

# PROTECTING CHILDREN UPDATE

Managing the safety of children and young people in schools

## Tackle bullying of disabled children

The bullying of children with special educational needs and disabilities has been ignored for far too long, according to the introduction of a new book, commissioned by the Anti-Bullying Alliance and published by the National Children's Bureau (NCB). Research detailed in the book suggests that teaching staff underestimate the victimisation of these children, to the increasing frustration of parents and carers.

The book, *Perspectives on Bullying and Difference: Supporting Young People with Special Educational Needs and/or Disabilities in Schools*, looks at evidence from research, young people, parents, carers and practitioners with case studies of practice, which shows that children with special educational needs and/or disabilities are at significantly more risk of being bullied than their peers.

Characteristics of young people that tend to make them more vulnerable to bullying include academic difficulties; low self-esteem and anxiety; differences in physical attributes; shyness and submissiveness; uncooperative, disruptive and aggressive behaviour; language and communication difficulties; inappropriate

social behaviour; and low social status. The book cites evidence that schools can exacerbate the problems faced by these young people by requiring them to be passive and complaint and not teaching them to be more assertive; by overprotecting them; by using learning support assistants and isolating students from their peer group or teaching them outside the peer group in special classes. Students may have to seek help because learning opportunities have not been adjusted to be accessible to them and this help seeking can be a reason for peers to target them.

The book shows that there is much that can be done to protect these children and young people from bullying. This could involve focusing on social issues, teaching communication skills and modelling how to empathise, as well as fostering social interactions between young people with disabilities and their mainstream peers. There is also evidence that actively teaching disability awareness can be productive.

For more information about *Perspectives on Bullying and Difference*, visit [www.ncb.org.uk/books/bullying](http://www.ncb.org.uk/books/bullying)

## People still delay calling NSPCC

The NSPCC has published a review of its Helpline service, looking at the contacts made to the NSPCC in 2011. Nearly 45,000 people across the UK contacted the NSPCC in 2011, worried about a child; this is a 29% increase on the previous year. Worryingly, 56% of people whose call resulted in a referral said they had been concerned about the child for at least a month, meaning the children remained at risk for longer. Many of these calls were about more serious issues than in previous years.

Almost 12,000 calls were about neglect, over 8,000 about physical abuse, almost

6,000 about emotional abuse, and over 5,000 about sexual abuse. Over the past five years contacts to the NSPCC about physical, sexual, emotional abuse and neglect have doubled.

In 2011, the NSPCC launched a new service which enabled people to report concerns by text. At the launch of the text service, 40% of people who texted said they would not have contacted the NSPCC without the text service.

You can read *Helpline Highlight: a Year in Review* at: <http://bit.ly/Hn6qTh>

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### CONTENTS

1-2, 4 News

5-6 **Back to basics** Working to combat child sexual exploitation I

7-8 **Professional update** New service to help primary children protect themselves from abuse

9-11 **Research update** Report reveals serious inconsistencies in managing allegations of abuse

12 **Back to basics** Statutory safeguarding responsibilities and role of the governing body

### From the editor

I can't believe it's May! This year is going so fast and of course child protection work continues no matter what the time of year.

This month we look at two really important services. Turn to page 5 to read about Safe & Sound, a Derby-based charity providing a service to **young people at risk of sexual exploitation**. Safe & Sound has received national recognition for its pioneering work. Also, see page 4 for details of a powerful DVD resource pack to help inform young people about the risks of sexual exploitation. It will prove invaluable to your sex and relationships teaching.

The second service is the **ChildLine Schools Service**. Sue Tabner explains what the service is and how it can impact on your pupils. The NSPCC aims to deliver this **safeguarding teaching programme** in every primary school in England by 2016, so make contact with your local branch and get going! Turn to page 7 to read more.

On pages 9 to 11, I have given an overview of the recently published final research **report on allegations against members of staff**. I find this research both fascinating and concerning. It shows how there are a number of different ways of managing allegations across the country, some of them are within government guidelines and some are definitely not. Essential reading for anyone working with children!

Last but not least page 12 gives an understanding of the **role that governors play in safeguarding**. Read it and pass on to your governing body.

## Illegal exclusion practices

A major enquiry by the Children's Commissioner for England into school exclusions has revealed that the system of school exclusions is not compliant with the United Nations Convention on the Rights of the Child (UNCRC). It also found evidence of schools acting illegally in coercing students to move to different schools and of giving pupils unofficial exclusions.

Children's Commissioner Dr Maggie Atkinson said, 'For the first time, schools are on record saying they had illegally excluded pupils ... Our inquiry, which took evidence from a wide range of education partners and young people, found both good practice and serious causes for concern.

'Our report recognises that exclusion may, in rare cases, be a necessary last resort. It should happen only if a child is a danger to his or herself or others, or when learning is so disrupted that only exclusion is possible. But all exclusions must be within the law. They must be seen to be fair, and proven to be effective in solving the problems they are meant to address.'

Article 3 of the UNCRC states that the interests of the child must be a primary consideration in decisions made concerning that child. The report found that this is not always the case and the statutory guidance on exclusions does not specify that the best interests of the child should be a primary consideration.

Article 12 of the UNCRC states that children's views must be taken into

account in decisions which affect them. There is no effective or systematic way for young people's views to be heard, and taken account of, in the exclusions process, and no right for the child to appeal against an exclusion on their own behalf. The commissioner recommended that, in order for the exclusions system to be compliant with the UNCRC, these should be put in place.

The report found unrecorded short-term exclusions to allow children to 'cool off'; students being sent home and not allowed back into school until after a meeting has taken place with their parents, with these informal exclusions sometimes running for a week or more. One school admitted asking parents to keep their children at home from Christmas until May to avoid a permanent exclusion. Because these practices are covert and informal with no records kept, it is extremely hard to estimate the extent that this goes on.

The report says that, given this behaviour is already illegal but persists in the system, further regulation is unlikely to be an effective deterrent. To protect children and young people's legal rights, it recommends creating mandatory standard wording for documentation sent to parents in cases of exclusion, and insisting on that wording being part in the home-school contract, school prospectus and being on the school's website.

The full report is available at: <http://bit.ly/H2fhEs>

## New service for safeguarding professionals

Coram Children's Legal Centre has launched a new service and website for child protection professionals (CPP). Only registered users will be able to gain access to all of the information and features on the CPP website. The new CPP services will provide information, advice and training on child protection and safeguarding law and policy for frontline practitioners.

The centre publishes a range of legal guides and information on child law, policy and practice for children, their parents or carers and professionals who work directly with children. It aims to promote and uphold children's rights within the context of the United Nations Convention on the Rights of the Child and the European Convention on Human Rights in the UK and internationally. Part of its core objectives is to monitor and help develop law, policy and practice concerning children and young people. It also undertakes research in the field of child law and children's rights.

The Children's Legal Centre is a national charity, launched in 1981. The centre is staffed by lawyers and professionals with expertise in child, family, education and human rights law. It is funded by grants from central government and charitable trusts.

To register on the new CPP website, go to: [www.protectingchildren.org.uk](http://www.protectingchildren.org.uk) or call 020 7636 1245 for free telephone advice

## Children unaware of advocacy services

A report on the provision of independent professional advocacy services for looked-after children and young people by the children's commissioner for Wales, Keith Towler, has found a lack of clarity and consistency in commissioning advocacy services, a lack of strategic leadership and no systematic monitoring or regulation. The report, *Missing Voices*, commented that many children were unaware they could access advocacy services.

Keith Towler commented: 'It saddens me to say that some of Wales' most vulnerable children and young people don't know they're entitled to have an

independent professional advocate to represent their views. The purpose of my review is not to point the finger of blame at anyone but instead to reinvigorate national and local partners to get Wales back on track so that no child is denied access to a professional advocate.'

Among the 29 recommendations made in the report are suggestions of fundamental changes to national structures and around ensuring children and young people are made aware of and understand their entitlement to a voice. It advocates that the Welsh government should disband the National Independent Advocacy Board immediately and should re-establish a distinct advocacy unit with

a strengthened remit to promote best practice and to ensure the delivery of a consistent service by engaging with and supporting local delivery against national standards across Wales. It recommends that the relaunched advocacy unit should bring commissioners, providers and other key stakeholders to an annual meeting to examine progress against the national standards, to share best practice and to identify developmental goals that could inform improvement and uptake of services.

To read the report in full, go to: <http://bit.ly/Hy09Bp>

# 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:

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## PLUS Reference Zone

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:

### Single central record

<http://bit.ly/JwJQW>

*What is the central record and what should be kept there? Our Reference Zone explains your statutory responsibilities*

### How should we cover safeguarding in self-evaluation?

<http://bit.ly/HJKYTo>

### Child protection: the head's role as leader, facilitator, supporter and evaluator

<http://bit.ly/HOLIfG>

*How the head can promote and support the implementation of the safeguarding policy and lead a culture of openness*

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:customer.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 are navigation links for Home, News, Support Services, Reference Zones, Consult the Experts, Conferences, Bookshop, and About Us. A search bar is visible. The main content area features a 'Safeguarding' section with a 'Featured article' titled 'Tackling self-harm in primary schools'. Below this, there are sections for 'News', 'Consult the Experts', and 'Reference Zone'. A sidebar on the left contains a list of categories such as 'Accountability and performance indicators', 'Behaviour management', 'Bullying', 'Child protection referrals', 'CPD', 'Curriculum management', 'Data protection', 'Equality and diversity', 'Employment law', 'Extended schools', 'Government policy and legislation', 'Health and safety', 'Healthy schools', 'ICT and internet', 'Information sharing', 'Offsite provision', and 'Ofsted and inspections'. There are also promotional banners for 'Sign up for a free two week trial' and 'Sign up to our Free e-bulletins'.

Protecting Children Update is now part of your Safeguarding Support Service

The image shows the cover of the 'Protecting Children Update' newsletter, Issue 87, April 2012. The main headline is 'Self-harmers suffer in silence'. Other articles listed include 'Updated guidance on searching and reasonable force', 'From the editor', and 'Contents'. The cover features a photograph of a child and a woman. The Optimus Education logo is in the top right corner.

# PROTECTING CHILDREN UPDATE

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# Adoption plan overview

Adoption UK has published an overview of the government's Action Plan for Adoption, which set out to overhaul the system for prospective adopters and strengthen the performance regime for local authorities.

The government's plan, and the associated publicity, talks of the 'journey' of both the child and the adopter. In keeping with this, the Adoption UK guide is called: *The Adoption Action Plan: A Travel Agent's Guide*. It looks at the action plan in terms of the type of journey being embarked on and whether it will be transformative for everyone involved, 'as all good travel should'. It asks: 'Are we talking about a weekend break, a lengthy summer holiday or something more ambitious? Will it be a package holiday, a guided tour, self-catering or will we be roughing it?'

UK Adoption is particularly pleased to see the announcement of a National Gateway for Adoption. It talks in terms of children and families being properly prepared for the journey they set out on, and that it should be a funded and guided trip with opportunity to learn, grow and develop, rather than the current system of a "no-frills" package holiday or ... like a "rough guide to adoption" with an out-of-date travel book.'

The guide looks at some of the possible risks attached to the new plan. On the concept of the adoption 'passport' outlined in the government's action plan, the Adoption UK guide says: 'The concept of

a passport obviously fits in with the journey theme... however, passports have a certain ambivalence attached to them: while they present an opportunity to leave one country and enter another, they can also restrict entry where ... the passport holder doesn't comply with relevant immigration controls. The real question here is of course not just about the passport, but about what access or entry the "visa of adoption" actually grants.'

The action plan acknowledges that the current system is too bureaucratic and takes too long for both potential adopters and children who need a stable, loving home. It aims to simplify assessments and notes that the numbers of children adopted from care have been decreasing in recent years. Just 3,050 children found new homes through adoption last year, the lowest since 2001. Research has shown that, with every year that a child waits, their chances of being adopted decrease by 20%. A recent survey showed that one-third of adopters were not satisfied with their experience of the adoption system. The new action plan will include proposals for new adoption scorecards, to hold local authorities to account, and a revised approval process for new adopters, cutting it to six months.

To read *The Adoption Action Plan: A Travel Agent's Guide*, go to: <http://bit.ly/H2MAfc>

## Stop criminalising children

The Child Rights International Network (CRIN) has published a paper on juvenile justice, *Stop Making Children Criminals*, arguing that defining a minimum age of criminal responsibility is discriminatory and in conflict with the Convention on the Rights of the Child.

CRIN wants to encourage a debate on juvenile justice and to work with other organisations to design systems that keep children out of the criminal justice system altogether, recommending the separation of responsibility from criminalisation. It argues that criminalising children harms their development, encouraging further and increasingly violent offending.

The report argues that we need to respond constructively to children's responsibility for crimes, which is quite distinct from the urge to criminalise them. It says 'It does not serve our purpose as advocates of children's human rights to deny their immediate responsibility, to belittle their evolving capacities. But we must also recognise... that their developmental status requires a special approach.'

Read *Stop Making Children Criminals* at: <http://bit.ly/HDCU7C>

## Powerful resource

'My Dangerous Loverboy' tells the story of a young girl who is groomed and sexually exploited by an older man before being trafficked around the UK. The internal trafficking of young people within the UK is recognised as a growing problem. The DVD is very powerful and uses the idea of a music video to call attention to the issue.

The film was commissioned by the UK Human Trafficking Centre (UKHTC) and its partners. The UKHTC has also produced a teaching resource to be used in healthy relationships teaching, aimed at key stages 3 and 4. The resource explores issues around positive and negative relationships, peer pressure and sexual exploitation. The pack includes in-depth lesson plans, guidance for practitioners, the film, an animation and an official music video.

[www.mydangerousloverboy.com](http://www.mydangerousloverboy.com)

## Health Bill is a safeguarding risk

The UK Faculty of Public Health has published a risk assessment of the new Health Bill, expressing concerns that the Bill will carry risks around safeguarding children from abuse and neglect due to a loss of designated professionals and poor information sharing. The faculty argues that there is no incentive for providers to collaborate to provide integrated pathways of care in a competitive market, despite integration of services being essential to enhancing the quality of care for patients, who will receive care from a wide range of organisations and sectors.

The assessment notes: 'Of particular concern are the risks identified around safeguarding children from abuse and neglect. The loss of designated professionals and weaknesses in information sharing between organisations

pose an increased risk to the safety of children. In addition, children's safeguarding procedures are highly dependent on good professional understanding. Substantial changes in professional relationships are occurring as new organisations are formed from the break up of primary care trusts and these pose major risks to continuity of safeguarding and care.'

It also argues that it is likely that the most vulnerable, who already suffer the worst health outcomes, will be disadvantaged in an environment of multiple providers, especially those who are less educated, have reduced access to resources such as the internet, or are less able to navigate the healthcare market for a variety of reasons.

The full assessment is available at: <http://bit.ly/HDImY6>

# Working to combat child sexual exploitation locally and nationally

Safe & Sound, a Derby-based charity, know that any child can be a victim of sexual exploitation. Here they share cases of this type of abuse and their work to combat it

Child sexual exploitation is a form of child abuse, where children and young people under the age of 18 are exploited into performing or taking part in sexual activities for which they – or somebody they know – receive some form of benefit. This could be food, accommodation, drugs, alcohol, cigarettes, money, gifts or even just some affection. The abuse can begin without the victim's knowledge. For example, a young person may be persuaded to post or send sexual photographs on the internet or via mobile phones without receiving any immediate benefit themselves. In all cases, those doing the exploiting have some power or influence over their victim. This is usually due to a difference in age, gender, intelligence, wealth or physical strength. (Definition adapted from *Tackling Child Sexual Exploitation Action Plan*, 2011, p33).

Safe & Sound Derby's vision is to end child sexual exploitation. The organisation has over 10 years' experience of working to protect children and young people from being sexually exploited. Safe & Sound:

- supports young people who have been identified as being, or at risk of being, sexually exploited, and their families
- works to prevent children from falling victim to this form of abuse by raising their awareness through sessions in schools and community settings
- delivers training to professionals working with children, young people and families, and in the field of public protection to increase understanding of child sexual exploitation
- carries out awareness raising activities in the community.

At a national level, the organisation links with appropriate networks and forums to raise awareness of child sexual exploitation, sharing knowledge and good practice to help vulnerable children and young people right across the country. In addition, through our social enterprise, Just Whistle, Safe & Sound Derby delivers training, educational and consultancy services to professionals UK-wide.

As a result of our work over the past decade, we have found that any child or young person who is younger than 18 years can be a victim of this abuse; boys and girls from all backgrounds and communities. Some children are more vulnerable than others, for example those with experience of abuse, domestic violence, bullying, social exclusion, family breakdown, or bereavement; children with learning disabilities; and children

*The abuse can begin without the victim's knowledge. For example, a young person may be persuaded to post or send sexual photographs on the internet or via mobile phones without receiving any immediate benefit themselves*

with mental ill health.

In addition, we have seen the impact that child sexual exploitation has on a young person's life. Children being abused in this way are at risk of serious sexual violence, sexually transmitted infections, teenage pregnancy, physical harm and mental ill health. Their education and therefore future training and/or employment prospects are also likely to be affected.

## Case studies

The names of the young people in the following case studies have been changed to protect their identities.

### Sexualised behaviour

Gemma, a 15-year-old girl with learning disabilities, was referred to Safe & Sound Derby due to concerns about her sexualised behaviour and school attendance.

When we met Gemma, she spoke about feeling alone; she didn't feel she had any friends, and appeared to have little confidence in herself.

Over the next three months, Gemma began to open up to her worker, and talked about an older boyfriend. She spoke about having unprotected sex with him, and disclosed that she had been talked into stripping in front of a webcam. She was afraid of the consequences of what she had done.

We supported Gemma on a one-to-one basis to help her to understand and make sense of the situation she was in. Gemma also took part in some positive activities offered by Safe & Sound Derby, to help boost her confidence and self-esteem.

Gemma started to spend less time with her boyfriend, and more time with her friends. Her attendance at school improved, and she began to see an improvement in grades.

### Meeting an older man

Simon was 12 when he was referred to Safe & Sound Derby for support. The referral was made when it was discovered that Simon was planning to meet an older male he had been messaging on the internet.

Simon explains, 'I wanted to find out more about my sexuality and used the internet to do this. I understand now that I was putting myself at risk of sexual exploitation.'

Simon met regularly with his project worker to explore how he could learn more about his

sexuality in a safe way. Simon also took part in lots of activities on offer at Safe & Sound Derby, including music workshops.

Simon's self-esteem and confidence increased, enabling him to better deal with other issues in his life, such as the bullying he encountered at school, and he now has clear plans for his future, including further and higher education.

#### 'Chilling' with a group of men

Safe & Sound Derby first came in contact with Ellie when she was 13, following a referral from Children's Social Care. Ellie had started truanting from school and staying out late at night.

At first Ellie was reluctant to engage with us. She refused to discuss anything with her project worker; she was enjoying her life. She did admit to being sexually active, but was adamant that this was with her consent.

Ellie's worker persisted, and continued to contact Ellie on a weekly basis. Gradually, Ellie began to access one-to-one support, and started to open up to her project worker.

Ellie spoke about regularly 'chilling' with a group of men who had approached her in the street. She said that she smoked cannabis and drank vodka when she spent time with them. She also told her worker that she had once been locked into a room containing just a bed, while a number of men came in and out.

Over time, Ellie began to realise that she was being abused by her male 'friends', and with Safe & Sound Derby's support took steps to move forward in her life, away from the exploitative relationships.

#### Increasing awareness and securing prosecutions

In November 2011, the government published *Tackling Child Sexual Exploitation: Action Plan*, illustrating their commitment to dealing with this issue. The plan highlights the need to increase awareness and understanding of child sexual exploitation, to work to prevent and detect this crime, to secure prosecutions, and to ensure that victims and their families receive effective support.

The impact of such an approach can be seen by work done in Derby. In November 2010, following a large-scale investigation – Operation Retriever – into child sexual exploitation by Derbyshire Constabulary, nine men were found guilty of a range of sexual and other offences involving 27 girls and young women.

As a result of Operation Retriever, Derby Safeguarding Children Board undertook a serious case review to identify key learning within and between children's services organisations. It identified the '... pivotal role played by a voluntary organisation, Safe and Sound Derby, in identifying and addressing the nature and scale of the abuse.' (*Serious Case Review BDog: Executive Summary*,

*Children being abused in this way are at risk of serious sexual violence, sexually transmitted infections, teenage pregnancy, physical harm and mental ill health*

Derby Safeguarding Children Board, July 2010, p3).

It is important to recognise that Derby is not a 'hot spot' for child sexual exploitation, but that the city has a good awareness and understanding of the issue, and an effective multi-agency response.

Since 2009, Safe & Sound Derby has trained 2,032 staff working within children's services and public protection within Derby city to recognise the warning signs of child sexual exploitation to and respond. Teachers, school nurses, education welfare officers, social workers, youth workers, and the police, plus many more have attended this training.

#### Warning signs

The warning signs of child sexual exploitation include when a child:

- regularly comes home late
- goes missing from home
- stops attending school
- is excluded from school due to behaviour
- comes home or to school with unexplained gifts (i.e. clothes, mobile phone, phone credit, jewellery) and/or money
- associates with unknown adults or other sexually exploited children
- reduces their contact with family and friends
- suffers sexually transmitted infections
- experiments with drugs and/or alcohol
- has a poor self-image, eating disorder, and/or self-harms
- gets into cars with unknown adults
- has an older boyfriend/girlfriend.

Safe & Sound Derby also delivers education sessions, usually through the PSHE curriculum, to young people in schools and other educational settings in Derby. Through this work, the organisation aims to raise pupils' awareness of child sexual exploitation, arming them with the information they need to help keep them safe from this form of abuse. In 2010-11, the organisation reached 5,816 pupils.

A range of resources are available to support awareness raising activities with staff working within children's services or public protection, parents and carers, and young people. These include:

- training, such as sessions provided by Just Whistle [www.justwhistle.org.uk](http://www.justwhistle.org.uk)
- educational resource packs for young people, such as *Love or Lies?* (Eyes Open Creative); *Bewise2 Sexual Exploitation* (Barnardos)
- online resources, such as [www.thinkuknow.co.uk](http://www.thinkuknow.co.uk) and [www.mylife4schools.org.uk](http://www.mylife4schools.org.uk).

To find out more about Safe & Sound Derby, visit: [www.safeandsoundderby.co.uk](http://www.safeandsoundderby.co.uk)

*Tackling Child Sexual Exploitation Action Plan*, 2011 is available online via <http://bit.ly/ICUoB2>

# ChildLine's new service helping primary children to protect themselves

ChildLine has launched a new service aimed at children under 11. Sue Tabner explains how it can help children understand their situation and how to seek help

Research has revealed that the majority of children who contact ChildLine services for information, help and support are aged over 11 years old. As a result, the ChildLine Schools Service decided there was a need to reach out to younger children. The objectives of this service are to give seven- to 11-year-olds:

- an understanding of abuse in all its forms including bullying, and an ability to recognise the signs of abuse
- knowledge of how to protect themselves from all forms of abuse
- an awareness of how to get help, and sources of help, including ChildLine.

## Scope of the service

This is a UK-wide service and in the longer term the service programme will be offered to all primary schools, every two years. It will also reach out to children who are not in mainstream education, including children attending PRUs and special schools.

## Younger children are more vulnerable

We know from research that younger children can be especially vulnerable to abuse. They have less awareness of what it is and how to get help. Eighty per cent of contacts to ChildLine are aged over 11 and many are reporting historic abuse.

The NSPCC and ChildLine have more than 20 years' experience of working in schools and this new service aims to use and build on this expertise so that we can reach every primary age child with key safeguarding messages.

The head of the ChildLine Schools Service, Lee Mitchell, says: 'If we are really serious about making an impact on the prevalence of child abuse we have to reach every child and reach them much earlier than we are at the moment. The school environment is a good place for us to sensitively help children to recognise, understand and protect themselves from abuse in a non-intrusive way and to provide them with advice, support and information they need.'

## Listen and protect

The NSPCC's key priorities are that children are listened to and protected. This new free service intends to ensure that children learn about and understand where and who they can turn to if they are worried, unhappy or uncertain.

## Pilot of the service

During 2011 the ChildLine Schools Service was

piloted in 94 schools across the UK, using four different models of delivery. The pilots reached more than 7,200 children and provided valuable feedback.

The children who took part, teachers, parents, carers, and the staff and volunteers who delivered the pilots were all asked about their experience and this feedback was used to develop the current delivery model and materials.

## How the service works

### Making contact

The Schools Service staff make contact and communicate with headteachers at each primary school where the programme will be delivered. They discuss with headteachers the materials that we use and offer an opportunity to address any questions.

### Parents and carers

We see it as important to get parents on board with the programme and information about the service is provided to the school to forward to parents and carers, who are also given the option to withdraw their child from the sessions. While this is not a common event it has flagged up or given more weight to any concerns that the school may already have about a family situation. Some schools have taken this as an opportunity to contact the parents and check what may have influenced their decision.

It is sometimes possible to meet with parents and carers to explain the programme and help them understand what and how we are delivering the key messages. A small number of schools have offered this as part of their community partnership work with parents and carers. This is something we would encourage.

### Delivery to pupils

The Schools Service programme is delivered via a 30-minute assembly to Years 5 and 6, and an hour-long workshop with each Year 5 and 6 class, to take place within two weeks of the assembly. This allows us to appeal to children's different learning styles. The one-hour group work allows for focused and engaging activities that are educational, rather than instructional. The children find it fun, varied and interactive.

Materials include our mascot Buddy, 'who knows a lot about keeping safe'. Buddy is actually a large and very round green soft toy with a friendly smile. Across all regions feedback has shown that children

*This new free service intends to ensure that young children learn about and understand where and who they can turn to if they are worried, unhappy or uncertain*

have related well to Buddy and through using Buddy we are able to deliver the key messages in the third person. We also provide a variety of 'take home' materials that further engage children and hopefully their parents in learning about our key messages.

### Reinforcement from staff

Working in the classroom and this style of delivery enables the children to learn in the safety and comfort of familiar surroundings and with staff that they know. The established relationships and the presence of school staff throughout is a key requirement for our programme delivery. This also enables teachers to reinforce the key messages with their pupils throughout the duration of the programme and after we have left.

One example of this is when staff run a circle time session to allow further discussion or when the whole class create a 'Keeping Safe' acrostic from the individual ones made by children in the activity pack we leave after the assembly.

### Recruitment and training

In order to extend the programme to more schools, volunteers are being trained and supported to deliver the safeguarding assemblies and interactive classroom-based workshops. Staff and volunteers go through a rigorous recruitment process and training programme, which includes online training, group training, coaching and mentoring, regular supervisions and appraisal.

By 2016 our aim is to be in a position to visit every primary school in the UK at least once every two years, which means 11,000 schools per year.

To this end we are gradually building capacity recruiting volunteers and staff who work in regions across the UK which are then broken down into more local areas. Each local area is supported by area coordinators, managing a network of volunteers.

### Dispelling misconceptions

I was involved in the pilots, recruitment, training and support of volunteers, and I experienced the way children and schools engage with this programme. I saw how children enjoy the activities and how this clears up misconceptions they may have about behaviours that are and are not appropriate.

Examples of this are when children are able to use the third person to check out 'Is it OK then for a child to be bitten?' or 'Is it OK to be asked by an adult to keep something a secret?' We are able to explain the difference between good and bad secrets. The use of Buddy and the idea of talking through the third party allows children to feel more at ease when they are talking about difficult issues. Talking to Buddy or asking Buddy a question is often easier for children than having to approach an adult.

### Acting on concerns that arise

Any concerns or safeguarding issues raised during the sessions are managed sensitively by ChildLine

*The Schools Service programme can be especially important in creating a safe space for children and staff to discuss their understanding of what can be complex, difficult and embarrassing issues*

staff and volunteers, and are always reported to school staff and where appropriate designated staff. We have an agreement in place with each school whereby they are responsible for following up any safeguarding issues that are identified according to school procedures.

### Benefits for schools

For schools, the benefits include the programme's links to the curriculum, delivery and discussion of safeguarding messages, and evidence of using external expertise in offering such teaching. The Schools Service programme can be especially important in creating a safe space for children and staff to discuss their understanding of what can be complex, difficult and embarrassing issues.

There is also the benefit to the school community in having children who feel safe and happy, who understand that they can and should speak out when they are worried, unhappy or frightened and that there are people around them who will listen.

Bringing these difficult issues into a school environment is not a simple task and the fact that we manage to do this in a fun, interactive, matter of fact manner has been very much welcomed in the schools I have worked in. Certainly the children are keen for us to work with them and often ask when are we coming back!

### Positive feedback

At the time of writing we have delivered the programme in 671 schools, to 48,459 children.

Feedback about the new Schools Service programme is sought from every school we have visited. Children and teachers are able to access an online feedback form. To date we have received responses from more than 6,800 children and 140 schools. Most of this feedback has been overwhelmingly positive.

One headteacher said:

*'The content and style of the workshops was fun, varied and age appropriate. The children were all able to join in and answer questions regardless of their ability or emotional development and the materials were sensitively used without being graphic.'*

One child said:

*'If children know that there is a lot of help out there they won't be scared to tell.'*

**ChildLine is working in partnership with schools, parents, carers and children to better facilitate children being safe and happy.**

**Sue Tabner is area coordinator for Childline's new service**

To find out more about the ChildLine Schools Service and volunteering opportunities please visit [www.nspcc.org.uk/schoolsservice](http://www.nspcc.org.uk/schoolsservice)

# Report reveals serious inconsistencies in managing allegations of abuse

A comprehensive new report investigates the scale and nature of allegations of abuse against school staff. **Jenni Whitehead** examines the implications for schools and gives advice on how to deal with some of the problems raised

The Department for Education (DfE) commissioned York Consulting LLP in 2011 to conduct research into the scale and nature of allegations of abuse made against school teachers and non-teaching staff in schools and the processes for handling these at the local authority and school level. *Allegations of Abuse against Teachers and Non-teaching Staff* presents findings of the research based on evidence from a census survey of local authority designated officers (LADOs) in 2011 and qualitative work in 34 schools and 20 local authority (LA) areas.

## Some worrying findings

One of the most worrying outcomes of this research is the finding of inconsistencies between schools and between LAs in both knowledge and understanding of guidance and the management of allegations.

Having supported schools managing allegations for many years I am shocked by the research that suggests that some schools continue to feel comfortable in managing their own investigations without consulting with the LADO and in some cases without involving any outside agency. However, the inconsistencies are not just with schools, as the LADOs' responses also reveal different views about how the process is managed and at what point they should be informed.

## Number of allegations

The number of allegations recorded against education staff has increased but the number is relatively small in relation to those working in the sector as a whole.

## Referrals to LADOs

The number of allegations referred to LADOs is thought to be lower than the total number of incidents occurring within each school year. This is because some schools conduct their own investigations without reference to the LADO. The influencing factors on a decision not to refer to the LADO include: the severity of the incident, the relationship with the LADO and the views and experience of the headteacher.

## Serious allegations and child protection concerns

With regard to more serious allegations and where there are clear child protection concerns the research suggests there is a more consistent approach, consistent with government guidance. Over half of the recorded allegations against

education staff are physical in nature and some schools and LAs have increased the level of training on the use of physical restraint.

## Interpretation of allegations

The interpretation of allegations outcomes following investigation is clouded by both recording and definitional issues. In 21% of cases LADOs recorded the outcome as 'Unknown'; this reflects deficiencies in tracking systems. Schools also appear to have a poor awareness of what constitutes a malicious, unfounded or unsubstantiated outcome and where schools carry out their own investigations they are more likely to adopt a binary approach; either an allegation is substantiated or is not.

## Awareness of the 2011 guidance

Schools' awareness of the new (July 2011) guidance on the management of allegations (see <http://bit.ly/n49Z1V>) is low and as a result the recording of the outcome of allegations on staff files is highly variable and generally not consistent with the new guidance. There is a tendency to record everything.

## Investigations

While over half of allegations are dealt with within one month the complexity of the case is a major influence and cases that involve criminal investigations take considerably longer.

## Right to anonymity

LADOs were generally of the view that the right to anonymity would deliver minimal benefit to those subject to allegation investigations as they felt that they already had procedures in place to safeguard anonymity as far as possible.

## Free schools and academies

The rising number of free schools and academies means that a higher level of schools will sit outside the LADO support system and that the majority of schools who rely heavily on the advice and support from LADOs may struggle to deal with allegations in the future if the gap in service support between schools and LAs continues to widen.

## Levels of 'seriousness'

I was shocked at the suggestion that some schools manage their own allegations without referring to the LADO. However, it is hard to tell how many schools do this and exactly what level of allegation is being kept in-house. Descriptions such as 'less

*I was shocked at the suggestion that some schools manage their own allegations without referring to the LADO*

serious' are used in the report and it is difficult to define what type of allegation would fall into this description.

In my own LA we encourage schools to talk initially to the allegations management lead officer for education, to discuss whether the allegation fits with the criteria for a LADO referral or whether the school's complaints procedure should be used. If it is established that the allegation fits the criteria, the lead officer would then have the first discussion with the LADO and would act as the advice and support person for the school:

### Criteria for referrals

Referrals must be made where it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed a child
- possibly committed a criminal offence against, or related to, a child
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

These criteria are set out in Section 5 of *Working Together* (2010) (see <http://bit.ly/o2gslR>) and in Appendix 5 of *Safeguarding Children in Education and Safer Recruitment* (2007) (see <http://bit.ly/u2dYIO>). They are also addressed in *Safer Recruitment Training for Head Teachers and Governors*, so I had presumed that everyone was working to this.

The 'seriousness' of an allegation is not set down as the criteria for referral to the LADO – the key word in the first two criteria is 'harm' and the word 'abuse' is not used.

*Having a discussion with the LADO – or as, in my own LA, the allegations lead – does not always result in cases going to the police or children's social care and the referring school may be advised that it is all right to carry out their own investigation*

### Case example: consulting the LADO

A parent complains that their son has been 'assaulted', by a member of staff who has allegedly pulled their arm in an attempt to remove them from the classroom. The allegation fits the criteria as the member of staff 'may have harmed'. In discussion with the LADO the headteacher explains that the pupil was being very disruptive and had threatened another pupil. He had been asked to leave but refused and had made a grab at the pupil. The member of staff had grabbed his arm to stop him hitting the other pupil. The discussion with the LADO resulted in an agreement that the member of staff had been following the school's behaviour policy and that their action was justified under the circumstances. It was agreed that a single agency investigation should be carried out by the school and that parents should be informed.

Now the parent may decide that they want to take the matter to the police. This is their right, but if they did the police would also consult with the LADO, who would be able to inform them of the discussion they had with the school and ensure them that the school had followed their own internally agreed discipline policy.

If in the early 'gathering information and basic facts' part of this case study the head had discovered that witnesses suggested the teacher had used 'unreasonable force' then this would have been outside the school's own discipline policy and the LADO would not have been happy for the school to carry out its own investigation.

### The value of discussion with the LADO

The research discusses how some LAs have a very rigid procedure, where schools are expected to report all allegations to the LADO, while others seem to have adopted a more 'flexible' approach where the expectation is that only the more 'serious' allegations are referred to the LADO.

Schools who decide on the basis of seriousness are using perhaps more judgement than the guidance allows for and the research points out the risks of getting this wrong – the possibility of messing up police investigations being but one.

Having a discussion with the LADO – or as, in my own LA, the allegations lead – does not always result in cases going to the police or children's social care and the referring school may be advised that it is all right to carry out their own investigation. This is a frequent outcome in cases of physical restraint.

The following quotes appear in the qualitative research section of the report and show two distinct points of view:

*'There are real dangers of schools going it alone, investigations can be compromised and a potential credibility gap created if the process is not managed appropriately.'* (LADO)

*'We are in the best position to deal with all allegations. Schools can often lack objectivity and experience.'* (LADO)

*'I will deal with most cases myself. You get a feel for it. It's done and dusted right away. Once it goes to the LA it's out of your hands.'* (Headteacher)

*'If I had referred the case they [the LADO] would have advised me to suspend. I knew he [the teacher] didn't do it. It was a risk but for staff morale worth taking.'* (Headteacher)

However, there are also points of view that are the reverse of the above:

*'I will always refer any allegation to the LADO. It's what they are there for.'* (Headteacher)

*'The LADO has asked us to contact him about all allegations no matter how trivial. I'm not experienced in this area therefore don't have to worry about it. We trust him to lead the process.'* (Headteacher)

And:

*'We would expect schools to investigate where there is a lower level of concern and no significant harm to a child. The LADO role would always be available for advice. We are aware that sometimes a LADO route is used when there are general issues about performance or concerns that are not child protection. Some schools may see an allegation as an opportunity to exit a difficult member of staff instead of using normal disciplinary procedures.'* (LADO)

*'For us to agree that the school should go ahead and handle the case alone there would have to be no police involvement.'* (LADO)

One quote really stuck in my mind and recognises why good support systems are essential for schools who are managing an internal investigation with or without the agreement of the LADO:

*'The emotional impact of the investigation on me was substantial. I tried to support the staff concerned but ultimately watched them crumble. I was regarded as the enemy. They felt victimised. I wasn't the right person to conduct the investigation. It's the most severe stress I have ever experienced.'* (Headteacher)

### The need for consistency

The report calls for clearer and more consistent advice on how schools and LADOs manage allegations (I must admit that before I read this report I believed that the procedural advice was clear and that all LAs were working in the same way – just call me naïve or hopeful!) and better understanding of and consistency in interpretation of terminology. There is clearly a problem in the interpretation and use of the words malicious, unfounded, unsubstantiated and substantiated. The research gives, to my mind, a very clear explanation.

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation.
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- **Unfounded:** there is no evidence or proper basis that supports the allegation being made, or there is evidence to prove that the allegation is untrue. It may also indicate the person making the allegations misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.
- **Unsubstantiated:** this is not the same as a false allegation – it simply means that there is insufficient identifiable evidence to prove the allegation. The term therefore, does not imply guilt or innocence.

The research recognises that there are difficulties in the new government guidance, which states that information about 'unsubstantiated' allegations alongside 'malicious' and 'unfounded' should not be passed on in references, even where 'unsubstantiated' allegations are made a number of times against the same person. This goes against advice given on Safer Recruitment courses.

### Anonymity for teachers

The research discusses and reports on the Education Act 2011, which gives teachers (and only teachers) anonymity throughout the investigation process. Many respondents question why this right has not been widened to all who work with children and the government has now agreed to review the impact of

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giving anonymity to teachers after two years.

The other expressed view is of concern about the possible impact of anonymity in respect of other possible victims. The law, of course, applies not just to the press but to parents and presumably to children as well. How such a law could be policed is entirely another subject! Everybody wants, and in my experience tries their utmost, to keep information about allegations out of the press.

Parents and children can be asked not to discuss the case with others but to what extent can anonymity be guaranteed? People talk! Parents whose child has made an allegation may need to talk with a close friend, solicitor, or other parent whom they know have also been interviewed. I know cases where the person the allegation is made against have themselves gone to the press, sometimes in an attempt to demonise the children who have spoken out against them. There have also been cases where if the issue had not gone to the press, other victims would not have come forward.

### Implications of the research

The report ends by looking at implications rather than making recommendations. It calls for more consistency in approach to allegations and clearer guidance.

It highlights the fact that LADOs were not always able to report an 'outcome' which suggests that employers need to do much more in keeping the LADO informed.

Clearer guidance is called for on how and where allegations should be recorded, and what information should or could be passed on to future employers or other existing employers where the person has more than one job.

The research reports on specific issues relating to the involvement of the police and subsequent enquiry and calls for further discussion with police authorities about the often prolonged timescale associated with police investigations.

Post-allegation review meetings are suggested as one way of learning lessons and of informing future training on the management of allegations. And of course more training is called for.

### A must-read report

This is the most comprehensive piece of research on the management of allegations ever produced and as such is essential reading for managers, teachers, LADOs, union reps and anyone else having to manage this very complex and sensitive area of work. It does not come up with all the answers and poses some very difficult questions, but offers some comments and reflection on the present state of play. I cannot do this publication full justice in this article and therefore strongly encourage people to read it in full.

*Allegations of Abuse against Teachers and Non-teaching Staff can be downloaded via <http://bit.ly/HMLI13>*

# Child protection: the governor's role

All governing bodies are expected to have a named governor for safeguarding. **Jenni Whitehead** explains the statutory responsibilities and the role

## Statutory responsibilities

The governing body is accountable for ensuring its establishment has effective policies and procedures in place in accordance with *Safeguarding Children and Safer Recruitment 2006*, and monitoring the school's compliance with this guidance. (This guidance is up for review, especially the safer recruitment sections but it is what we are working to at the moment.)

It is essential to know that neither the governing body, nor individual governors, have a role in dealing with individual cases or a right to know details of cases (except when exercising their disciplinary functions in respect of allegations against a member of staff).

Section 175 of the Education Act 2002 governs the statutory duties in respect of safeguarding for maintained schools. For independent schools, academies and technology colleges, it is Section 157 of the same act. As both sections say virtually the same thing I will explain the main principles. This information also applies to FE colleges in respect of students under 18. The act says:

*'The Governing body of a maintained school shall make arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school.'*

In training I break this duty down to explain the expected 'arrangements' as follows:

- Arrangements to take all reasonable measures to ensure that risks of harm to children's welfare are minimised; and
- Arrangements to take all appropriate actions to address concerns about the welfare of a child or children, working to agreed local policies and procedures in full partnership with local agencies.

## Minimising risks of harm

The first paragraph means minimising risk of harm through ensuring:

- The school operates safer recruitment procedures and that all appropriate checks are carried out on staff and regular volunteers who work with children; and that the school has procedures for dealing with allegations of abuse against members of staff and volunteers that comply with guidance from the local authority and locally agreed interagency procedures. At least one governor is required to undertake safer recruitment training.
- There is a maintained central register of staff and regular volunteers.
- School buildings are safe and fit for purpose.
- The school has an up-to-date code of conduct for staff that includes a whistleblowing policy.

*It is essential to know that neither the governing body, nor individual governors, have a role in dealing with individual cases or a right to know details of cases (except when exercising their disciplinary functions in respect of allegations against a member of staff)*

- Disciplinary functions are exercised in respect of allegations against members of staff and where an allegation is made against the headteacher the chair of governors takes lead responsibility for ensuring that the investigation process and any subsequent action is properly conducted in accordance with locally agreed procedures and national guidance.

- In the event of a member of staff being dismissed as a result of an allegation of abuse, the governing body informs the Independent Safeguarding Authority (ISA).

## Appropriate action to address concerns

The governing body must ensure that:

- There are at least two designated persons who are members of the leadership/management team. The designated persons do not have to be teachers. They must receive initial training and refresh their training every two years. They must also take part in multi agency training.
- That all other staff and regular volunteers, including governors receive initial training and refresh their training every three years.
- The school has a written Safeguarding policy, easily accessible to staff and parents; and this policy is reviewed annually by the governing body.
- The school has child protection procedures in place that are in accordance with local authority guidance and local agreed interagency procedures.
- Child protection issues including bullying and e-safety are part of the school's curriculum.

## Supporting the head and designated staff

It is the role of the governing body to support the head and designated staff in carrying out their safeguarding role. This includes ensuring:

- Designated staff are given enough time to carry out their responsibilities – attending case conferences, strategy meetings and core groups; compiling reports from these meetings; listening to concerns; record keeping; and making referrals.
- Designated staff are properly equipped with lockable storage for child protection files.
- There is a suitable place for parents to be met, where child protection issues are to be addressed.
- There is recognition of the emotional impact on staff dealing with child protection issues, and support, advice and supervision is available.

Headteachers cannot share information about individual cases with governors. However, it is useful to share information such as how many children are the subject of a child protection or child in need plan and how many are looked-after. Most governing bodies request an annual update on safeguarding issues.