



Wirral Academy Trust

# Safeguarding Policy 2016 – 2017

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THE BIRKENHEAD PARK SCHOOL

Adopted by LGB: 24 November 2016  
Review Period: Yearly  
Review Date: September 2017  
Person responsible for policy: BPS Clerk



## Safeguarding Policy and Guidance Document 2016 – 2017

This policy should be read alongside and with reference to the school's Behaviour Management Policy.

Staff have a crucial role to play in shaping the lives of our students. The aims are to safeguard young people, promote safer working practices and reduce the risk of staff being falsely accused of improper or unprofessional conduct and malicious allegations.

### Professional Standards

- Staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Staff should work, and be seen to work in an open and transparent way.
- Staff should apply the same professional standards regardless of gender or sexuality.
- Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.

### E-Safety

- The policy will endeavour to ensure the e-safety of the school community. It will use education, technology, accountability, responsibility and legislation as the key ways to achieve this.
- All staff have a clear understanding of e-safety issues and the required actions from e-safety training sessions.
- As a school it is our duty of care alongside that of parents and other members of the community to educate our students from the dangers of:
  - Bullying via chat or email
  - Obsessive internet use
  - Exposure to inappropriate materials
  - Inappropriate or illegal behaviour
  - Online grooming and child sexual exploitation

### Child Protection and Prevent Strategy

- The welfare of the student is paramount (Children Act 1989).
- All staff should know the name of their designated person for child protection, be familiar with the school policy and procedure for child protection arrangements and understand their responsibilities to safeguard and protect children and young people.
- Report any concerns directly to the Safeguarding Officer and designated person. This may be as a consultation.
- Records should be made of any such incident and of decisions made/further actions agreed, in accordance with school policy for keeping and maintaining records.

## **Introduction**

The following appendices form part of the whole school Safeguarding Policy.

## **Appendices**

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## **Appendix A**

### **Duty of Care**

All teachers and support staff in the school are accountable for the way in which they exercise authority; manage risk; use resources; and protect students from discrimination and avoidable harm.

All staff have a duty to keep young people safe and to protect them from physical and emotional harm. Any concerns about a student, no matter how trivial they may seem, should be reported to the Deputy Headteacher, SENCO or Safeguarding Officer. This duty is in part exercised through the development of respectful, caring and professional relationships between staff and students and behaviour by staff that demonstrates integrity, maturity and good judgement.

The Governors have a duty of care towards all school employees under the Health and Safety at Work Act 1974<sup>1</sup> which requires them to provide a safe working environment for staff and guidance about safe working practices. The Act also imposes a duty on employees<sup>2</sup> to take care of themselves and anyone else who may be affected by their actions or failings. In this respect, the duty of care towards both staff and students can be demonstrated through the use of these guidelines.

An employer's duty of care and the staff duty of care towards students should not conflict.

## **Appendix B**

### **Exercise of Professional Judgement**

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight however, behaviour that is illegal, inappropriate or inadvisable. There will be occasions and circumstances in which staff have to make decisions or take action in the best interests of the student which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the students in their charge and in so doing, will be seen to be acting reasonably.

## **Appendix C**

### **Power and Positions of Trust**

As a result of the knowledge, position and/or the authority invested in their role, all school staff are in positions of trust in relation to the young people in our care. A relationship between a member of staff and a student cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Wherever possible, staff should avoid behaviour, which might be misinterpreted by others, and report and record any incident with this potential.

Where a person aged 18 or over is in a position of trust with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity<sup>4</sup>

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<sup>1</sup> Health and Safety at Work Act 1974 Part I, Section. 2 (1) and (2)

<sup>2</sup> Health and Safety at Work Act 1974 Part I, Section.7

More detailed guidance is available in the NEOST/Joint Union Guidance on Preventing Abuse of Trust,<sup>3</sup> and Sexual Offences Act 2003 Sections 16 – 22.

## **Appendix D**

### **Confidentiality**

Members of staff may have access to confidential information about students in order to undertake their everyday responsibilities. In some circumstances staff may be given additional highly sensitive or private information. They should never use confidential or personal information about a student or her/his family for their own, or others' advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the student.

Confidential information about a student or young person should never be used casually in conversation or shared with any person other than on a need to know basis. In circumstances where the student's identity does not need to be disclosed the information should be used anonymously.

There are some circumstances in which a member of staff may be expected to share information about a student, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay, but only to those with designated child protection responsibilities.

If a member of staff is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff. Any media or legal enquiries should be passed to the Senior Leadership Team.

The storing and processing of personal information about students is governed by the Data Protection Act 1998.

## **Appendix E**

### **Propriety and Behaviour**

All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of students and young people. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, students and the public in general.

An individual's behaviour, either in or out of the workplace, should not compromise her/his position within the work setting.

The General Teaching Council for England's (GTCE) Code of Professional Values and Practice, which is now embodied within the standards for Qualified Teacher Status, recognises that "Teachers support the place of the school in the community and appreciate the importance of their own professional status in society. They recognise that professionalism involves using judgement over appropriate standards of personal behaviour".

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<sup>3</sup> NEOST Guidance and Sexual Offences Act 2003 Sections 16 - 22

## **Appendix F**

### **Dress and Appearance**

A person's dress and appearance are matters of personal choice and self-expression. However, staff should consider the manner of dress and appearance appropriate to their professional role which may be different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegation.

## **Appendix G**

### **Gifts**

It is against the law for public servants to take bribes. Staff need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment. Gifts can only be accepted up to the total value of £10 per year.

Similarly, it is inadvisable to give such personal gifts to students. This could be misinterpreted as a gesture either to bribe, or single out the young person. It might be perceived that a 'favour' of some kind is expected in return.

Any reward given to a young person should be agreed practice within the school, consistent with the behaviour policy, recorded and not based on favouritism.

## **Appendix H**

### **Infatuations**

Staff need to be aware that it is not uncommon for students to be strongly attracted to a member of staff and/or develop a heterosexual or homosexual infatuation. All situations should be responded to sensitively to maintain the dignity of all concerned. Staff should also be aware that such circumstances always carry a high risk of words or actions being misinterpreted and for allegations to be made against staff.

A member of staff, who becomes aware that a student may be infatuated with himself or herself or a colleague, should discuss this at the earliest opportunity with a senior colleague so that appropriate action can be taken. In this way, steps can be taken to avoid hurt and distress for all concerned.

## **Appendix I**

### **Social Contact**

Staff should not establish or seek to establish social contact with students for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response and be aware that such social contact could be misconstrued.

Staff should not give their personal details such as home/mobile phone number; home or e-mail address to students unless the need to do so is agreed with the senior leadership team.

Internal e-mail systems should only be used in accordance with school guidance.

## **Appendix J**

### **Physical Contact**

There are occasions when it is entirely appropriate and proper for staff to have physical contact with students, but it is crucial that they only do so in ways appropriate to their professional role.

A 'no touch' approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with student this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background. Appropriate physical contact in the school may occur most often with younger students.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one student in one set of circumstances may be inappropriate in another, or with a different student. Staff should therefore, use their professional judgement at all times.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be reported to the Deputy Headteacher, SENCO or Safeguarding Officer.

Physical contact, which occurs regularly with an individual student, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to students with SEN or physical disabilities). Where feasible, staff should seek the student's permission before initiating contact. Staff should listen, observe and take note of the student's reaction or feelings and – so far as is possible - use a level of contact which is acceptable to him/her for the minimum time necessary.

Extra caution may be required where it is known that a student has suffered previous abuse or neglect. In the student's view, physical contact might be associated with such experiences and lead to staff being vulnerable to allegations of abuse. It is recognised that many such children are extremely needy and seek out inappropriate physical contact. In such circumstances staff should deter the student sensitively by helping them to understand the importance of personal boundaries.

The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each student. Students with special needs may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the student's needs, consistently applied and open to scrutiny.

## **Appendix K**

### **Physical Education and other activities which require physical contact.**

Some staff, for example, those who teach PE and games, or who offer music tuition will on occasions have to initiate physical contact with students in order to support a student so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the student's agreement.

Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment. Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the student.

## **Appendix L**

### **Showers and Changing**

Students are entitled to respect and privacy when changing clothes or taking a shower. However, there needs to be an appropriate level of supervision in order to safeguard students, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

Staff, therefore, need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the students.

## **Appendix M**

### **Students in Distress**

There may be occasions when a distressed student needs comfort and reassurance. This may include age - appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.

Where a member of staff has a particular concern about the need to provide this type of care and reassurance he/she should seek further advice from a senior member of staff.

## **Appendix N**

### **Behaviour Management**

All students have a right to be treated with respect and dignity. Staff should not use any form of degrading treatment to punish a student. The use of humour can help to defuse a situation. The use of sarcasm, demeaning or insensitive comments towards students is not acceptable in any situation. Please refer to the school's Behaviour Management Policy.

## **Appendix O**

### **Care, Control and Physical Intervention**

The 1996 Education Act covers the circumstances in which staff can intervene with a student. Staff may legitimately intervene to prevent a student from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behaviour prejudicial to good order and to maintain good order and discipline. Staff should have regard to the health and safety of themselves and others.

This is a complex area and staff should have regard to the school's guidance to restraint.

Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and recorded.

## **Appendix P**

### **Sexual Contact with Young People**

Any sexual behaviour by a member of staff with or towards a student or young person is both inappropriate and illegal. Students and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether the student or young person consents or not. This includes the prohibition on adults in a position of trust.

The sexual activity referred to does not just involve physical contact. It may also include non-contact activities, such as causing students to engage in or watch sexual activity or the production of pornographic material. 'Working Together to Safeguard Children'<sup>4</sup>, defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening".

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a student and manipulate that relationship so sexual abuse can take place. Staff should be aware that conferring special attention and favour upon a student might be construed as being part of a 'grooming' process, which is an offence.

## **Appendix Q**

### **One to One Situations**

Staff working in one to one situations with students and young people may be more vulnerable to allegations. Teachers and support staff should recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure the safety and security needs of both staff and students are met.

Line Managers should undertake a risk assessment in relation to the specific nature and implications of one to one work for each member of their team. In addition, each assessment should take into account the individual needs of each student. Any arrangements should be reviewed on a regular basis.

Pre-arranged meetings with students away from the school premises should not be permitted unless approval is obtained from their parent and the Headteacher or other senior colleague with delegated authority.

## **Appendix R**

### **Transporting Students**

In certain situations e.g. out of school activities, staff or volunteers may agree to transport students. A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties that may arise.

Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting as an escort.

Staff should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They should ensure that the vehicle is roadworthy and appropriately insured and that the maximum capacity is not exceeded.

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<sup>4</sup> Working Together to Safeguard Children Department of Health, Home Office, DfES 1999

## **Appendix S**

### **Educational Visits and After School Clubs**

Staff should take particular care when supervising students in the less formal atmosphere of a residential setting or after school activity and adhere to the school's "Educational Trips and Visits" guidance.

During school activities that take place off the school site or out of school hours, a more relaxed discipline or informal dress and language code may be acceptable. However, staff remain in a position of trust and need to ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship.

Where out of school activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Students, staff and parents should be informed of these prior to the start of the trip.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in an out of school activity. Staff must be aware of and follow the school guidance relating to Off Site Procedures.

## **Appendix T**

### **First Aid and Administration of Medication**

The school has trained First Aiders. Teachers and support staff may volunteer to undertake this task but it is not a contractual requirement. Staff will receive appropriate training before administering first aid or medication.

Students may need medication during school hours. In circumstances where students need medication regularly, a health care plan will be drawn up to ensure the safety and protection of students and staff. With the permission of parents, the students should be encouraged to administer the medication themselves.

If a member of staff is concerned or uncertain about the amount or type of medication being given to a student, this should be discussed with the appropriate senior colleague at the earliest opportunity. When administering first aid, wherever possible, staff should ensure that another adult is present, or aware of the action being taken. Parents should always be informed when first aid has been administered.

## **Appendix U**

### **Intimate Care**

All students have a right to safety, privacy and dignity when contact of an intimate nature is required (for example assisting with toileting or removing wet/soiled clothing). A care plan will be drawn up and agreed with parents for all students who require intimate care on a regular basis.

Students should be encouraged to act as independently as possible and to undertake as much of their own personal care as is practicable. When assistance is required, staff should ensure that another appropriate adult is in the vicinity and is aware of the task to be undertaken.

Additional vulnerabilities that may arise from a physical disability or learning difficulty should be considered with regard to individual teaching and care plans for each student. As with all arrangements for intimate care needs, agreements between the student, their parents and the school must be negotiated, agreed and recorded. In addition, the views and/or emotional responses of students with special educational needs, regardless of age and ability must be actively sought in regular reviews of these arrangements.

## **Appendix V**

### **Curriculum**

Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity.

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to students' questions can require careful judgement and staff may wish to take guidance in these circumstances from a senior member of staff.

Care should also be taken to abide by the parents right to withdraw their children from all or part of any sex education provided (but not from the biological aspects of human growth and reproduction necessary under the science curriculum).

## **Appendix W**

### **Photography, Videos and other Creative Arts**

Many school activities may involve recording images. These may be undertaken as part of the curriculum, extra school activities, for publicity, or to celebrate achievement. Staff need to be aware of the potential for these aspects of teaching to be misused for pornographic or 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken. Particular regard needs to be given when they involve young or vulnerable students who may be unable to question why or how the activities are taking place.

Students who have been previously abused in this way may feel threatened by the use of photography, filming etc in the teaching environment.

Staff should remain sensitive to any students who appear uncomfortable and should recognise the potential for misinterpretation.

Using images of students for publicity purposes will require the age - appropriate consent of the individual concerned and their legal guardians. Images should not be displayed on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.

It is recommended that when using a photograph the following guidance should be followed:

- if the photograph is used, avoid naming the student
- if the student is named, avoid using their photograph
- images should be securely stored and used only by those authorised to do so.

## **Appendix X**

### **Internet Use**

The school has a clear policy about access to and the use of the Internet which has regard to DCSF guidance, 'Superhighway Safety Pack' which is available at <http://www.safety.ngfl.gov.uk>.

Under no circumstances should adults in the school access inappropriate images. Accessing child pornography or indecent images of children on the Internet, and making, storing or disseminating such material, is illegal and, if proven, will invariably lead to the individual being barred from work with children and young people.

Using school equipment to access inappropriate or indecent material, including adult pornography, is strictly forbidden and would lead to disciplinary action.

## **Appendix Y**

### **Whistleblowing**

Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. The school has a whistleblowing policy that meets the terms of the Public Interest Disclosure Act 1998.

Staff should acknowledge their individual responsibilities to bring matters of concern to the attention of the senior leadership team and/or relevant external agencies. This is particularly important where the welfare of students may be at risk.

The Whistleblowing Advice Line operated by the NSPCC offers free advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation.

If you have any concerns about a child in your workplace you should raise this with your employer or organisational safeguarding lead in the first instance.

However, you should call the Whistleblowing Advice Line is:

- your organisation does not have clear safeguarding procedures to follow
- you think your concern will not be dealt with properly or may be covered-up
- you have raised a concern but it has not been acted upon
- you are worried about being treated unfairly

You can call about an incident that happened in the past, is happening now or you believe may happen in the future.

Your call will be handled by a trained practitioner who will take the details of your concern and explain the protections available as part of the whistleblowing process. You have the right to remain anonymous during this process. If you disclose information about wrongdoing the law protects you from being treated unfairly or losing your job.

Contact the Whistleblowing Advice line on 0800 0280285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk). Further information is available at <https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whitstleblowing-advice-line/>

## **Appendix Z**

### **Sharing Concerns and Recording Incidents**

All staff should be aware of the school's child protection procedures, including procedures for dealing with allegations against staff, which are informed by the DFES Guidance. Staff who are the subject of allegations are advised to contact their professional association.

In the event of an incident occurring which may result in an action being misinterpreted and/or an allegation being made against a member of staff, the relevant information should be promptly reported to senior staff. Early discussion with a parent or carer could avoid any misunderstanding.

Members of staff should feel able to discuss with their line manager any difficulties or problems that may affect their relationship with students so that appropriate support can be provided or action can be taken.

## **Appendix AA**

### **Health and Safety**

The school building is open at 7.00 am and closes at 6.00 pm, caretaking staff are responsible for the security of the building and staff are advised that they should follow security arrangements, i.e. the fire exit doors should not be used unless there is an emergency. All contractors on site have to go through an induction process and follow the guidelines for site security as laid down by SPIE. All visitors should register at reception and follow the guidelines as given to them when arriving.

All staff have a responsibility to:-

- familiarise themselves with the School's general Health and Safety arrangements.
- make themselves aware of any special procedures and practices which apply to their subject specialism and
- see to it that they comply in all respects with arrangements as laid down, and co-operate in order to ensure the implementation of the different areas of Health and Safety policy.

*The whole School building is a no-smoking area which includes e cigarettes.*

## **Appendix AB**

### **Disclosure & Barring Service Checks**

All employees of the school must have an enhanced DBS check undertaken as part of the pre-employment checks. The school will meet the cost of this check.

Whilst in the school's employment, you must notify the HR Manager immediately if you are arrested, charged with, convicted of or cautioned in relation to any criminal offence. Failure to do so may lead to disciplinary action in accordance with the school's disciplinary procedure.

Any arrests, convictions or cautions will be reviewed by the School and the employee and may lead to disciplinary action in accordance with the school's disciplinary procedure, up to and including dismissal without notice, depending on the circumstances of the offence.

As far as possible all information will be treated confidentially but may be discussed with your Line Manager, the HR Manager and the Headteacher and relevant authorities as appropriate.