

Keeping Learners Safe



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk



The role we all have under the Education Act 2002

Introduction

Everyone who works in education should share the same goals to keep children and young people safe.

We do this by:

- creating and keeping safe places to learn
- identifying where there are welfare concerns and taking the right action
- helping children and young people to be aware and understand how to stay safe.

We reach these goals by:

- stopping unsuitable people working with children and young people;
- having safe practices in place
- challenging poor or unsafe practice
- identifying when there's an issue or concern about a child's welfare and taking action
- working together with other services.

This is a summary of our new guidance. It doesn't replace laws and policies that we already have; it builds on them.

There are a lot of good things we do in Wales to safeguard children and young people. This includes making sure we follow the requirements of:

- the Children Act 1989
- the Education Act 2002
- the Children Act 2004
- the Equality Act 2010
- the All-Wales Child Protection Procedures
- the UNCRC seven core aims for children and young people in Wales.

We also have:

The Social Services and Well-being (Wales) Act

This helps all services work together to make sure that children and young people enjoy healthy, happy lives and from April 2016 it places a duty on everyone to report when they have concerns that a child might be at risk or experiencing abuse or neglect.

The United Nations Convention on the Rights of the Child (UNCRC)

This is an international agreement that protects the rights of children.

The Rights of Children and Young Persons (Wales) Measure 2011

This places the UNCRC into law. The Measure requires Welsh Ministers to pay due regard to the UNCRC in everything they do.



Our principles

We all need to work together and make sure that children and young people are kept safe and have everything they need for a happy healthy life.

All our work needs to:

- **be child centred:** putting the child central and involving them in decisions that affect their lives means we're more likely to notice when something is wrong
- **be rooted in child development:** making sure in each stage of their life, plans are in place to keep them safe
- **be outcome focused:** making sure the child can reach their goals and have the best opportunities
- **be holistic in approach:** understanding the whole child, including family, community and culture will improve the support we give
- **be founded on equal opportunities:** all children should have the opportunity to achieve the best possible development, regardless of gender, ability, ethnicity, circumstances, age or any other reason
- **be built on strengths:** working with a child's or family's strengths is as important as working with their difficulties
- **be multi-agency in approach:** everyone needs to work together
- **be a continuing process:** support shouldn't be a set of single events, it should be a flexible and be looked at regularly to make sure that it's meeting their needs
- **be informed by evidence:** support must be based on evidence that it's the best way to meet a child's needs
- **be alert to children's welfare:** everyone who works with children should be able to recognise, and know how to act when there's evidence that a child's health or development is in need or at risk of harm
- **involve children and families:** it's important to listen to a child's wishes and feelings.



Safeguarding roles and responsibilities

Every local authority is responsible for making sure children and young people are safe and enjoy well-being.

This happens at three levels:

At a strategic level

Local authorities need to make sure that all plans, services, and the way resources are allocated help everyone to work together.

At a support level

Local authorities need to make sure all schools they look after know about their responsibilities for child protection, that they have training, policies and procedures in place and schools get all the advice and support they need to do this. They also need to have a record of each school's designated senior person (DSP) and designated governors for child protection.

At an operational level

Local authorities need to make sure all learners are safe even if they are excluded from school, or haven't obtained a school place. They also have to deal with reports against staff or volunteers; and make sure arrangements are in place to stop unsuitable people from working with learners.

All Local Authorities should have a senior officer with responsibility for child protection.

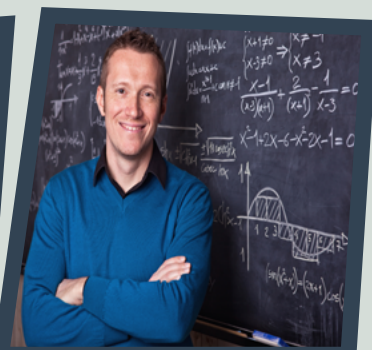
Schools and colleges

Every school and college is responsible for making sure their learners are safe.

The Designated Senior Person (DSP) for child protection

Each school or college should appoint a DSP who has lead responsibility for managing child protection. They don't have to be a teacher but must have the authority to do what they need to do to safeguard learners.

The DSP is the main point of contact and source of support, advice and help when a member of staff or anyone has concern for a child. They have the responsibility to decide if a referral needs to be made to keep a child or young person safe.



Governors

All boards of governors will have a designated governor for child protection.

Every governing body has a child protection policy and procedures in place that:

- are looked at every year
- available to parents or carers if they ask
- are available in a youth friendly version that pupils can understand
- have steps in place to deal with reports against members of staff
- to support new staff.

The board of Governors will have a designated governor who takes responsibility for all child protection matters.

Independent schools

Boards of independent schools have similar responsibilities but local authorities don't have to help with advice or support in the same way. Independent schools offering boarding have additional responsibilities.

Colleges

If the college has students who are under 16 and still at school, then the school's DSP will work with the college.

Community-focused schools, pre-school and post-school activities and out of hours learning

A governing body controls the use of the school premises both during and outside school hours, so their child protection policy still applies. They make sure that organisations or groups using their premises have the right policies and procedures in place.

Head teachers and principals

All head teachers of schools and colleges should make sure:

- child protection policies are in place
- there are enough resources and time for the DSP
- all staff and volunteers understand what to do and feel able to raise concerns.

Child protection training

All staff need to have child protection training that helps them to recognise and respond to child welfare concerns.

Supervision and support

Everyone involved should have access to the advice and support they need to keep learners safe.



Everyone's responsibility

Everyone who works with children and young people should make sure children are safe from harm and take action if they have concerns.

If a child tells you that they or another young person is being abused or neglected, you should:

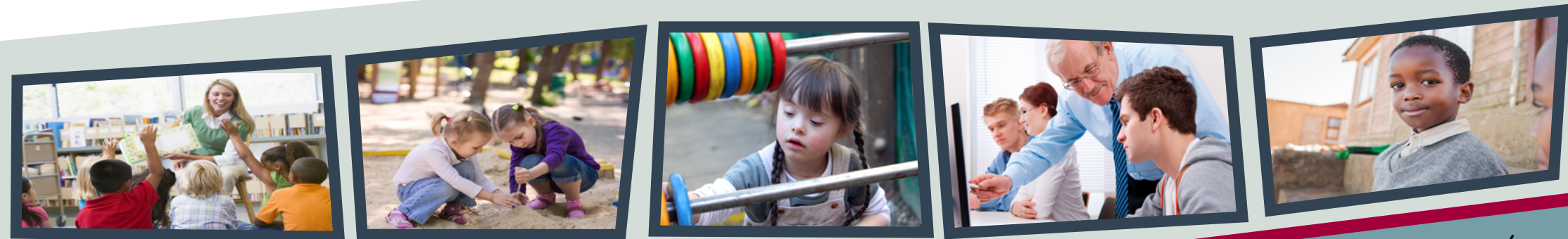
- show the child that you've heard what they are saying, and that you take it seriously
- encourage the child to talk, but don't prompt or ask leading questions
- not interrupt when the child is telling you events
- not make the child repeat it all again and again
- explain what actions you must take, in a way that is right for their age and understanding
- not promise to keep it secret
- write down what you've been told, using the exact words if possible, as soon as you can
- make a note of the date, time, place and people who were present at the discussion
- not confront the alleged abuser.

Don't worry that you may be mistaken. You will always be taken seriously by the DSP. It is better to have discussed it with somebody with the experience and responsibility to make an assessment.

A child, parent, caregiver, or member of the public who tells staff their concerns about a child's welfare must never be asked to make a self-referral to social services or the police.

Listening to children

Children will talk about their problems to people they feel they can trust and are comfortable with. Schools should show that they are a safe place where it's okay to talk.



Seeking advice on concerns

Suspicion about child abuse may take the form of 'concerns' rather than 'known facts'. Concerns can and should be shared with the DSP.

Record keeping

Any conversation about a child's welfare should be recorded in writing, including the date and time. At the end of a discussion, there should be clear agreement about what actions will be undertaken and by whom.

If the decision is that no further action is to be taken, this should also be recorded in writing with the reasons for the decision.

Investigations

The DSP shouldn't carry out their own internal child protection enquiries but pass on the information to social services or the police. They should then continue to work those agencies while investigations are being undertaken.

If the concern involves a member of staff, the school mustn't make their own internal decisions about whether it's a disciplinary issue or a child protection matter.

Making referrals

The DSP should make referrals to social services or the police as soon as possible, but always within 24 hours. Outside office hours, referrals should be made to the social services emergency duty service or the police.

Safeguarding responsibilities in specific circumstances

This outlines some of the key issues that all staff should be aware of.

If any member of staff has concerns about a child they should tell the DSP.

The DSP will decide if a referral needs to be made to social services. Even if the young person claims to be 18 the DSP should be told.

Keeping children and young people safe is the most important thing so staff can make referrals to the police or social services if they feel there is an immediate risk to a child.



Abuse by children and young people, including sexual abuse (sexually harmful behaviour)

Children can be a threat either physical or sexual to other children.

Sometimes relationships between children can be coercive, inappropriate or exploitative.

Links:

[Safeguarding Children: Working Together Under the Children Act 2004](#) - guidance on abuse by children and young people.

[All Wales Child Protection Procedures](#)

Asylum-seeking and refugee children

These children and young people should be seen as children first and migrants second.

Children can come into the country as part of a family, with an adult carer, or even alone, which makes them more vulnerable.

They may have witnessed or experienced traumatic events, suffered loss or have communication or language barriers.

Links:

[Teachers Resource Pack for Working with Asylum Seeker and Refugee Children.](#)

[All Wales Child Protection Procedures](#)

[Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People.](#)

[Safeguarding Children: Working Together Under the Children Act 2004](#)

Black and Minority Ethnic (BME) children

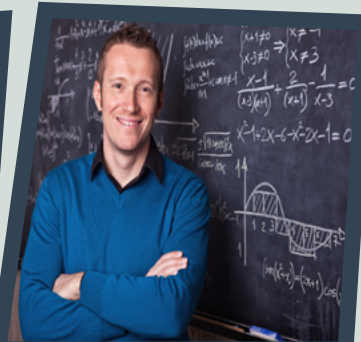
There are cultural differences in raising children but 'culture' is no excuse for harming a child.

All children have a right to be protected from harm and we need to be clear about the difference between culturally specific practice that is not harmful, and incidents of abuse that may be linked to cultural or religious beliefs.

Links:

[Bullying around race, religion and culture](#)

[Protecting Black and Minority Ethnic Children: An Investigation of Child Protection Interventions.](#)



Bullying

Everyone has the right to learn, free from the fear of bullying, whatever form that bullying may take. Bullying can be:

- physical like hitting or kicking
- taking belongings
- sexual harassment
- name-calling
- insulting
- spreading rumours.

Cyber-bullying is on the increase and includes texting, social media comments or sending malicious e-mails.

It's important that schools have a culture where everyone is safe and included and that they step in quickly to stop bullying.

Links:

[Respecting Others: Anti-Bullying Guidance \(24/2003\)](#)

[Tackling Hate Crimes and Incidents: A Framework for Action](#)

[MEIC](#) - Counselling helpline for children and young people

[National Hate Crimes and Incidents Centre](#)

Child abuse images and the internet

Knowing who children are in contact with on the internet is important.

In some cases abusers use the Internet to 'groom' children for inappropriate relationships, which may include persuading them to send inappropriate images or videos of themselves.

As part of their role in stopping abuse and neglect, schools should consider activities to raise awareness about safe internet use in school and at home.

Links:

[All Wales Child Protection Procedures](#)

[Safeguarding Children: Working Together Under the Children Act 2004](#)

[Child Exploitation and Online Protection Centre - \(CEOP\)](#)

E-Safety

We want schools to make full use of the internet and to know how to use it safely. A new online e-safety zone has been set up on the Hwb website that has resources and toolkits on staying safe.

Links:

[Statement on the safe and responsible use of social networking sites in education.](#)

[Hwb](#)

[360 degree safe Cymru, an e-safety self review Tool.](#)

[Digital Literacy and Citizenship Resource.](#)



Child abuse linked to witchcraft or other spiritual beliefs

Belief in possession and witchcraft happens in many different countries, cultures and religions but there is no justification for harming a child.

Links:

[Safeguarding Children: Working Together Under the Children Act 2004](#) - guidance on child abuse linked to belief in possession or witchcraft, or in other ways related to spiritual or religious belief.

Child neglect

Child neglect has four main areas:

- **Physical** — lack of basic needs like food, clothes etc.
- **Educational** — lack of support in learning.
- **Emotional** — ignoring the child, failing to encourage, isolation or rejection.
- **Medical** — failure to give health care including dental health.

Neglect is the most common form of child abuse in Wales. It can have a very damaging impact on their lives.

Links:

www.core-info.cardiff.ac.uk/category/leaflets

- NSPCC leaflets that help identify signs of neglect.

[Safeguarding Children: Working Together under the Children Act 2004](#)

[All Wales Child Protection Procedures](#)

Children living away from home

Children are seen as living away from home if they're in:

- foster care
- residential care
- secure units
- residential schools
- independent accommodation.

Sometimes this accommodation is temporary which can be unsettling and makes them vulnerable.

Links:

[Safeguarding Children: Working Together Under the Children Act 2004](#)

[All Wales Child Protection Procedures](#)



Child sexual exploitation (CSE)

Children don't volunteer to be sexually exploited and can't consent to their own abuse. They are forced or coerced. CSE includes:

- the exchange of sexual activity for payment
- the production of indecent images
- grooming
- trafficking.

Raising awareness with children and young people is an important part of educating them to stay safe and speak up.

Links:

[Safeguarding Children and Young People from Sexual Exploitation](#)

[All Wales Protocol](#) - includes a Sexual Exploitation Risk Assessment Framework.

Trafficking

Child trafficking is child abuse.

Children who are trafficked may be used for:

- sexual exploitation
- domestic service
- exploitative labour
- criminal activity
- forced marriage.

Links:

[All Wales Practice Guidance for Safeguarding Children Who May Have Been Trafficked](#)

[Sexual Offences Act 2004](#)

[Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004](#) - EU Framework Decision on Trafficking for the Purposes of Sexual and Labour Exploitation

[Convention on Action against Trafficking in Human Beings.](#)

[Safeguarding Children who may have been trafficked.](#)

[Strategy on Human Trafficking.](#)

Also The NSPCC's Child Trafficking Advice Centre (CTAC)

0808 800 5000 - help@nspcc.org.uk



Children who go missing from education

Each local authority and school has a responsibility to attempt to trace all children and young people who go missing from education. This includes those, who simply move and don't tell anyone.

Links:

[Statutory guidance to help prevent children and young people from missing education.](#)

Runaways

Running away is often a sign that something's wrong and puts the child at greater risk of abuse or neglect.

The main triggers for running away are:

- family breakdown
- poor quality friendships
- unhappy school or home-life
- substance misuse
- physical or sexual abuse
- mental health problems
- bullying.

Links:

[All Wales Child Protection Procedures](#)
<http://www.awcpp.org.uk/home/wales-protocols>

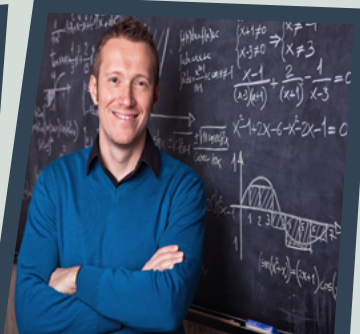
Disabled children

The steps for safeguarding learners with a disability are the same as other learner but they are often more vulnerable.

Where a child has communication, learning difficulties, or emotional health problems special attention needs to be given to respect and understand their wishes and feelings.

Links:

[Safeguarding Children: Working Together Under the Children Act 2004](#)
[All Wales Child Protection Procedures](#)
[Part 6 of the Equality Act 2010](#) - sets out the duties of schools and local authorities.



Gender-based violence, domestic abuse and sexual violence

Domestic Abuse – is physical, sexual, psychological, emotional or financial abuse where the victim lives with or is related to the abuser. Men, women and children can be victims.

Children in families where there is domestic abuse are at risk of being harmed.

Gender based violence – is violence or threats of violence that comes from beliefs of customs relating to gender.

Sexual violence – includes exploitation, harassment or threats of a sexual nature.

There are links between domestic abuse and child abuse. It's important that schools raise awareness and tackle the issue of domestic abuse.

Links:

[Service Framework to meet the needs of people with Domestic Abuse and Substance Misuse Problems](#)

[All Wales Practice Guidance on Safeguarding Children and Young People Affected by Domestic Abuse](#)

The All Wales Helpline - 0808 8010 800

Teenage intimate partner abuse

Abuse can happen within young people's relationships and it affects both genders (although more girls reported abuse than boys).

The abuse can be physical, sexual, emotional or controlling – in ways like stopping the young person seeing friends or telling them what they can and cannot say.

Links:

www.nspcc.org.uk/relationshipabuse

Substance misuse

Drugs, alcohol or other substances cause considerable harm to users and their families.

Links:

[Hidden Harm – Responding to the needs of children of problem drug users](#)

[Substance Misuse Delivery Plan 2013 - 2015](#)

[Guidance for Substance Misuse Education](#)

[Working Together to Reduce Harm: The Substance Misuse Strategy for Wales 2008-2018](#)

[DAN 24/7](#)

Welsh Substance Misuse Helpline



Fabricated or induced illness (FII)

The term FII should only be used when there's a risk of harm, as a result of making up facts about an illness or making a child ill.

Links:

[All Wales Child Protection Procedures Safeguarding Children in Whom Illness is Fabricated or Induced.](#)

Female genital mutilation (FGM)

Several communities consider FGM to be an act of tradition however FGM is illegal and is child abuse. Usually it's the girl's family who arrange it.

Links:

[The All Wales Child Protocol on Female Genital Mutilation](#)

[multi-agency guidelines](#)

[Female Genital Mutilation Act 2003](#)

[ForwardUK](#)

NSPCC helpline - 0800 028 3550
fgmhelp@nspcc.org.uk.

Forced marriage and honour-based violence

Unlike an arranged marriage, forced marriage is where one or both people don't want the marriage and pressure or abuse is used.

Honour based violence is a crime or incident to protect or defend the honour of the family or community. This can include rape, physical assaults, kidnap, threats of violence or witnessing violence directed towards a sibling or another family member.

Links:

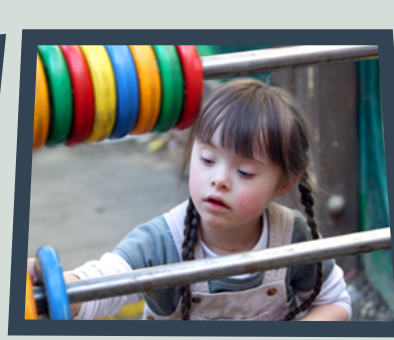
[Multi-agency practice guidelines: Handling cases of Forced Marriage](#)

[The Right to Choose](#)

[The Anti-social Behaviour, Crime and Policing Act 2014](#)

[Forced Marriage and Learning Disabilities: Multi-Agency Practice Guidelines](#)

Forced Marriage Unit - 020 7008 0151
fm@fco.gov.uk.



Foster care, including private fostering

Most foster carers provide children with good quality and safe care.

The fact that foster care is in the privacy of a caregivers home may make it difficult to identify abuse taking place and for children to voice their concerns.

Links:

[Children Act 2004](#)

[Protecting Children, Supporting Foster Carers: A Toolkit for Dealing with an Allegation of Abuse](#)

Foreign exchange visits

When a school organises a foreign exchange visit, it should carry out the necessary disclosure and barring checks on the adults who will be providing care and accommodation.

Exchange visits differ from other school trips as young people spend much of their time with host families, and aren't always under direct supervision from teachers.

Whether an exchange is organised by a school, local authority or parents, there should be close communication over arrangements for visits so everyone's clear how pupils will be looked after, how they'll be spending their time, and with whom.

Links:

[Section 175 of the Education Act 2002](#)

[Section 28 of the Children Act 2004](#)

Physical contact with pupils or restraint

Physical contact can range from leading a child to safety by the hand, through to a pupil being restrained to prevent violence or injury to themselves or others.

There is no legal definition of reasonable force but it should be the minimum needed to achieve the desired result.

Often these decisions have to be made quickly but staff need to think about:

- the seriousness of the incident
- can this be done in another way
- the risks associated with physical intervention compared with using other plans.

Links:

[Framework for Restrictive Physical Intervention Policy and Practice](#)

[Safe and effective intervention: The use of reasonable force](#)

[Inclusion and Pupil Support Circular 47/2006](#)



Radicalisation

Radicalisation is the way some people come to support terrorism and violent extremism and even join terrorist groups.

Signs that a child or young person is at risk of radicalisation include:

- changes in friendships, behaviour and language
- expressing extreme views
- having extremist type literature
- advocating violence
- associating with known extremists
- trying to recruit others.

Links:

[Respect and resilience: Developing community cohesion – a common understanding for schools and their communities.](#)

[Prevent strategy](#) - The UK Government's multi-agency approach to radicalisation.

To report suspected online terrorist content: <https://www.gov.uk/report-terrorism>

Sexually active young people

The legal age for sexual activity is 16. Some children are sexually active before that so it is important to consider:

- if they're able to understand, and consent to the sexual activity they're involved in
- who they're living with
- if they're being exploited
- if they have a drug or alcohol problem
- if they're being asked to keep it secret
- whether they have any learning needs
- or any other cause for concern.

Children under the age of 13

Any child under the age of 13 is unable to give consent to sexual activity.

Young people aged between 13 and 16

Children in this age range who are sexually active are still vulnerable, even though they may not consider themselves to be. Discussion with social services will depend on concerns staff and the DSP have about the level of risk the relationship has or if the young person becomes pregnant, has a miscarriage or planned termination.

Young people aged between 17 and 18

Although sexual activity is not an offence at this age, there might be a risk that the young person is a victim of sexual exploitation.

Links:

[Sexual Offences Act 2003](#)

[All Wales Child Protection Procedures](#)

[Safeguarding Children: Working Together Under the Children Act 2004](#)

[Children Act 1989](#)



Suicide

Children and young people who think about suicide can be difficult to identify but they may harm themselves, suffer alone or are too frightened to speak openly about how they feel.

Links:

[Talk to Me](#) - the national action plan to reduce suicide and self-harm in Wales which sets out how to:

- promote mental health and well-being
- step in early to help
- respond to personal crisis
- manage the consequences of self-harm and suicide
- promote learning and information
- work with media
- restrict the access to the means of suicide.

Children and young people in the youth justice system

Children and young people need to be kept safe no matter what choices they have made or what they have done in their lives.

Links:

[Commitment to Safeguard](#) - Safeguarding children and young people in the youth justice system.



Recruitment

It's important that schools, colleges, and other education places employ the right people and not those who might harm or abuse learners. This means that at every stage of employing someone there has to be thorough ways of checking on them.

Every school and college should make sure that they have a written statement that is included on all materials and links to their child protection policy and procedures. The statement can look like this:

"This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment."

If someone thinks a child is at risk from a member of staff or a person applying for a post they should tell the DSP and they'll take responsibility for checking information and taking action.

Thank you for reading this.

If you want to know more about this guidance, contact:

Deborah Campbell
Diverse Learners and Safeguarding Team
Support for Learners Division
Department for Education and Skills
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
Tel: 029 2082 5010

e-mail: keepinglearnerssafe@Wales.gsi.gov.uk

