual partners or being involved in sex for money. This also increases their risk of exposure to sexually transmitted infections.
<b>Criminality</b>	Any child / young person who has experienced abuse has a higher risk of becoming involved in criminal activity. The risk is greater where the child / young person has suffered physical or sexual abuse. The reasoning of this increase may be caused by the challenges of building positive, healthy relationships.

## Socio-economic status

Socio-economic status describes where an individual is positioned in relation to social and economic factors. Their position is often determined by a person's education, qualifications, income, wealth and resources. Class may be one indicator of socio-economic status, but when considering the socio-economic status of a child / young person the status of the family as a whole, is taken into account. Those students whose parents have few or no qualifications, have a low income / are on benefits, live in their home or have social housing, may be regarded as being of low socio-economic status. Research shows that low SES homes are more at risk of being abused and that abuse going undetected.

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### 3.6/3.7/3.8/3.9 Revision questions

1. Define the term 'position of trust' and give **one** example of a person in a position of trust.
2. Explain how manipulation can be used to abuse a child or young person.

3. *Any adult in a position of trust should not use threats of punishment to achieve compliance.*

Explain what an educator should do to ensure that threat of sanctions does not breach the law.

4. *You are an educator working in the early years setting. A colleague has raised a concern that a child who is being abused.*

Explain what steps can be taken in light of the concern.

5. *'A child with special educational needs is equally as vulnerable as a child without special educational needs.'*

Discuss the above statement.

Your response should demonstrate:

- That any child could be the victim of abuse and that children / young people are at a higher risk of abuse by identifying risk factors.
- The factors that can increase the risk of abuse.
- A reasoned judgement on how the circumstances can affect the likelihood of abuse in each case needs to be considered on its own specific facts to ensure that appropriate support to promote their welfare.

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## Answers to revision questions

### Chapter 3.1

1. The Counter-Terrorism and Security Act 2015 **(1 mark)**
2. **B. Be educated (1 mark)**
3. **A. Social class (1 mark)**
4. The purpose of Channel is to provide multi-agency support to identify and support people who are at risk of being drawn into terrorism. **(1 mark)**
5. The three primary aims of the Counter-Terrorism and Security Act 2015 are to
  - Challenge the ideological beliefs of terrorism doctrine and respond to the promotion of such ideals.
  - Prevent people supporting terrorism through interventions, support and advice.
  - Work directly with organisations where there is a risk of radicalisation.
6. **Award 1 mark for each responsibility, up to 2 marks:**
  - Comply with health and safety legislation
  - Provide a safe school/premises for employees, pupils and visitors
  - Provide a health and safety policy
  - Provide health and safety training for employees
  - Provide safety equipment where required
  - Undertake risk assessments
7. **Award 1 mark for each person or organisation, up to 3 marks:**
  - Mother
  - Father, if named on the birth certificate
  - Father, if married to the mother at the time of the child's birth
  - Any person who applies to the court for parental responsibility
  - The local authority if a care order is made
  - *Accept any other suitable answers*
8. **Award 1 mark for definition and 1 mark for any example of personal data:**

'Personal data' is information that identifies an individual, or information that can be identified from the data.

**Accept one of the following:**

Personal data can be a person's name, address, date of birth; images; results of tests; and so forth – this all falls within the rules of the DPA.
9. **Award 1 mark for each indicator, up to 3 marks:**
  - A visitor from abroad known as a 'cutter'
  - A ceremony preparing a female for marriage or womanhood
  - Family history of females who have undergone FGM
  - Long holiday/visit abroad
  - High level of absenteeism from school
  - A female struggling academically when previously they had not
  - Running away or planning to do so
10. **2 marks for:**

A person is considered disabled if they have:

  - a physical or mental impairment that has a 'substantial' (more than minor) and long-term effect on their ability to do normal day-to-day activities
  - 'long-term' (lasting 12 months or more) negative effect on their ability to do normal day-to-day activities

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11. **2 marks for each coherent explanation of each factor linked to the scenario**

- Sophia has a physical disability – cerebral palsy – and her condition is such that she will need support to achieve/maintain a reasonable standard of health (1) and she will need support to achieve/maintain a reasonable standard of health and development (1).
- Sophia is working one academic year below her peers, which would suggest she will need additional support to reach intellectual development milestones (1); therefore, she will need additional support to reach intellectual development milestones (1).
- Sophia's brother has been identified as a child in need, which may be of concern. Further information is required before an opinion can be made (1). However, it is important to consider emotional, social or behavioural factors that Sophia may also be experiencing (1).

12. **Award 1 mark for an explanation of what the Data Protection Act 2018 sets out, and award 1 mark for identifying that the head teacher must comply with the legislation**

The Data Protection Act 2018 protects the privacy of individuals and how information is processed about individuals. (1) The administrator must ensure compliance with the legislation. (1) *(Accept any answer that sets out the purpose of the legislation.)*

**Award 1 mark for identifying how personal data must be used, and award 1 mark for identifying an expansion linked to the scenario (any two points from; sub-max. 2 marks per point)**

- The CV must be used fairly (1) – it can only be used in relation to the job application (1).
- The information must be used lawfully and transparently (1) – the administrator must keep the information indefinitely. It should be disposed of once the post has been filled from the applicant if they want to keep the information on file for subsequent roles (1).
- For a specified, explicit purpose (1) – the administrator would only be able to use the CV for the purposes for which it was obtained – for the recruitment of the post. Once filled, if the information is still kept on the system, explicit consent may be sought from the applicant to keep the information longer (1). Alternatively, the recruitment process information will be held for X amount of time before being disposed of (1).
- Used in a way that is adequate, relevant and limited to only what is necessary (1). The CV should not be used for any other purpose, other than recruitment of that post (1). The administrator should keep the information on the basis that the applicant is a parent in the school (1). The information could not be shared with other staff who are not involved in the recruitment process (1).
- Kept for no longer than is necessary (1) – once the post has been filled, the administrator should delete the CV. If permission has been granted to keep the CV longer than the primary purpose, the administrator would be sensible to delete the information at a date in the future. This would be to ensure there is no unnecessary retention of the information (1). Any extension should be documented with the explicit consent of the user, to ensure compliance with the legislation (1).
- Handled in a way that ensures appropriate security, including protection against unauthorised processing, access, loss, destruction or damage (1) – there should be a secure folder that only those staff involved in the recruitment process can access the folder that contains the information. For example, the teacher should not be able to access the CV, only those staff involved in the recruitment process (1). The administrator should ensure that there are editing restrictions on the CV to avoid errors (1).

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## Chapter 3.2

1. a) FGM is where a female's genital organs are changed without any medical need.  
b) **2 marks for:**
  - There is a duty to report a suspicion of FGM to the relevant authority.
  - An FGM protection order can be used to protect Zuri if she is at risk.
2. **3 marks for:**
  - To respond to the threat of terrorism.
  - To prevent people from becoming terrorists.
  - To work with sectors and institutions where there is a high risk of radicalisation.
3. **2 marks for each example; any two from:**
  - Through teaching students the importance of British democracy (1) by informing them of views from varying political parties with the purpose of teaching acceptance of different views.
  - Through the use of 'conscience alleys' (1) to develop understanding of democracy and respect for different opinions and to be able to see different sides in a debate.
  - To demonstrate to students that their views are heard and acknowledged by encouraging them to voice their opinions through pupil voice, student forums, student councils, student presidents (1).
  - Through directly teaching the principles of democracy in classroom decisions, one person, one vote rule; consultations and pitching of ideas (1).
  - Through developing students' understanding of the importance of freedom of speech to express their own opinions (1). This is demonstrated through participation in 'conscience alleys', in relation to current global matters (1).
4. **The following groups are targeted by incels for their recruitment campaigns:**  
**1 mark for any of the following, up to 3 marks:**
  - Males who are virgins.
  - Males who class themselves as involuntarily celibate.
  - Vulnerable young men and boys.
  - Males who feel isolated from society.
  - Males who regard themselves as unattractive.
  - Males who are not financially successful.
5. a) **1 mark each, up to 3 marks:**
  - Every pupil has the right to be included in the curriculum, and lessons should address students' difficulties to ensure they have a balanced and broad curriculum, not segregated from their peers.
  - SEND pupils have the right not to be harassed, victimised or discriminated against.
  - There is also an obligation to make reasonable adjustments to ensure equality of opportunity, not a disadvantage when compared to their peers.  
b) **1 mark each, up to 4 marks:**
  - Diagnose SEND needs in a child / young person as early as possible to ensure timely and appropriate support in their educational journey.
  - Ensure the child's / young person's needs are supported within mainstream education where possible. (If this is not possible, by ensuring their needs are met in specialist provision).
  - Involve the child / young person and their parents and carers in the support.
  - Educational providers should work with multi professionals to identify and support the child / young person with their education.
  - *Accept any other appropriate answers.*

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6. **1 mark for the main objective and 1 mark for the purpose:**
- The primary aim of the guidance is to ensure that pupils with medical conditions are included in the curriculum and that this includes physical education and school trips.
  - The overarching purpose of this guidance is to ensure that pupils with medical conditions have access to opportunities as their peers, while remaining safely within mainstream education.
7. **1 mark for each recent change, up to 4 marks:**
- Each organisation must have a policy addressing child-on-child abuse. This includes cyberbullying, harassment, sexual violence, physical abuse, sexting and ritual abuse.
  - Any victim making a disclosure should be reassured that their disclosure has been taken seriously and the victim should feel supported.
  - One incident may be sufficient to be considered exploitation, particularly if it is linked to sexual exploitation.
  - Exploitation can also be long term. All children and young adults up to 25 years old are at risk of sexual exploitation.
  - The guidance provides resources for staff to support children with mental health issues.
  - All staff need to be aware of the indicators that may suggest a child is at risk of exploitation.
  - There is a greater emphasis on sharing information between agencies particularly in relation to safeguarding referrals.
  - There is a requirement to record a clear and comprehensive summary of decisions made around safeguarding.
8. a) **1 mark for definition:**  
Sexual harassment is described as 'unwanted conduct of a sexual nature which occurs on school or educational premises, online or offline, or both.'
- b) **1 mark each, up to 2 marks:**
- Sexual comments, stories, jokes, comments about clothes or appearance, or unwanted physical contact, e.g. brushing against someone, interfering with their clothing, or sexual assault
  - Online harassment – sharing non-consensual nude or semi-nude images or videos (including social media platforms)
  - Sexualised online bullying, unwanted sexual comments and messages (including social media platforms)
  - Upskirting is unlawful sexual harassment, regardless of the victim's age
  - Sexual exploitation, coercion and threats
  - *Accept other suitable examples.*
- Note:** The taking or sharing of a nude photograph of a child / young person is a criminal offence. Upskirting is also a criminal offence since 2019.
- c) **3 marks from the following:**
- The safeguarding lead should undertake an immediate risk and needs assessment and consider the following:
    - Does the victim need protection and what support should be given?
    - Are there any other victims?
    - Is there a need to protect other students from the alleged perpetrator?
    - Is there a need to protect other students from future harm?

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9. **1 mark for each, up to 4 marks:**

There is a duty to consider whether early help is required for children who:

- are disabled with specific additional needs
- have special educational needs
- are young carers
- are showing signs of antisocial/criminal behaviour, including gangs and organised crime
- are frequently missing
- are at risk of trafficking, exploitation or modern slavery
- are in challenging circumstances
- have experienced domestic abuse
- have experienced adult mental health problems
- are misusing alcohol or drugs
- have returned to care
- are fostered
- have a parent/carer with a mental health problem
- are suffering from a mental health problem
- *Accept any other*

10. **1 mark for each key principle, up to 2 marks:**

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitations
- Integrity and confidentiality
- Accountability

11. **15 marks – maximum 12 marks for content, plus maximum 3 marks for quality of response**  
**Indicative content**

**Your response should demonstrate:**

- How a child / young person is protected under the guidance.
- What changes were brought about as a result of the guidance.
- A reasoned explanation as to why new practice was implemented (12 marks)

**Keeping children safe in education 2021:**

- This is statutory guidance issued by the Department for Education. Schools and colleges must pay due regard to this guidance when carrying out their responsibilities for the welfare of children and young people. The guidance should be followed unless it can be shown that following it would be inappropriate in the circumstances.
- The guidance reinforces the ongoing duty that all staff are responsible for ensuring the welfare of children / young people.
- It sets out early help for children / young people who needed it.

**Practice to protect children and young people:**

- The guidance reformed safeguarding and the promotion of children's / young people's welfare.
- All practitioners should practise a person-centred approach. All staff need to be able to identify which students may need early help (providing support and advice).
- All practitioners should receive annual child protection training.
- Practitioners should know what local early help is available to children / young people.
- All practitioners should be able to identify students who may need early help.
- All practitioners should work collaboratively with safeguarding stakeholders.
- Each educational organisation must have an identified safeguarding lead responsible for ensuring appropriate action.

*Answer to*

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**Reasoned judgements may include:**

- There is a clear expectation of a whole-school approach to safeguarding
- The guidance includes specific forms of abuse such as child-on-child abuse that students suffering mental health problems may be subject to abuse, exploitation and the sharing of nude images.
- Children / young people must continue to be at the centre of any decision
- Practitioners must receive up-to-date training on new areas of focus.
- Practitioners should not let concerns about data protection responsibility get in the way of sharing information when it is necessary to promote the welfare and protection of children
- There is guidance on how to provide remote learning safely and how to manage concerns and low-level concerns.
- There is direction on safer recruitment to ensure certain checks are carried out
- It also advises on child sexual violence and harassment.

**Levelled mark scheme:**

Band	Mark	Descriptor
0	0	No suitable answer given.
1	1–3	Limited effective evaluation/analysis with largely incoherent points. Inaccurate, unbalanced and unsupported conclusions that do not answer the question. Only superficial understanding. Significant inaccuracies and omissions.
2	4–6	Somewhat effective evaluation/analysis with some coherent points. Some clear and accurate links between points made; however, some are weak. Brief conclusions that have limited relevance to the question. Basic or limited understanding. Inaccuracies present and omissions.
3	7–9	Mostly effective evaluation/analysis with largely coherent points. Mostly clear and accurate links between points made. Mostly accurate, balanced and supported conclusions that answer the question. Reasonable understanding. Only occasional inaccuracies and omissions.
4	10–12	Comprehensive and effective evaluation/analysis with detailed points. Coherent rationalisations. Clear and accurate links between points made. Accurate, balanced and supported conclusions that have answered the question. Comprehensive understanding.

**Quality of written communication:**

Mark	Descriptor
0	No answer, or answer does not meet the threshold, i.e. no structure, no meaning, inappropriate technical terms.
1	Answer lacks clarity and structure but does use grammar (with any meaning). There is a limited range of technical terms used.
2	Answer is mostly clear and somewhat structured with good grammar and a range of technical terms used.
3	Answer is clear and well-structured with effective grammar and a wide range of technical terms used.

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## Chapters 3.3

1. **1 mark each, up to 4 marks:**

- The effect of home life can have a significant impact on the mental health of pupils and must be considered alongside any educational support or interventions.
- Parents and carers can be supported where appropriate with emotional support and life skills.
- Parents and carers should be made aware of the support that is being offered from the first instance.
- If it appears to staff that parents or carers have their own unmet needs, staff should work with the local authority to request support for parents and carers in their particular area.

2. **Award up to 2 marks for each point:**

**An outline of the issues that may arise in this scenario (1 mark for each, up to 2 marks in total)**

This scenario potentially raises a number of issues:

**Accept any of the following examples (up to 2 marks)**

- This scenario may reveal issues regarding climate control in the school. Staff should be concerned to ascertain whether the staff member has a medical condition affecting her.
- There also needs to be consideration as to whether the staff member is being bullied.
- Is there a staff awareness issue here? Such behaviour does not seem to be in line with school policy.
- The scenario also suggests there may be bullying or harassment matters relating to intolerance, suggesting non-inclusivity.

**How the senior leadership team may promote respect and value diversity in the school (up to 2 marks in total)**

The leadership team may promote respect and value diversity by doing the following:

- Are there any environmental factors for senior management to consider (e.g. climate control be improved, use of fans, etc.)?
- Do staff need training on equality and diversity? Name-calling, even if it is a person is struggling with temperature, what support can they be given in this situation?
- Are school policies up to date on topics such as bullying, harassment, mental health, etc.?
- Are staff aware of the policies and procedures, or are refreshers required?

**An explanation as to why it is important to promote this principle in a school (up to 2 marks in total)**

- The climate in which students and staff work can directly affect their physical health, which in turn impacts on behaviour and their attainment levels.
- Staff and pupils who feel respected and included are more likely to be happy and motivated.
- Acceptance and inclusivity encourages a positive working environment.
- By addressing bullying and harassment, the senior leadership team can ensure a safe environment for all.
- It is important to accept diversity to develop a more inclusive school community.

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## Chapters 3.4/3.5

1. **2 marks for (both parts must be given):**

A **child is at risk** when the local authority believes the child is suffering significant harm (1).

2. **1 mark for:**

A **child in need** is a child who needs support from the local authority to develop a reasonable level of health and welfare (1).

**1 mark each, up to 2 marks:**

A child in need is a child who:

1. is disabled, or
2. is unable to maintain a reasonable level of health and/or development, or
3. is unlikely to achieve a reasonable level of health and/or development, or
4. is suffering significantly in terms of their health and/or development, or
5. is likely to suffer further impairment without support

3. **1 mark for identifying a factor and a further 1 mark for explaining why the young person being abused**

**Individual factors (any two from):**

- **Child / young person has a physical disability (1)** – A physical disability is 'substantial' and 'long term'. Any physical condition which is / will be 12 months or more, which prevents a child undertaking normal daily activities, will be regarded as a physical disability. (1)
- **Child / young person is the product of an abusive relationship (1)** – A child who witnesses an abusive relationship between his/her primary carer and another adult, may experience emotional and cognitive difficulties as a result of this exposure. (1)
- **Child / young person has a developmental disability (1)** – A baby/child with a developmental disability when they are not reaching the generic milestones. (1)

**Parental factors (any two from):**

- **Parent has already abused a child (1)** – Where an adult has already abused a child, there is a risk that they will go on to abuse other children. (1)
- **Parent was abused when growing up (1)** – Intergenerational abuse is where a child who was abused as a child then goes on to abuse their own children. (1)
- **Single parent with low education (1)** – Statistically, single parents with low education are more likely to abuse children than parents from dual-caregiver homes. (1)
- **Parents have unrealistic expectations of the child / young person and lack understanding (1)** – A parent who does not understand a child's developmental stage, behaviour and needs may be more likely to abuse his/her offspring as they have higher expectations than the child can meet, and to force the child to achieve something that they cannot do due to their limitations. (1)
- **Parent is isolated and has limited support (1)** – Some parents who are isolated from family, friends, a partner, the community or professionals, may abuse their child to cope with the demands of parenting and have no support mechanism. (1)
- **Parent has a mental illness or is abusing drugs or alcohol (1)** – A parent with a mental illness, who misuses alcohol or drugs, may be more inclined to neglect or abuse their child due to their lack of awareness, or because the pull of alcohol or substance misuse is too strong. (1)

**Environmental factors (any two from):**

- **Overcrowding in the home (1)** – The higher the occupancy in the home, the higher the risk of child abuse. (1)
- **Poverty or lack of opportunity to improve the family's resources (1)** – Children in poverty have an increased risk of suffering child abuse. (1)
- **Presence of domestic abuse (1)** – The domestic abuse could be aimed at the child, or the child could be the victim of abuse. Where there is any domestic abuse, there is an increased risk of harm to the child. (1)

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1. **1 mark for a suitable definition of position of trust:**

A person is in a **position of trust** when s/he has regular and direct contact with a child under the age of 18 and they hold authority over the other person. (1)

**1 mark for any one example of someone in a position of trust, from any of the following other suitable examples):**

- Education, e.g. teachers, teaching assistants
- Care settings, e.g. foster carers, social workers, healthcare workers
- Hospitals/clinics, e.g. doctors, nurses, clinical staff, district nurses
- Children's homes / residential centres, e.g. residential staff – care workers
- Criminal justice settings, e.g. youth justice officer, guardian, care worker

2. **3 marks from:**

- Manipulation is when one person exerts control or pressure over another person.
- Usually, the manipulator gains something from the exploitation of the other person. It should be used solely or primarily to control another person. (1)
- Manipulation is a form of abuse. When an adult holds a position of power over a child / young person, they can exploit this position to coerce the child / young person into doing something.

3. **1 mark each, up to 6 marks from:**

- As any adult working with children / young people is in a position of trust, any threat or threat of sanctions is justified and does not fall foul of the law. (1)
- Therefore, any threat of punishment must be attached to reasonable demands.
- An example of a reasonable demand could be where an educator without a child's compliance of a task. (1)
- The intention of the sanction is to encourage desirable behaviour from the child / young person.
- It is important to note that the sanction does not deprive the student of the right to have full access to education, including physical education lessons. (1)
- It should be noted that the desired outcome of the child's / young person's behaviour is for the benefit of the adult but for the benefit of the child / young person. (1)
- This point can also reduce the likelihood that the sanction will be regarded as a form of abuse.

4. When dealing with a case of suspected abuse it is essential that all parties comply with the school's policy and procedure in relation to the concern.

Discuss your response to the above statement.

Accept any comprehensive answer that covers six of the primary points as identified below.

- The first point to consider is whether the child is at risk of immediate danger.
- If the answer is yes, the next question to consider is what can be done to protect the child.
- If the child is considered to be at risk of immediate danger, it is likely that the child should be referred to the police and/or social services for guidance. In this case it is essential that the school follows its local protocol for working with social services and the police. (1)
- The reasoning for all decisions must be recorded. (1)
- It is not clear from the information provided whether the matter concerns a single child or a group of children. This should be clarified as there may be responsibilities and actions to take in relation to the victim and the perpetrator. (1)
- Consideration should be given as to whether it would be appropriate to discuss the matter with the child is behaving with a view to identifying a number of factors, including the child's confidence and socialisation skills. (1)
- All parties should ensure that all information is recorded accurately and that the information is shared with the appropriate person and to protect staff. (1)

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5. **15 marks – maximum 12 marks for content, plus maximum 3 marks for quality of written communication**

**Indicative content**

Your response should demonstrate:

- Any child or young person can be the victim of abuse, regardless of age.
- Children / young people with disabilities are at a higher risk of abuse by adults. There are a number of factors that can affect the level of risk to any child or young person. This does not mean they are being abused – simply that there is a higher risk that they will be. One factor is children / young people with disabilities.
- The factors that can increase the risk of abuse:
  - Some children / young people are more vulnerable to abuse because of their disability.
  - The nature of the child's / young person's disability may prevent awareness of abuse.
  - The child / young person may not be able to disclose that s/he is being abused because of the disability.
  - The child / young person may be dependent on the adult for care, support or protection, making them more vulnerable to abuse.
- Signs of abuse may be misinterpreted by staff as being part of the child's / young person's behaviour rather than an indicator of abuse.
- Educational staff may not have the expertise to recognise the signs of abuse in a child or young person who has complex needs.
- Some cases of abuse in children / young people are not detected as they are not seen at the educational setting and opportunities to recognise the signs of abuse are limited, particularly relevant during the COVID lockdowns when children / young people are not attending school.
- Some children who have suffered abuse have communication and cognitive difficulties, making it difficult to identify the signs of abuse.
- Because of abuse, some children also go on to develop communication difficulties, which can make it difficult for them to disclose abuse.
- Some abused children / young people with SEND may abuse their peers, which may not be understood that such behaviour is abuse.
- Some children / young people can be targeted by their peers because they are seen as vulnerable, leading to child-on-child abuse.
- Statistically, children / young people with disabilities, special educational needs are more vulnerable to abuse than their peers.

A reasoned judgement on how the circumstances can affect the likelihood of abuse in a particular case needs to be considered on its own specific facts to ensure every child is protected and to promote their welfare.

Government policies encourage educational staff to identify children / young people at risk of abuse. But it is important to draw a distinction between the risk of abuse and actual abuse. When those working with children can identify the higher-risk groups, they can take steps to prevent actual abuse. Early identification is part of the promotion of the well-being of children.

In consideration of the above points, I believe that the statement is incorrect. A child with special educational needs may be more vulnerable than his/her peers, but it is not noted that this factor can increase the likelihood of risk but it does not mean they are being abused. Therefore, I think the following statement would be more accurate: 'A child with special educational needs has a higher risk of being abused in comparison to his/her peers.' However, all children may be at risk of abuse, and as educators we are obligated to understand the signs of abuse in regard to the children and young people in our care.

*Answer to question 5*

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### Levelled mark scheme:

Band	Mark	Descriptor
0	0	No suitable answer given.
1	1–3	Limited effective evaluation/analysis with largely incoherent Inaccurate, unbalanced and unsupported conclusions that the question. Only superficial understanding. Significant inaccuracies are
2	4–6	Somewhat effective evaluation/analysis with some coherence Some clear and accurate links between points made; however Brief conclusions that have limited relevance to the question Basic or limited understanding. Inaccuracies present and/or
3	7–9	Mostly effective evaluation/analysis with largely coherent Mostly clear and accurate links between points made. Mostly accurate, balanced and supported conclusions that Reasonable understanding. Only occasional inaccuracies
4	10–12	Comprehensive and effective evaluation/analysis with detailed coherent rationalisations. Clear and accurate links between points made. Accurate, balanced and supported conclusions that have Comprehensive understanding.

### Quality of written communication:

Mark	Descriptor
0	No answer, or answer does not meet the threshold, i.e. no structure inappropriate technical terms.
1	Answer lacks clarity and structure but does use grammar (with any meaning). There is a limited range of technical terms used.
2	Answer is mostly clear and somewhat structured with good grammar
3	Answer is clear and well-structured with effective grammar and a wide terms used.

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## Appendix of additional legislations and sta

### Children Act 1989 *(amended in 2004)*

The Children Act 1989 brought about a **child-centred approach** – protecting the interests of the child became a paramount consideration. Parents now had to protect the rights of their child. This legislation also set out the legal framework that parents, local authorities, courts and other agencies – including schools and academic settings – had to follow, to ensure the protection of children up to the age of 18.

The Act introduced a **welfare checklist** that local authorities had to follow to ensure the safety of children. The checklist includes: the wishes and feelings of the child concerned; the child's physical, emotional and educational needs; the probable effect on the child with any change in his/her circumstances; the child's age, background, sex and any other factor the court considers necessary. Finally, the checklist considers the harm they have suffered or the risk of suffering.

The legislation also created the role of **guardian ad litem (guardian)** who could be appointed by the court to look out for the best interests of a child when there is an allegation of abuse. A guardian can also be appointed in divorce proceedings, parental rights matters, and custody and contact cases.

If any such legal proceeding is taking place, the school, teachers and staff may be asked to give information to a guardian ad litem to help them make a best interest decision on behalf of the child.

The court has the final decision on any of these matters but will take into account the representations of the guardian.

The legislation also established a legal definition of parental responsibility. This is are legally recognised as having rights, duties, powers, responsibilities and author of a child. Parental responsibility may be automatic or by order of the court. It ca or to other people, including extended family or a guardian, when no suitable adu

A mother automatically has parental responsibility for her child. A father has pare named on the child's birth certificate, is married to the mother or is granted respo The court can change who has parental responsibility.

For those working in a school or academic setting, the adult with parental respons make decisions on behalf of the child, provide consent or remove the child from t also delegate some responsibility to a named adult, e.g. collecting a child from sch

The **Children Act 1989** also introduced a **prohibited steps order**. This could be used to prevent a parent from exercising some or all of their parental responsibility without the express permission of the court. It can be used for a wide variety of matters. Examples of prohibited steps orders are:

- to prevent a parent removing a child from school
- to prevent a parent removing a child from the local area
- to prevent a parent travelling abroad with a child
- to prevent a parent refusing a course of medical treatment
- to prevent a parent changing a child's name

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**Case study (part a):** The unmarried parents of four-year-old Jamal are going through separation. Jamal attends the nursery at school full time. Jamal's father is not on the birth certificate. Either Jamal's mother or Jamal's maternal grandmother normally collect him each school day. Today, Jamal's father attends school at lunchtime demanding to see Jamal.

### Applied activity

Consider the case scenario (above): Does Jamal's father have parental responsibility for Jamal at school? Would your answer change if the request were made by Jamal's mother?

**Case study (part b):** Jamal's father has been granted parental responsibility, which he shares jointly with Jamal's mother. Jamal's father wants to move Jamal to a different nursery in another area and submits a request to the school to transfer Jamal's documentation to the new school.

A residence order / child arrangement order, now known as **a child arrangements order**, stipulate where a child should live and with whom. This can be a shared order and the child will live at certain times of the week or the year, or during set holidays. The order can be made for up to 16 years of age but can be extended to 18 in exceptional circumstances.

A **specific issue order** is used when the court is required to decide a specific issue. The court provides examples of the types of specific issue order that can be made:

- to change a child's name
- to determine which school a child should attend
- to determine whether a course of medical treatment should be given
- to determine whether a child should receive religious education
- to determine whether a named person should have contact with a child

**Case study (part c):** Jamal's parents both retain shared parental responsibility. Jamal's father is a Muslim and his mother is a non-practising Christian. Jamal's father has obtained a prohibited steps order to prevent Jamal from receiving any religious teaching other than that of the Muslim faith. The nursery and primary school that Jamal attends is a secular state school and is non-denominated (of no particular religion). The school teaches about different religions in its RE lessons.

**Part 3** sets out the responsibilities of the local authority for **a child in need** and their family. If a child is considered to be in need, the local authority has to provide services for the child. If the child in need is younger than five, the local authority must provide day care. If there is no one with parental responsibility, or the child is at risk from the person with parental responsibility, then the local authority must provide accommodation and care.

**Case study (part d):** Jamal's father removes Jamal from the nursery, using his prohibited steps order as justification.



### Applied activity

What information do you need to gather from Jamal's social worker to know what the school should do?

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The local authority has a duty to support, safeguard and promote the welfare of children in their locality.

A **care order** means the child is under the care of the local authority until s/he reaches the age of 18. Parental responsibility passes to the local authority under this order. The child is given a care plan which is devised to safeguard and support the child in relation to health, education, family life and future needs. Every looked after child (LAC) must have a **care plan**. The care plan is completed and reviewed by the child's social worker. The school is consulted in the completion of this plan along with other involved agencies. Teachers and support staff may be requested to give information to the child's social worker in regard to performance, attainment, behaviour and other matters relevant to the case.

A child may be given a care order or a **supervision order** when they are either suffering from harm or are likely to suffer harm from the care, or lack of care, given. The impact of these orders in an educational setting are that they may affect/prevent:

- Parental responsibility
- Where the child resides
- Who the child resides with
- Who can have contact with the child
- Which school the child attends
- How the child is brought up, e.g. religious teachings
- Changes to a child's surname

**Case study (part e):** Think back to our earlier case study with Jamal and his parents. Unfortunately, relations between both parents became contentious. A care order was made for Jamal. Jamal is currently residing with foster carers. Jamal's father still wants him to be in religious education classes.

#### Applied activity

Did he have a legal right to do so? Jamal has not been placed in any other nurse

The legislation also introduced an **education supervision order** – this can be made if a child is not attending school and receives an education. It is often used to improve a child's attendance. A parent / a person with parental responsibility is obligated to comply with such an order. Failure to do so can result in the adult being fined.

An education supervision order can be made by the local authority where a school has concerns about a pupil's lack of attendance. The basis of the order is to ensure each child has a right to attend school or an educational setting, if you have concerns about a pupil's attendance consult the school's leadership team.



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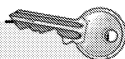


## Care Standards Act 2000

The primary aims of the Care Standards Act 2000 were to:

- Introduce national minimum care standards in social services through regulation and inspection (including children's homes in England)
- Establish the **National Care Standards Commission**
- Appoint a **Children's Commissioner** for Wales
- Reform the regulation of childminders and day-care providers for young children
- Require **Ofsted** to inspect day-care services for children up to the age of eight years old (this includes childminders)

**Ofsted** is the Office for Standards in Education, Children's Services and Skills. The organisation inspects all services that provide education and skills for learners of all ages. This includes independent schools, state schools, academies and childcare facilities, children and young people's services, adoption and fostering providers.



The **Children's Commissioner** is a statutory role for policy-makers and safety of children in decision-making.

The **National Care Standards Commission** regulates and inspects providers with a view to ensuring the quality of care and healthcare for children and homecare.

**Research activity**  
What is the role of the Children's Commissioner for Wales?

### Case study:

*Michael looks after his neighbour's son Kye, who is six years old, for three hours a day. Kye's mother, Rosa, goes to work.*

**Does Michael have to register with Ofsted? Would your answer change if Kye was under two years old?**

Childcare providers looking after children under the age of eight must be registered with Ofsted. Those not open to Ofsted inspection are nannies looking after children in their own homes, relatives and foster carers, babysitters between the hours of 6pm and 2am, and providers looking after a child for fewer than two hours a day with pay.

## Childcare Act 2006

The Childcare Act 2006 was introduced to tackle three key areas to:

1. Reduce inequalities and improve outcomes for children under the age of five
2. Provide sufficient childcare to meet needs.
3. Improve access to information and advice to parents.

The Act came about because there was a drive to improve standards in childcare. It introduced regulation and inspection for childcare providers in England and created the Early Years Childcare Register.

Childcare provision was offered for working parents to provide improved learning opportunities for children.

There was an emphasis on local authorities, NHS and other government authorities to work together to reduce inequality in services for children. The legislation created electronic records for children in England, Scotland and Wales to make it easier to trace and locate children across local authorities, schools and other government services.

**Research activity**  
Can you identify the criteria for disqualification of children?  
Go to: [zzed.uk](http://zzed.uk)

The Act also created a list of criteria that would disqualify certain people from working with children on the DBS list.

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The legislation also introduced the **early years foundation stage (EYFS)**, which established a framework of high-quality learning, development and care for children from birth to five years of age in all settings, except for nannies, parent and toddler groups and crèches where the children are cared for by their parents only, were required to follow the EYFS. The aim of the framework was to ensure that all children had improved and that all providers were working to a minimum standard to support them in the early years.

### Research activity

The government has updated the statutory framework for the early years and from 1<sup>st</sup> September 2021. To familiarise yourself with these changes, go to: [zzed.uk/](https://www.zzed.uk/)

## Equality Act 2010



The Equality Act 2010 brought together a number of previous laws dealing with sex, race and disability discrimination of individuals against discrimination and encouraged equality. The legislation covers employers, employees/contractors as government, councils, care trusts and NHS bodies (patients, people receiving social care) and education.

There are three primary objectives of the Equality Act:

- To eliminate discrimination.
- To ensure equal opportunities for all.
- To encourage diversity.

The Act introduced the phrase 'people with **protected characteristics**'. These are groups of people who are protected in law to prevent, or address, discrimination.

The **protected characteristics** are:

- Age
- Disability
- Gender reassignment
- Marriage / Civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

**Protected characteristics** are protected under the Equality Act. It can be illegal to discriminate on the grounds of protected characteristics: age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, sexual orientation. Positive discrimination is also possible.

Treating people equally does not mean treating all groups the same; rather, people may need to be given support to put them on a par with people who do not have protected characteristics.

The Act created a new duty on the public sector known as an 'equality duty'. This means that public sector organisations must consider the impact their work will have on all sectors of society. They must also prevent discrimination, developing equal opportunities and fostering good relationships between different groups of people when undertaking work.

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The legislation also clarified what ‘**disability**’ is. A person is considered disabled if they have a physical or mental impairment that has a ‘substantial’ (more than minor or trivial) and ‘long-term’ (lasting 12 months or more) negative effect on their ability to do normal daily activities. It includes people with cancer, HIV, multiple sclerosis, severe long-term disfigurement, visual impairment, many physical and mental health impairments, etc., but it excludes addiction to drugs or alcohol.

**Disability**  
impairment  
term and  
person’s ability  
activities.

**Case study:**

*Eliana is 12 years old. She has asthma, which affects her ability to do sports.*

**Do you think Eliana would be regarded as disabled? Would your answer change if her asthma was not severe enough to interfere with her ability to walk?**

There are four primary ways a person with protected characteristics could be discriminated against:

1. **Direct discrimination** can occur when someone is treated differently because of their protected characteristic, e.g. preventing a male child joining a skipping club at school on the basis that he is male. This would be discrimination on the grounds of sex.
2. **Indirect discrimination** is where one protected characteristic group is indirectly discriminated against, e.g. only allowing staff with over 10 years’ experience to apply for a specific role. This would be age discrimination as it would prevent younger staff from applying for the position.
3. **Harassment** is unwanted behaviour that a person finds offensive, intimidating or humiliating. It can include spoken or written words such as social media posts. Harassment can include jokes, name calling, being excluded, or physical contact that is unwanted. Harassment could also include using speech in a derogative way, e.g. ‘That’s such a gay thing to do’.
4. **Victimisation** can occur when a person is treated differently because they have made an allegation of discrimination or they have supported a person who has brought a discrimination complaint, e.g. where a Muslim employee who raised a grievance against race discrimination was not invited to the staff Christmas party.



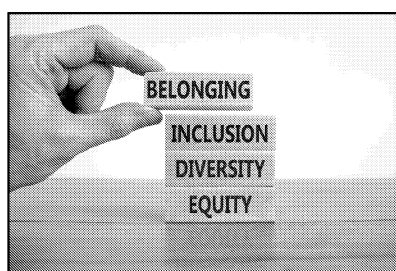
**Did you know?**

The content of the Equality Act 2010 ensures schools can use materials without fear of debate, analysis and ensure the way in which they are not lead to discrimination uncensored by the Act.

Not all discrimination is unlawful; positive discrimination can be acceptable in certain circumstances, e.g. discrimination for a single-sex girls’ school to not permit boys to attend, and vice versa.

**Research activity**

For guidance for voluntary and community sector service providers see: [zzed.uk](https://www.zigzag.org.uk)



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## Children and Social Work Act 2017

The Children and Social Work Act 2017 introduced corporate parenting principles to local authorities in England. Corporate parenting means the local authority has parental responsibilities for looked after children. Local authority staff are required to follow statutory principles when carrying out their roles and responsibilities. The principles apply to children and care leavers (children who have left care) up to the age of 25.

### Research activity

See how the local authority adheres to the corporate parenting principles: [zzed.uk](https://www.zzed.uk)

The legislation also introduced the local offer for care leavers, which sets out what services are available to prepare looked after children and care leavers for adulthood and independent living.

### Case study:

*Jordan is a 15-year-old young man who is a looked after child in your local area. He has been diagnosed with autism spectrum disorder. He lives in a local care home. He wants to go to university when he turns 16.*

**Research your area's local offer to see what support will be available to Jordan.**

The Act also supports the education of previously looked after children. A previously looked after child is a child who was in care but then adopted, or a child who is under a special guardianship order. State maintained schools and academies are now required to have a designated member of staff responsible for promoting the educational achievements of previously looked after children. The local authority provides advice and information to the designated member of staff, to support the educational attainment of these children.

The Child Safeguarding Practice Review Panel was brought in under the legislation to review complex safeguarding cases or those cases considered to be of national significance. Cases are referred to the panel for investigation, where a child suffers serious harm or dies.

The Act removed the local safeguarding children boards and replaced them with the local authority, the clinical commissioning group, and the chief officer of police. This gives a number of responsibilities to ensure reviews of serious safeguarding cases in their area.

The Act also gives employment protection to whistle-blowers in children's social care.

There were changes to the curriculum under the Act. All primary schools in England must teach pupils about relationships, and in secondary schools about relationships and sex education. This is part of wider safeguarding practice to support children and young people to know about healthy relationships and safeguarding generally.

## Guidance for safer working practice 2019

Guidance for Safer Working Practice 2019 is non-statutory guidance for employers and safeguarding partners (the local authority, the clinical commissioning group, and the police) to develop a staff behaviour guide and a code of conduct. 'Non-statutory' means it is not legally enforceable, but compliance with the guidance is recommended. That said, this is not the same as statutory legislation which are lawful and must be followed. Most educational organisations follow this guidance as part of their staff behaviour policy and follow it in relation to disciplinary procedures. It is recommended that all educational organisations follow this guidance.

### Research activity

Can you research the staff behaviour policy / code of practice in the educational organisation you are studying to see whether the Guidance for Safer Working Practice 2019 has been followed? For more information on the guidance, see: [zzed.uk/11874-safer-working](https://www.zzed.uk/11874-safer-working)

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Safer working practice establishes a number of principles when working with children. All staff should understand their safeguarding responsibilities towards children and the duty of care to the welfare of children. All staff should model good behaviour and avoid any behaviour that could bring the conduct into question. Staff should work in a way that is open and transparent. Staff should not be against children / young people in any way. Staff should not consume alcohol, drugs or substances which could affect the care they provide for children. Staff should understand that any breach could lead to a disciplinary proceeding and possible disbarment from the Disclosure and Barring Board or relevant professional bodies. This in turn would impact their ability to work with children.

Organisations should continuously review their policies and guidance in regard to safeguarding. Guidance is up to date with relevant legislation and to demonstrate active steps to ensure the welfare of children. There should also be internal reviews to ensure compliance. All staff should be aware of the establishment's child protection policy. They should know what to do if an allegation is made against a member of staff. They should understand their staff behaviour policy, whistle-blowing procedures and partnership procedures (MAP). This is normally done through training and policy. All organisations provide mandatory training and signatures to show staff have read and understood the guidance. The guidance is used for the staff behaviour policy / code of practice and used in the recruitment process. Therefore essential that staff understand and follow all relevant policies and procedures.

## Supervision of activity with children

'Supervision of activity with children' is statutory guidance produced under the Safeguarding of Children Act 2006. It relates to regulated activity which is work that a barred person is prohibited from doing. A barred person is someone who has a conviction or caution which would make them a risk to children, young people or vulnerable adults. This enables educational institutions to decide whether an individual is required for a specific worker. The guidance sets out a presumption of trust and that work with children. Regulated activity must be DBS checked.

To determine whether an activity would be regulated were it not supervised there are four factors:

- Supervision by a person who is in a regulated activity (e.g. teacher / teaching assistant)
- Regular day-to-day supervision
- Supervision that is reasonable to ensure the protection of children
- Supervision that continues on a regular basis

This gives discretion to educational organisations to determine the level of supervision. The level of supervision needed can be determined based on the age of the children, the number of children supervised, whether the workers are physically looking after the children, the nature of the contact an individual will have with children, the vulnerability of the children, and the level of supervision by each supervisor worker.

If an activity is not regulated, there is no requirement to undertake a barred list check. If an activity is supervised (as the supervision means the activity is, therefore, regarded as not regulated).

The guidance applies to local authority maintained schools, sixth-form colleges, further education colleges, groups and sports clubs.

### Case study:

*A parent helper in a Year 2 class attends her daughter's class three mornings a week to help with reading on a one-to-one basis. This work is mainly undertaken in the classroom when the teacher or teaching assistant is present. She also hears children read in the school library that sometimes includes her daughter as well as other children from the school. Do you think the parent needs a DBS check?*

***In this situation it would be up to the head teacher to decide whether a DBS check is required. The parent may be regarded as not regulated due to the opportunities for supervision by the school staff.***

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# Special Educational Needs and Disability Code of Practice 0 to 25 years (2015)

This code of practice is government-issued guidance for children and young adults with special educational needs and disabilities (SEND), from birth to 25 years of age. It is legal and statutory guidance that must be followed in most circumstances. It applies to educational institutions, local authorities, and other staff. There is an emphasis on multiple agencies working together across education.

The SEND Code of Practice focuses on the following areas:

- Communication and interaction
- Cognition and learning
- Social, emotional and mental health
- Sensory and physical

Under the code, all educational providers must have regard to the following:

1. The views of the child and their parents/carers
2. Supporting the child, parent/carer to be involved in any decision-making process
3. Supporting the child, parent/carer to prepare pathways into adulthood

People must consider the code when making any decision affecting a child / young person. If you work in education, it is good practice to familiarise yourself with this code. All educational providers must address the special educational needs of their pupils. Pupils and parents must be involved in the process. Best endeavours must be taken to ensure these pupils receive adequate education in their institution. The guidance states that all SEND pupils must engage in the same activities as their peers. Where an educational institution arranges special educational provision for pupils, it must consult with the parents. An SEN information report must be provided in such circumstances.

Every pupil has the right to be included in the curriculum, and lessons should be planned to address any difficulties to ensure they have a balanced and broad curriculum without being segregated. SEND pupils have the right not to be harassed, victimised or discriminated against. Educational providers must make reasonable adjustments to ensure such pupils are not placed at a disadvantage.

If parents/carers or pupils feel they have not been treated fairly by a public body or by an educational institution, and the organisation has not complied with the code of practice, they can make a complaint and refer the matter to the Special Educational Needs and Disability Tribunal. An example of such a complaint could be a refusal to provide a pupil with an education, health and care plan, or a failure to implement a plan once created. Therefore, it is advisable to ensure compliance with the code when supporting any SEND pupils in your care.

The importance of the code for EYFS and primary school students is having systematic identification of children's needs and, once identified, the importance of appropriate provision. Special educational provision is education or training that is additional to, or different from, what is normally available to children of the same age. It can be provided from age two upwards. In the early years, providers are encouraged to identify and listen to any concerns that a parent or carer may have, as parents and carers know their child the best at this age. EYFS providers can access support from speech and language therapists and educational psychologists. There are also early learning programmes to support the development of the child.

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Those students who have an education, health and care plan are able to take advantage of the local offer, which identifies a range of support available in the local area which may not be provided in mainstream learning.

Early years: guide to the 0 to 25 SEND code of practice 2014<sup>2</sup> states that:

*'Maintained nursery schools must:*

- use their best endeavours to make sure that a child with SEN gets the support they need*
- ensure that children with SEN engage in the activities of school alongside children who do not have SEN*
- designate a teacher to be responsible for coordinating SEN provision (the SEN coordinator, or SENCO)*
- inform parents when they are making special educational provision for a child'*

An **education** is for children cannot be met. The purpose of is made to support for students. will be given to and social care young person provision in m A parent/carer an EHC plan. request for the A local authority can be challenged Needs and Dis

Therefore, EYFS providers need to keep records to demonstrate how SEN children are supported in the classroom to fully participate in the same as illustrate how that support has been coordinated with the SENCO. The records should show parents have been involved and consulted in relation to the additional provision.

It should be acknowledged that diagnosis of a SEND need in early years can be difficult whether a child has a developmental need or a SEND need. Some SEND needs are not until a certain age. For example, the average age for a child to be diagnosed with autism is 3 years. The primary screening tools for autism can only be used when a child is 18 months or older.

In a primary school, the Special Educational Needs Coordinator (SENCO) is there to support learning and to reach their full potential. Assessing for SEND should be part of the curriculum for all students at each stage of their learning. The SENCO will explore a graduated approach of support are considered to help an individual child, before using resources outside the school sufficient to ensure the child can access all parts of the curriculum, practitioners should have authority to ensure specialist provision for needs. Depending upon the needs of the child, mainstream or specialist providers.

In mainstream SEN students, Ofsted has noted that, on the whole, there is a positive provision for SEND students. However, this support tended to be provided by teaching assistants in the classroom, in one-to-one settings. This meant that some students missed significant opportunities and some become dependent on the teaching assistant. Therefore, ensure adaptations are made in the classroom to enable SEND students to access the curriculum alongside their peers. Support should be given to enable the SEND student to contribute to the classroom. SENCOs should be given sufficient time to develop relationships with students and staff for their own professional development. Parents and carers should be given sufficient information to contribute in a meaningful way in reviews of plans for the SEND student. Educational work in partnership with parents and carers. Sometimes parents and carers do not have the same discussions. In such situations providers are encouraged to show how they have worked with carers in a meaningful way and how consideration has been given to making communication the preferred way of communicating.

All educational providers should also consider the need to make reasonable adjustments for SEND and determine whether assistive technology can support the student.

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/350685/02Sept14.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/350685/02Sept14.pdf)

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**Research activity**

Research what provision is available in your local offer for students with SEND. See [zzed.uk/11874-send](https://www.gov.uk/guidance/11874-send) for examples of early years support.

Colleges and further education providers have a duty to accept a young person in an organisation is identified in the EHC plan. The duty to use best endeavours to provide for students, regardless as to whether or not they have an EHC plan, also remains. Staff and 25 should specifically be involved in any decisions affecting SEND support or provision for family/carers. There should be an SEN provision coordinator (similar to a SENCO in school settings) who is responsible for assessment and review of specific SEND support. The curriculum should be aware of any adaptations they may need to make, or support to ensure the young person can access the learning. Educational providers should ensure consultation and involvement of the young person and their parents/carers and seek professional advice and support where the young person's needs require it. This could include psychologists, Child and Adolescent Mental Health Services, etc.

In further education, practitioners are required to continue the duty to identify, and support, young people with SEND needs. This includes developing pathways to adulthood. For a young person, this may include support with socialisation skills, money management, accessing support in the community and securing employment. Educational providers should collaborate with businesses and employers to facilitate this.

**Case study:**

*Claire is a five-year-old girl with cerebral palsy. She finds it difficult navigating stairs. She has requested that a ramp be installed at the entrance to her classroom. Is this a reasonable request?*

**Using the Code of Practice, can you identify what part of the code deals with this request?** See [zzed.uk/11874-send-guidance](https://www.gov.uk/guidance/11874-send-guidance)

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## The Freedom of Information Act 2000

This legislation enables the public to access information that is held by public authorities. Public authorities must publish information about their activities, and members of the public can request information from public authorities. This legislation only impacts those educational organisations that are public authorities, such as a department, agency or body acting on behalf of the government. This normally includes local authorities, schools, academies and trusts. Under this Act, a person can ask for information held by a public authority in printed documents, information held digitally, photographs, sounds or video recordings. Public authorities must provide information they collect or hold as part of their regular responsibilities.

- All requests must be made in writing, and this can include requests made by email.
- Requests must include the enquirer's name and address and identify what information is requested.
- There is no need for any request to refer to the Act itself.
- There is a duty on the school to respond to all requests confirming whether the information is held.
- They must then supply the information or claim a legal exemption as to why the information cannot be disclosed.
- Schools have 20 school days or 60 working days (whichever is the shorter) to respond to a request for Information (FOI) request.
- There is a duty not to share any information which may identify an individual if the information cannot be disclosed.
- If the data requested is held publicly elsewhere, the requester can be redirected to where the information is held and retrieve the information themselves.
- A request may also be refused if to comply with the request would cost too much or take too long in staff time. Vexatious requests can be refused.
- A request is vexatious when it is likely to cause a disproportionate level of distress or harassment. Also, repeat requests from the same person can be refused.



### Did you know?

There are specific exemptions to refuse an FOI request as set out in Part II of the Act. These are known as absolute exemptions:

- Information accessible by other means
- Information supplied by, or relating to, bodies dealing with security matters
- Court records and information held in relation to court proceedings
- Prejudice to effective conduct of public affairs
- Personal information (see Data Protection Act 2018, p.29)
- Information provided in confidence
- Information whereby disclosure is prohibited by an enactment or would be likely to cause serious prejudice to the defence of the United Kingdom

There are non-absolute exemptions which can be used in addition to the above exemptions, but only if the public interest test before they can be used.

For further information see:

[zzed.uk/11874-information](https://www.zzed.uk/11874-information)

For guidance for educational organisations see:

[zzed.uk/11874-freedom](https://www.zzed.uk/11874-freedom)

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