

# PROTECTING CHILDREN UPDATE

Managing the safety of children and young people in schools

## Consultation on revised *Working Together* guidance

The government has launched a consultation on the newly revised draft *Working Together to Safeguard Children* guidance.

*Working Together* is the statutory guidance for all agencies about the need to work together in respect of children in need, including children in need of protection. The new guidance is contained in three documents:

- *Working Together to Safeguard Children* – draft guidance on what is expected of organisations individually and jointly, to safeguard and promote the welfare of children.
- *Managing Individual Cases – The Framework for the Assessment of Children in Need and their Families* – draft guidance on procedures for undertaking assessments of children in need.
- *Statutory Guidance on Learning and Improvement* – draft guidance on proposed new arrangements for serious case reviews.

The *Working Together* document is greatly reduced from previous versions. The 2010 version consists of 390 pages giving very full descriptions of policy practice and procedure.

The new draft guidance is radically reduced and consists of 22 pages. It aims to state the legislation that covers child protection and the need to work together

and is broken down into very short paragraphs describing the legislation that is applicable to each agency and safeguarding boards.

*Managing Individual Cases* aims to offer a more flexible approach to assessments of children in need. It follows the recommendations made by Eileen Munro by removing timescales on assessments. It recognises that the assessment needs of individual children and their families will differ and that assessment is an ongoing process not a one-off event.

*Learning and Improvement* aims to improve the arrangements for serious case reviews so that they get to the heart of what happened in a particular case and set out what improvements need to be made to help prevent reoccurrence.

The government has also published the new *Children's Safeguarding Performance Information Framework*. The framework describes the nationally collected data and recommended questions to ask locally to understand the impact and effectiveness of safeguarding. The aim is to shift the focus from processes and indicators towards performance measures.

**The consultation closes on 4 September. To read the full version and to respond online go to [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations)**

## New guidance on bullying

The Department for Education has published an updated version of guidance on preventing and tackling bullying. The advice, which is aimed at headteachers, staff and governing bodies, replaces *Safe To Learn: Embedding Anti-Bullying Work in Schools*.

The document provides a useful definition of bullying and outlines the government's

approach to bullying, legal obligations and the powers that schools have to tackle bullying, and the principles which underpin the most effective anti-bullying strategies in schools. It also lists further resources giving specialist information on the specific issues that face school staff.

**For more information turn to page 7**

Issue 90 July 2012

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## From the editor

Welcome to the last edition of *Protecting Children Update* before the summer break.

This issue offers legal updates, professional practice updates and a case study that looks at how genograms can be used with children and young people.

Turn to page 5 for a summary of findings from the Independent Safeguarding Authority (ISA)'s research into safeguarding in employment. The ISA research draws out a number of warning signals of increasing risk presented by staff behaviour towards children and reminds us of the importance of developing an ethos that encourages children and staff to come forward with their concerns.

The government has published new guidance on preventing and tackling bullying. Turn to page 7 to read an overview of this greatly slimmed down advice to schools.

Genograms provide a pictorial view of family trees. The case study (page 9) offers an example of how a genogram was used with a young person who was struggling to understand his family history. Understanding children's family history has been recognised as an important part of assessment. This case study illustrates how children's feelings about their history can be better understood.

Forcing a person into marriage is to become a criminal offence, and there have been arguments for and against this change in legislation. Turn to page 12 to read about the proposed legislation.

# One year after the Munro Review

The Department for Education has published a progress report from Professor Eileen Munro on developments a year on from her review of child protection.

In the report, Professor Munro says that, while progress is moving in the right direction, it now needs to move faster with more prescription and bureaucracy stripped away so social workers are able to focus on giving children and young people the help that they need.

The positive aspects she highlights are the removal of fixed assessment timescales; additional flexibility, which has encouraged better, more thoughtful working practices; and better and clearer consideration of priorities. She also comments on how

Ofsted's revised child protection inspection framework has focused on the impact and effectiveness of help and protection for children, young people and their families.

There are encouraging examples of services working together and with social services being able to provide a better understanding of children's needs. The government is starting to recruit principal social workers to their teams and important improvements are being made to initial education of social workers and in selecting the right people and training the next generation of social workers.

Areas where Professor Munro indicated a need for greater attention include a reduction in statutory guidance so that

there is more scope for professional and local autonomy. Implementing these changes has been delayed because of the need for proper public consultation. Once these changes have been approved, services should be better placed to work together to offer improved early help.

The government needs to encourage better understanding between services as reforms take place in health and policing. Implementing these reforms as a whole will give professionals the scope and skills they require to better protect children.

*Progress Report: Moving Towards a Child Centred System: <http://bit.ly/Ks2TCV>*

## Next steps on Bailey Review

The government has set out new measures to protect children from commercialisation and sexualisation in society. The Bailey Review, *Let Children Be Children*, published in June last year found that, in a society full of sexualised imagery, families do not feel in control and feel that 'children cannot be children'. It called on businesses and media to play their part in ending the drift towards an increasingly sexualised 'wallpaper' that surrounds children.

Ministers welcomed progress to date in implementing the recommendations of the review but said that industry still has plenty of work to do. The new measures include: consulting on whether the current age-rating system should be extended to cover more music DVDs and Blu-ray discs to protect children from inappropriate

material, and working with the music industry, online retailers and video services, to put clear warnings on explicit videos where they are shown online.

Government is also working with the the record industry's trade association and digital services to ensure that wherever possible parents have the option of controls that will hide videos and songs intended for an older audience. It is taking forward legislation needed for a new system of age classification and labelling for video games to start in July.

**The ParentPort website is run by the UK's media regulators and gives the public an opportunity to complain, report things that they think are unsuitable or make their feelings known: [www.parentport.org.uk](http://www.parentport.org.uk)**

## Sex education equality for deaf students

Deafax, an organisation dedicated to empowering deaf people, has launched the EARS campaign - Education and Advice on Relationships and Sex - to ensure that deaf students do not miss out on sex education.

Deafax research shows that deaf people are leaving school without proper knowledge of sexual health, with 33% of the deaf people it spoke to saying that they had received no information at all, and 33% having learned what they knew from friends and family. Just 17% had received sex education in a 'deaf-friendly' way. The 2010 Equality Act states that it is a legal requirement for all service providers to make provision for the needs of deaf and hard of hearing people and service providers are legally required to book and provide appropriate professionals and equipment to allow their deaf clients to gain equal access to services and information. Although personal, social and health education is not currently required to be taught in schools, it is important for the development of young people. To ensure sex education is delivered to deaf students in a way they can understand, Deafax has developed a sexual health package.

**Deafax resources: <http://bit.ly/LTHd2e>**

## Most children with autism are bullied at school

Most children with autism in the UK are bullied at school and more than 20% say they have no friends, according a survey by the National Autistic Society (NAS).

The survey, published to mark the NAS's 50th birthday, asked young people about their experiences of bullying through school. Of those who responded, 63% said they have been bullied in school, and this rose to 75% in secondary-age children, with 82% of children with high-functioning autism or Asperger syndrome saying that they have been bullied in school.

More than half of the children said they wanted to have more friends than they do

and the report highlights the struggle that young people with autism can face in forming relationships in school.

Mark Lever, chief executive of the NAS, said: 'We want to see a school system that supports young people with autism both academically and emotionally. Reforms to the education system must ensure that children with autism have the support they need to thrive, enjoy school life and access the same opportunities as other children.'

**The Way We Are: Autism in 2012: [www.autism.org.uk/50report](http://www.autism.org.uk/50report)**

# Your newsletter is now part of the Safeguarding Support Service

With lots more support, guidance, information and ideas for you and your school

Log in to [www.optimus-education.com](http://www.optimus-education.com) for:

- Articles from *Protecting Children Update*
- Newsletter pdfs to download and share
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## PLUS Consult the Experts

Do you have a question about child protection and can't find the answer? Ask our expert panel [www.optimus-education.com/consult-the-experts](http://www.optimus-education.com/consult-the-experts)

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With so many changes to legislation and guidance, you can trust the information in the Reference Zone to be always up-to-date, so you are never in doubt about your statutory obligations.

## In the Safeguarding Support Service now - don't miss:

**A Y10 student has posed for naked photos for a man she met on the internet. Do I have to report the matter to the police?**

<http://bit.ly/Kg2Xa9>

*Our expert responds to this question from a subscriber*

**What's in the revised draft Working Together guidance?**

<http://bit.ly/LrZtIK>

*More information about the draft guidance reported by the editor on page 1 of this month's issue*

**Is there ever any instance where employment references are not required?**

<http://bit.ly/NKrTaN>

*Our legal expert answers from an employment and safeguarding perspective*

You'll need to log in to see the above pages. If you can't find your log-in details, just phone us on 0845 450 6404 or email [customer.services@optimus-education.com](mailto:services@optimus-education.com) and we'll be happy to help.

## All included in your subscription, available at all times

The screenshot shows the Optimus Education website interface. At the top, there's a navigation bar with 'Home', 'News', 'Support Services', 'Reference Zones', 'Consult the Experts', 'Conferences', 'Bookshop', and 'About Us'. Below this is a search bar and a 'Go straight to:' dropdown menu. The main content area is titled 'Safeguarding' and features a 'Featured article' titled 'Tackling self-harm in primary schools' with a photo of a child. To the right of the article are several call-to-action boxes: 'Sign up for a free two week trial', 'Sign up to our Free e-bulletins', and 'Related books' including 'The Child Protection Handbook' and 'Preventing Bullying'. A large blue arrow points from the website towards the right, indicating that the content is available in the Safeguarding Support Service.

Protecting Children Update is now part of your Safeguarding Support Service

The screenshot shows the cover of the 'Protecting Children Update' newsletter, Issue 89, June 2012. The title 'PROTECTING CHILDREN UPDATE' is prominently displayed at the top. Below the title, the main headline reads 'Increase in referrals not due to service failure'. Other featured articles include 'Care applications remain high' and 'From the editor'. The cover also includes a 'CONTENTS' table of contents on the right side, listing various articles and their authors. At the bottom, there's a small note: 'New part of the Safeguarding Support Service [www.optimus-education.com](http://www.optimus-education.com)'.

## PROTECTING CHILDREN UPDATE

Editor: Jenni Whitehead [jenni.whitehead@optimus-education.com](mailto:jenni.whitehead@optimus-education.com)

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# Young people commit 23% of crime

Young people aged 10 to 17 were responsible for 23% of police recorded crime in 2009/10 in England and Wales, equivalent to just over a million police recorded crimes, according to a Home Office report. Young men aged 10 to 17 were found to be responsible for 20% of all police recorded crime in this period.

The aim of the study was to estimate how much crime is attributable to young people and to consider patterns of youth offending in order to increase our understanding of the extent and nature of youth crime. Previous estimates of the extent of youth crime, based on a national self-reported offending survey in 2003, indicated that 35% of offences were committed by young people aged 10 to 17.

However, these estimates included low-level offences that many people would not usually regard as a crime.

Although young people aged 10 to 17 were responsible for around one in four incidents of police recorded crime, this is a disproportionate amount of crime given that 10- to 17-year-olds account for only about one in 10 of the population above the age of criminal responsibility (age 10). This highlights the importance of tackling crime by young people in reducing overall levels of crime.

Acquisitive offences (for example, robbery, burglary, offences against vehicles, other theft including shoplifting, and fraud and forgery) comprised a greater proportion of youth crime compared with

crime committed by adults; 51% of offences were robbery, and just 7% were fraud and forgery offences. Violent offences were more likely to be committed by adults. Dividing the estimate by gender indicated that about 860,000 crimes were committed by young men in 2009/10 and 160,000 by young women. Around 20% of all proved offences committed by 10- to 17-year-olds in England and Wales were sexual offences.

Co-offending, when more than one offender is involved in committing an offence, was greater for robbery and burglary than for other offences.

You can read the full report at: <http://bit.ly/N0h2Jg>

## Consultation on safeguarding for performing children

The Department for Education and the Welsh government have launched a consultation into proposals to update and simplify legislation on safeguarding children involved in performances.

Regulations covering the licensing of children to take part in performances are complex and are considered outdated, needing to be simplified and modernised to aid consistency. Local authorities are responsible for administering arrangements in their own areas and this has led to differences in interpretation and approach, resulting in different opportunities for children depending on where they live.

New legislation is expected to clarify when a local authority licence is required for a child to take part in a performance; and the licensing process for children to take part in professional

productions will be streamlined. The simplified approval process for children who take part in 'one off' events is expected to be extended to include children aged 13 and over who are paid, and a simple registration system is proposed for companies putting on amateur productions.

The Department is consulting on whether the maximum number of children that a chaperone can be responsible for should be reduced, and proposes to remove the requirement for chaperones in the amateur sector to be approved by the local authority. Chaperones in the professional sector will continue to require local authority approval.

The consultation closes on 3 August 2012 and can be accessed at: <http://bit.ly/LMOMbF>

## Organisational culture must change to protect children

Inadequate recruitment and selection processes, which are not rigorous enough, are part of a range of factors that may have contributed to the development of organisational environments in which child abuse could occur, according to a NSPCC research report on adults who sexually abused children or young people while working in positions of trust. The report also says that:

- all organisations, including those which do not have a specific remit for the welfare of children, should have a clear awareness of their duty of care towards children and engender the principle of safeguarding being 'everyone's responsibility'
- selection processes such as interviews need to be challenging and not just focus primarily on technical knowledge but include a focus on values related to working with children
- historical references must be screened appropriately; in particular, proper induction into the organisation is an important element – as well as an opportunity to introduce new joiners to the practicalities of their new role it is also an important opportunity to introduce them to the organisation's expectations of all staff about working with children and what is considered acceptable and what is not.

*Toward Safer Organisations II:* <http://bit.ly/LMTRAE>

## Children trafficked as cannabis 'gardeners'

A sharp rise in the number of cannabis farms discovered in the UK has concerned ECPAT UK as it looks likely that the already high numbers of children who are trafficked to the UK to work in cannabis farms, are set to increase.

Organised criminal networks, many of them Vietnamese, dominate the illegal cultivation and supply of cannabis in the

UK. Government figures show that 22% of all referrals of suspected child victims of trafficking in July-September 2011 were from Vietnam.

*Understanding Child Trafficking: Safeguarding children trafficked to the UK to work in cannabis factories:* <http://bit.ly/LMVoqg>

# What can we learn from cases referred to the Independent Safeguarding Authority?

Francis Whitehead summarises the main findings from recent research

Since 2009 regulated activity employers have had a statutory duty to refer employees who have been dismissed or who have resigned as a result of allegations of abuse to the ISA (Independent Safeguarding Authority). This article examines recent research that pulls together lessons learned from such referrals.

## What did the research set out to explore?

The research aimed to explore:

- behaviours demonstrated by individuals that led to the referral to the ISA
- the circumstances in terms of relationships, culture and policy within which the harm occurred and was reported
- the actions taken by the employer leading up to and in response to those behaviours.

The research examined cases where individuals had worked with either children or vulnerable adults. This article concentrates on the findings coming from those cases where the employee had worked with children and young people.

Out of the 100 cases audited for this research, 24 involved teachers and 14 involved non-teaching school employed staff. The other 62 cases involved individuals from a variety of settings including, youth work, nursery work, clergy, foster carers and health workers.

Out of the total 100 cases referred, 58% of allegations were of sexual abuse, 27% of physical abuse, 9% of emotional abuse and 6% of neglect.

## Main findings in respect of education staff

Reflecting the predominance of sexual abuse cases involving teenage pupils, the majority of referred individuals and instances of abuse occurred in a secondary school setting (20 cases). In all but three of these cases, the victims were pupils who were taught by the referred person, or attended the school where the referred person worked.

The three other cases involved teaching staff, but the abuse or behaviour occurred outside their own school setting and did not involve victims known to the referred individual through their employment. Specifically, two involved images of child pornography, while another involved a sexual assault on a bus against a child unknown to the referred person.

In the 14 cases involving a non-teaching member of the school staff the individuals' roles included midday supervisors, chaplains, a learning mentor, school nurse, IT manager, science technician, learning support assistant and a caretaker. The report points out that the variety of employment

*The variety of employment within a school requires employers to be vigilant of all individuals who deliver a role within their school community, including volunteers and staff contracted in from outside agencies*

within a school requires employers to be vigilant of all individuals who deliver a role within their school community, including volunteers and staff contracted in from outside agencies.

## Main findings: behaviour

- Employers in the children's sector will rarely come across isolated, one-off incidents against children and are more likely to recognise (if only in hindsight), a pattern of repeated or multiple incidents or behaviour.
- In respect of sexual abuse cases the multiple or repeated incidents often demonstrated a clear correlation with known grooming behaviour.
- Viewed in isolation incidents would often not meet the threshold for removal from regulated activity but together reveal a pattern indicative of future risk of harm and unsuitability
- Recognising developing risk in respect of sexual abuse is very difficult as the perpetrator can groom a child over a period of time and grooming behaviour can be very subtle and may occur outside the workplace.
- Employers need to be alert to any signs that they see, and need to create an environment where children, parents and work colleagues feel safe to come forward with any concerns about a member of staff's behaviour.

## Main findings: circumstances

School environments were found to be the most common setting across the 100 cases of abuse referred to the ISA that were audited for this study. This is not to say that all the reported abuse occurred on school premises but school environments facilitate regular contact with children in an atmosphere of trust.

Staff new to the children's workforce may need additional supervision and guidance particularly on professional boundaries and conduct around children. More experienced staff may need support in changing behaviour in response to developments in the sector or society that change established ways of communicating or interacting with children (eg social networking).

It is not always the case that abuse was a consequence of a lack of policy and training. A number of individuals mentioned in the study had received training and in some cases explicit guidance as a result of previous problematic behaviour.

There was evidence in some cases that working practices may have provided opportunities for abuse to go undetected or for risks not being picked up earlier, including a lack of supervision and

training for temporary staff, and a culture within the school setting of unclear boundaries between staff and older pupils.

### Employer actions

- Those employers who referred cases to the ISA were found to have broadly followed appropriate processes prior to referral. There was clear evidence of immediate removal of individuals from regulated activity where the nature of the allegation requires it; appropriate involvement of the LADO and the active involvement of employers in multi-agency strategy meetings.
- Most referrals to the ISA are made appropriately in terms of timing and relevance of content.

### Warning signals of developing risk

- Developing risk was witnessed both within and outside of the workplace.
- In sexual abuse cases the behaviour indicative of developing risk was varied but the main characteristic was grooming behaviour such as inappropriate physical contact or degrees of emotional manipulation.
- A challenge facing employers is that the behaviours leading up to sexual abuse of children are often subtle and manipulative and may not occur solely or commonly in the workplace.
- Indicators of developing risk in physical or emotional abuse cases are largely similar and include rough physical handling, inappropriate language or raised tone of voice, a degree of professional misconduct and inappropriate behaviour in the workplace.

*Staff new to the children's workforce may need additional supervision and guidance particularly around professional boundaries and conduct around children*

*Safeguarding in the Workplace: What are the Lessons to be Learned from Cases Referred to the Independent Safeguarding Authority? <http://bit.ly/JRuCZO>*

### Key action/learning points

- Information about possible warning signals of possible escalating abuse should be disseminated to all staff at all levels of the organisation, through their core training or induction and continuing professional development.
- Employers should continue to implement appropriate systems to record concerns or instances of poor conduct and provide support, where there is felt to be a risk of escalation of this poor performance behaviour into abuse
- Employers should raise awareness and create an environment that allows for concerns about alleged abuse to be raised via all available channels, including work colleagues, parents or friends. Employers should equip employees to be vigilant at all levels within an organisation, and have clear procedures for whistle-blowing.
- Subject to eligibility, pre-employment checks should be carried out by employers when an individual is first offered employment in regulated activity to minimise any risk and bring safeguarding benefits. It is good practice for employers to update these at regular intervals for employees already in the workforce.
- Employers should pursue the best practice approach of early notification of LADOs and involvement of statutory safeguarding teams in the response to alleged abuse where appropriate.
- Employers and statutory/regulatory organisations need to increase collaboration in submitting referrals to the ISA, for example, through the submission of joint referrals. These joined-up approaches can assist with providing a better picture of the background and circumstances of the case upon which ISA decisions are based.

## Editor's comment: warning signals

This research provides useful information for schools and colleges and a very helpful section of the publication describes the way the ISA works in respect of making barring decisions. However, the warning signals section is limited, probably because it is based on a very small number of audited cases. Here is my list!

- Inappropriate comments about children or to children. Such comments may be sexual or derogatory.
- Behaviour that disregards personal body space.
- Behaviour that appears to feed some need for gratification and is not about the needs of pupils.
- Behaviour that serves to undermine other members of staff, eg joining in banter among pupils about a member of staff.
- Favouritism.
- Bullying behaviour towards pupils or other members of staff.
- An over-readiness to restrain pupils and/or setting up situations that are likely to provoke aggression in pupils, eg blocking a pupil's path when the pupil is trying to manage their anger by removing themselves.
- Inappropriate methods of restraint.
- Threats of physical aggression towards children.
- Inappropriate comments to pupils about their parents that suggests over-familiarity.
- Covering windows with pictures and posters making it difficult for others to see into the classroom.
- Pupils referring to a member of staff as 'Pervy' or other descriptions that have a sexual connotation, eg 'Mr Groper'. (At secondary school I had a teacher who everyone referred to as Mr Groper. I knew why he was called that - you only got in his car once. Nobody asked why he had been given that name.)
- Female staff who wear inappropriate clothing, such as very low-cut tops and do not change their behaviour when it is pointed out to them.
- Over-familiarity with parents when this is not identified as part of the role, eg making regular visits to a pupil's home without school agreeing or being aware.
- Sexualised talk in the staff room.
- Setting up groups and clubs that have not been agreed by school.
- Not accepting school boundaries.
- Having pupils as friends on social networking sites and not changing this when the risks are pointed out.
- Contacting pupils out of school hours when it is not part of their role.

# Preventing and tackling bullying: new 'advice' for schools

The government has recently published new 'advice' on bullying for schools.

**Jenni Whitehead** discusses the publication and raises concern about the change of status of documents being issued by the government

As a lead officer for child protection (in my day job), I remember when the last government produced guidance on anti-bullying back in 2007. It was seen as a useful, well-structured piece of guidance that included an acknowledgement of all the different types of bullying. *Safe to Learn: Embedding Anti Bullying Work in Schools* made reference to cyberbullying, homophobic bullying, racist bullying and the bullying of children with special needs.

Its 68 pages included:

- the legal powers, duties and responsibilities that schools and local authorities have in respect of bullying
- creating a whole-school anti-bullying policy
- preventing and responding to bullying
- reporting incidents of bullying
- professional training and development
- information about specific types of bullying
- promoting an anti-bullying ethos through the curriculum
- sample information sheets for pupils, parents and staff
- model letter to parents advising of the school's complaints procedures

I remember thinking that we finally had a really useful document that schools could use. The new 'advice' (not guidance) is reduced to 11 pages (with only 9 pages of content). Have we been short changed?

The new publication informs schools of their legal powers and obligations, and nothing more.

## Preventing and Tackling Bullying: Advice for Head Teachers, Staff and Governing Bodies

### Is it adequate?

If your school already has well-embedded policies, practice and procedures on preventing and tackling bullying and these are regularly updated and audited then perhaps this advice is adequate. However, if your school is, for whatever reason, just starting out on developing practice in respect of bullying I would suggest you get your hands on a copy of *Safe to Learn*.

The new publication looks at what the law says schools have to do under the following headings:

### The Education and Inspections Act 2006

This provides that every school must have measures to encourage good behaviour and prevent all forms

of bullying among pupils. The measures should be part of the school's behaviour policy which must be communicated to all pupils, staff and parents

It gives headteachers the ability to discipline pupils for poor behaviour that occurs even when the pupil is not on school premises or under the lawful control of school staff.

The advice also reminds us that *Behaviour and Discipline in Schools – Advice for Headteachers and School Staff* (<http://bit.ly/NmFrZK>) offers more detailed advice on teachers' powers to discipline, including their power to punish pupils for misbehaviour that occurs outside school.

### The Equality Act 2010

A key provision of this act is a public sector equality duty, which came into force on 5 April 2011. The duty has three aims. It requires public bodies (including schools) to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

### The Children Act 1989

Under the Children Act 1989 a bullying incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'. Where this is the case, the school staff should report their concerns to their local authority children's social care.

I have never understood the expectation placed on schools by the 1989 Act, to inform children's social care and I am very doubtful that it would be accepted as a referral.

Bullying has always been seen as an education issue. Education social work or education welfare teams may become involved but in the present climate I suspect that this would only happen if the bullying was seen as the root cause of unauthorised absence.

### Criminal law

The new advice reminds us that some forms of bullying may be covered by the Protection from Harassment Act 1997, the Malicious Communications

*The new publication informs schools of their legal powers and obligations, and nothing more*

Act 1988, the Communications Act 2003, and the Public Order Act 1986.

If staff feel that an offence may have been committed they should seek assistance from the police. For example, under the Malicious Communications Act 1988, it is an offence for a person to send an electronic communication to another person with the intent to cause distress or anxiety or to send an electronic communication which conveys a message which is indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender.

In my own area police officers have had occasion to go into schools to remind groups of pupils that their cyberbullying may constitute a criminal act and I have to say that this has usually proved very effective.

### Bullying outside school premises

The advice reminds us that headteachers have a specific statutory power to discipline pupils for poor behaviour outside the school premises. Section 89(5) of the Education and Inspections Act 2006 gives headteachers the power to regulate pupils' conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff.

However, it also tells us that this legislation does not apply to independent schools. Why doesn't it? The independent schools that I come into contact with are, to my knowledge, as concerned about bullying as maintained schools, so why have this difference in legislation?

### Taking bullying seriously

The rest of the publication consists of a number of very short paragraphs that basically say that schools should take all forms of bullying seriously and involve the whole community in developing practice.

The last section of this document is a 'Frequently asked questions' page which reinforces the need to take bullying seriously. However, one interesting point to note under the apparently frequently asked question 'Should I record incidents of bullying?' states:

*'Staff should develop a consistent approach to monitoring bullying incidents in their school and evaluating whether their approach is effective. For some schools, that will mean recording incidents so that they can monitor incident numbers and identify where bullying is recurring between the same pupils. Others do not want to keep written records. We want schools to exercise their own judgment as to what will work best for their pupils.'*

I do not understand the reasoning behind the 'it's up to you' stance taken here. The document starts by setting out legislation that means schools must be seen to take their responsibilities seriously, but then suggests that it might not be necessary to keep records.

## Advice versus guidance: the DfE's new approach

In June 2011 the government published a short statement 'The Department's new approach to advice and guidance'. It distinguishes between 'statutory guidance', 'departmental advice' and 'supplementary content'.

Statutory guidance is produced to tell recipients what their powers and duties are and how they should be exercised. It says that 'where a recipient has an obligation to "have regard to" guidance they should exercise the powers and duties which are the subject of the guidance in the way it says they should, unless they have a good reason not to.'

Departmental advice is produced 'to help recipients understand what complex or wide-ranging statutory provisions mean in practice and what needs to be done to comply with them, as well as advice on other duties or areas of responsibilities which are not set out in statute, including public law duties.'

Supplementary content is the term used to describe 'a wide range of information and helpful but optional content such as case studies, top tips and toolkits to illustrate good practice and evidence of "what works."'

*I have never understood the expectation placed on schools by the 1989 Act, to inform children's social care and I am very doubtful that it would be accepted as a referral*

How can a school build up a picture of the seriousness of a series of bullying incidents without record keeping?

How can a school defend themselves in a case under the Equalities Act 2010 without keeping records?

How will a school recognise and evidence the impact their management of individual cases has had in reducing or eliminating the bullying of particular groups of children or individual children without keeping records?

How will a school justify not recording incidents when a parent puts in a formal complaint about their child's victimisation, without having a record of what they have done to tackle the problem?

How will schools evidence their anti-bullying work when the Ofsted inspection comes round without keeping records?

This is simply bad advice!

**Preventing and Tackling Bullying: Advice for Head Teachers, Staff and Governing Bodies**  
<http://bit.ly/KSNA1r>

### Involving governors

Governors should be involved in helping to combat bullying. Their roles can include helping schools agree on, and promote, a shared definition of bullying; ensuring there is an effective anti-bullying policy in place; and raising awareness of new types of bullying.

Visit the **Safeguarding Support Service** for a briefing article for your governors, including:

- the nature and types of bullying
- prevalence
- what can be done.

<http://bit.ly/M13Diu>

# Using a genogram to help a child tell his story

A genogram is a pictorial representation of a person's family relationships that can aid in understanding a child's situation. Jenni Whitehead describes how it was used in a real case

**All of the names and some of the circumstances have been changed to ensure confidentiality**

## John's story

John is 13 and attends the PRU. He was permanently excluded from school because of his aggressive behaviour towards staff and pupils. He has only lived in the country for four months. His mother moved to England from Slovakia when John was three, leaving him with her parents. As a single mother Marie moved to this country to complete her studies and then establish herself with a home and employment. It had always been Marie's intention to bring John to live with her but getting work proved more difficult than she had expected. The cost of returning home limited her visits to see him.

Once John started attending the PRU, staff recognised very quickly that he had anger management issues but also that he appeared sad and very lonely.

John's English was quite good but his slight stutter was an embarrassment to him and when he got angry he stuttered more.

John's mum, Marie, is not coping with him. She has taken the sim card out of his phone and is keeping him in in the evenings, as she is worried that he will get into the wrong crowd. Marie told a member of staff that John doesn't like her and just wants to go back to Slovakia.

Jane is the educational social worker attached to the PRU. The head asks Janes to try to get to know John and try to find out what is making him so sad and angry.

Jane decides to try to get to know a bit more about John's history and his life back in Slovakia and his family.

Initially John does not want to meet Jane and avoids the first two meetings by not turning up at school so Jane visits him at home. It is very difficult to talk to John when his mum is present. The two of them shouted at each other. John shouted that he wanted to go home to granddad and that his mum had no right to kidnap him and make him leave his friends. Mum shouted back that he only had to stay till he finished school and then could do what he wanted.

John stormed out, so Jane asked Marie what the argument was about. Marie explained that she was having a really hard time with John. The truth of the matter was that grandma had said he could no longer live with them because he had been getting

*John's mum, Marie, is not coping with him. Marie told a member of staff that John doesn't like her and just wants to go back to Slovakia*

into trouble with the police. Granddad and mum concocted a story that granddad was ill with a bad heart complaint and that John needed to come to England for a few months to give granddad a break. Granddad had brought him to England to meet up with Marie and once granddad had returned to Slovakia she had told him that he had to stay until he finished school. Marie had taken the sim card out of John's phone after he had repeatedly rung home to speak to granddad. Each time he phoned it had been grandma who had answered and she told him that granddad was too ill to come to the phone.

Jane asked Marie why she hadn't told John the truth and she said, 'I would never have got him here.' Granddad does not have a heart condition at all, he just didn't know how to tell John that grandma had said he had to leave.

The last time Marie had visited John in Slovakia was when he was nine years old but they had talked once a week on the phone between then and when he arrived in England.

Jane asked what kind of trouble John had been in with the police at home and Marie told her that it was nothing serious, staying out late and making noise on the streets, being found on the school roof and smoking cigarettes in the school playground.

Having the discussion with mum helped Jane to begin to understand the situation with John. He had been lied to. He'd been told his visit to England was for a few months, but once here he was told he had to stay until he finished school. He still didn't know that granddad didn't have a heart problem. He wasn't able to speak to granddad and his mum had taken his sim card. Jane wondered what other losses the move to England had meant for John: loss of friends and perhaps other relatives – and where was dad in all of this? Jane wasn't really surprised that John was kicking off!

Jane decided to try to meet with John at school the following day and try to get him talking about Slovakia and what the move meant to him.

## Genograms

A genogram is a pictorial display of a person's family relationships. Simple symbols, a square for a male and a circle for a female, are used to represent gender and connecting or broken lines are used to illustrate family relationships. The lines drawn between family members can be used to indicate feelings towards that person, for instance a person may choose to show anger towards a person by using an angry red scribbled line.

If a family member is dead a cross is placed within their square or circle and again the line connecting to a dead person can be used to illustrate how someone feels about the loss of that person.

### John's genogram

Jane's pictorial view of John's family was very sparse, there was granddad and grandma, mum and John. There was no information about other relatives alive or dead.

The following day Jane arrived at school to find John sitting outside her office. She was surprised to see him and invited him in quickly before he changed his mind.

'Can you get me home?' he asked. Jane asked him what had happened and John told her that he was being kept in this country against his will and that he hated his mother who had lied to him and stopped him from going out and making friends.

Jane asked him about family back home, who was he missing, who had cared for him. She showed him the genogram she had done showing what little information she had about his family. John said he had an aunt on his father's side of the family who had given him support when his dad had died. Jane added father and aunt to the genogram and asked John how he felt about them. At first John watched Jane out of the corner of his eye as she was drawing on the genogram. He said he was angry with them but when Jane started to write 'angry' on the line between him and his aunt John said, 'No not her, him.' Jane handed him the pen.

John talked as he wrote, saying he had never really got to know his father: mum had split with him when he was two and when his mum had left to study in England his father could have come to find him but he hadn't. It had been his aunt who had kept contact and it was her who told him when his father had died. He liked his aunt and wasn't sure whether she knew where he was. The line between himself and his aunt was strong and thick. Jane asked him if that meant he had a strong relationship with her and John said yes. John trusted his aunt, she had always told him the truth even if it hurt, like when his father had died. 'Not like her,' John said as he scribbled a line between him and his mother.

John wrote 'worried' on the line between him and his granddad, saying his mum wouldn't tell him the truth. She just kept saying 'he will be all right', but how could he be if he has a heart problem?

John said nothing about grandma and crossed out the line between him and her that Jane had drawn. Jane asked John if he knew how his father had died and John said that he had died in a car accident.

Jane summarised the following from John's genogram:

- Your mum lied to you to get you here and you are angry with her.

- You are worried about your granddad and don't know how well he is.
- You haven't been able to phone granddad to see if he's OK because grandma won't let you speak to him.
- You do not know whether your aunt knows where you are and cannot contact her because mum has taken your sim card.
- You feel angry with dad because he could have come back for you when your mother left for her studies.

John had sat back in the chair and looked close to tears.

'Let me talk to your mum and show her this.' John agreed, but he didn't want to be there. 'I just want to go home,' he said repeatedly.

### Mum's reaction

Jane managed to meet with mum that afternoon. Marie was quite shocked faced with John's genogram and his strength of feelings illustrated by the way he had drawn the connection lines between people.

'When we had talked once a week on the phone we got on so well, I thought he would just settle down with me.'

Jane suggested to Marie that it was time that she told John the truth about granddad and about why she and his father had split up. Marie said, 'I can't – it will make things worse.' Jane said, 'It can't get any worse!'

Mum looked down at the genogram and started to explain her relationships with her parents who had been keen for her to study. John's father, who was quite a bit older than her, had dominated her, causing her to split with him and return to her parents. She had been close to his sister before ever having met John's father – they had been at the same school. She had not been in contact with the aunt for many years but knew that John had; she had not realised how close they had become. Marie was most concerned about John's worry for granddad and Jane suggested that the concocted story of ill health needed to be corrected as it was causing John so much concern.

Jane asked Marie about the relationship between John and grandma, 'Well as you can see by John's line, the relationship is very bad.' Grandma had always resented John living with them and in Marie's eyes the getting into trouble with the police had offered the perfect excuse for grandma to say enough is enough.

### The impact of the genogram

Genograms can act as a powerful tool for people to talk about their relationships, how they see themselves within their family and how this affects them. John joined in working on the genogram at the point that Jane made a mistake. He wanted it to be correct. Drawing his lines on the genogram allowed John to explain more clearly his feelings and gave Jane a bit more insight into John's world.

*Genograms can act as a powerful tool for people to talk about their relationships, how they see themselves within their family and how this affects them*

Sharing the genogram with Marie was very powerful and she could now understand how the lie had been so damaging.

Marie had been glad to split with John's father, to be out of a relationship where she had been dominated. What she hadn't realised was how strong the relationship between John and his aunt had become in her absence.

Marie was also shocked at how John had illustrated his relationship with grandma.

Marie said that grandma had been keen for her to study but she had been swept of her feet by John's father and moved in with him. Marie had moved back home when John was two and despite grandma being cross with her for leaving and then returning with a child in tow, she had said that she would look after John so that Marie could come to England to study. Granddad doted on John as he had on Marie and this, Marie could now see, might have caused her mother to be hard on John.

### Jane's plan

Jane could now see the real importance of John being told the truth about granddad and why he had been brought to England. Marie agreed to tell John the truth but asked Jane to help her by being there.

Marie also agreed to speak to her mother and father and explain the damage that all of their lying to John had done. Marie hoped that granddad would stand up to his wife and agree to talk to John on the phone. Marie also agreed to contact John's aunt to let her know where John was and to encourage contact between them, this of course would mean John getting his phone back.

### Outcomes

John, Marie and Jane sat down together with the genogram and Marie told John the truth about granddad and told him she could now see how wrong they had been to lie to him. John was very angry and very hurt at this and Jane expected him to storm out at any moment. Marie also apologised for taking his phone from him and told him that she could now understand how important it was to him to keep in touch with granddad and his aunt. Unexpectedly for Jane, Marie also told John that she knew how dominating grandma could be and that she could now understand why John would have difficulties in respect of the relationship between them.

Marie had rung her father and explained what had happened, she had given him John's new telephone number and asked him to ring John.

It is early days for Marie and John but John has agreed to give England a chance as long as he can keep in contact with his family back home.

Jane will continue to be available to John and his mum but is hopeful that while not perfect the situation for both of them had begun to change.

### Genogram variation

Genograms are one way of helping both the child

*Drawing his lines on the genogram allowed John to explain more clearly his feelings and gave Jane a bit more insight into John's world*

and worker better understand the child's situation. A variation of the genogram is the family tree.

The family tree can be used in almost the same way. Family trees have many branches which can be used to illustrate where each part of a child's family fits. Ask the child to draw a tree that represents their family. (You may have to draw your own family tree to explain.)

The child is represented by the trunk of the tree, the heart of the tree. The child is asked to put each member of their family where they think they are on the tree. Those that the child has most connection with may be on the lower branches. Lower branches are usually thicker but the child might illustrate a difficult relationship with a thin weak branch or an ended relationship with a leafless branch.

The child can put those people who they have least contact with or those that they have difficulty with on the top-most branches as far away from themselves as possible. The worker can then ask about each part of the family in turn and record what is said on each branch.

Please remember that family trees are not static, the child may move people around and their view of them can change.

To find out more about Genograms and how to use them visit: [www.genograms.org](http://www.genograms.org)

## Genograms in safeguarding practice

LSCBs require agencies to ensure their records include detailed information about the child's family, and some specify a preference for the use of genograms to record this information. For example, Solihull LSCB now expects all case records to contain a genogram when the case reaches certain thresholds. It says:

*'Based on learning from a recent local (i.e. regional) Serious Case Review, all agencies must ensure that all their records contain detailed information regarding the family composition, ideally in the format of a genogram.'*

*Genograms themselves (and particularly the process of engaging with the family in order to construct a genogram) are a most useful tool in understanding complex family relationships, whether they be biological relationships or not.*

*Moreover, a genogram can assist in plotting significant contact/safeguarding issues across blood/reconstituted family members.'*

Solihull LSCB provides useful information and a guide to the construction of genograms on pages 77-79 of its document:

*Serious Case Reviews: Practice Guidance (2011)*  
<http://bit.ly/KWCWHT>

# Forced marriage to become a criminal offence

The prime minister recently announced the government's intention to make it a criminal act to force someone into marriage. The debate about whether or not to create a specific criminal offence in respect of forced marriage has been going on for a number of years. [Jenni Whitehead](#) discusses the issues

At present there isn't a specific offence of forcing a person into marriage. However, under the Civil Protection Act 2007 the court can make an order that protects a person from being forced into marriage. Such an order can be very specific to a person's individual situation. Parents can be ordered not to take their daughter or son out of the country, require them to hand over passports or reveal where they are.

The conditions of the order are legally binding and if a person disobeys an order they can be sent to prison for up to two years. One of the helpful things about an order is that anyone can ask the court to implement one. This means that while the young person themselves can apply it doesn't have to be them that does it – a friend, or as in most cases the local authority, can ask a court to implement a forced marriage protection order (FMPO).

FMPO's are issued under civil law so this means that the parents are not taken through criminal proceedings.

## Proposed legislation

At the beginning of June 2012, the prime minister announced the creation of a specific offence of forced marriage. The government carried out a consultation with a wide variety of groups including victims, charities and frontline services and while there are still strong conflicting views as to whether to create such a law, it has now decided to do so.

The government's argument is that making forced marriage a crime will send a strong message and act as a deterrent to anyone planning to force their child into marriage. The argument against is that the possibility of their parents being convicted of a crime will prevent young people coming forward and will drive the problem underground.

## The school's role

Wherever you stand on this issue one thing is absolutely certain, young people will not speak up about fears of forced marriage if they are not actively encouraged to do so.

The government's press release talks about prevention and education and promises more support and training for schools to ensure that they are aware of the issue and know how to spot the warning signals that a child or young person may be at risk.

The Forced Marriage Unit has published a

number of leaflets and posters designed to draw attention to forced marriage but the last survey of whether schools were using the materials revealed that quite a number were worried about displaying such material for fear of causing cultural offence. This new campaign includes nationwide and whole community publicity that should make it easier for schools to get involved.

Schools are best placed to pick up on warning signals of possible forced marriage and need to ensure that pupils are aware that they are prepared to take their concerns seriously and take action on their behalf. Including issues relating to forced marriage in teaching programmes sends a clear message to pupils that the school both understands the issues that they are facing and will support them.

## Warning signals

- Extended absence, drop in performance, low motivation, excessive parental restrictions and control of movements, and a history of older siblings leaving education to get married.
- Disclosure of concerns over parents planning trip abroad to facilitate forced marriage.
- Parental control of money and limited career choices.
- Evidence of self-harm, treatment for depression, social isolation, eating disorders or substance misuse.
- Evidence of domestic violence, family disputes or running away.

Often in such cases young people only get one chance to let someone know what is happening (the 'one chance rule'). It is essential that young people are taken seriously if they are able to come forward. In most cases of suspected child abuse professionals are asked to raise concerns with the family. This should be avoided where forced marriage is suspected.

## Remember

Never try to act as mediator between child and parents where forced marriage is suspected – this may put the young person at risk of significant harm, cause the parents to panic and silence the child.

Refer to children's social care through your child protection procedures and / or seek advice from the Forced Marriage Unit (tel 020 7008 0151).

*Schools are best placed to pick up on warning signals of possible forced marriage and need to ensure that pupils are aware that they are prepared to take their concerns seriously and take action on their behalf*