

Safeguarding Policy



| Date | Key Changes (policy previously updated September 2021) |
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| November 2021 | <ul style="list-style-type: none"> • Paragraph 1.7 Staff, Trustees and Tutors to receive and confirm reading: Part 1 of KCSIE and Prevent Guidance • An increased focus on information sharing regarding disclosures (sections 2 and 14) • A new section on peer-on-peer abuse (Section 7 and annex 4) • An increased focus on low level concerns (Section 8 and annex 5) • A new section on online safety (section 13) • Enhanced sections on forms and indicators of abuse (annex 3) |

Safeguarding at The Brilliant Club

1. Purpose and scope

- 1.1. The Brilliant Club (the Charity) is committed to proactively safeguarding children, beneficiaries and staff and to taking reasonable steps to protect all those who come into contact with the Charity from harm. The safety and welfare of everyone affected by the Charity's activities, especially children is a key governance priority.
- 1.2. Safeguarding children and protecting those who come into contact with the charity is everyone's responsibility. This Policy applies to trustees, members of staff (including for the purposes of this Policy: employees, consultants, contractors, volunteers, interns and our PhD tutors), and others involved or associated with the Charity's activities.
- 1.3. All those to whom this Policy applies must be familiar with it and comply with it at all times.
- 1.4. Some members of staff have additional and specific safeguarding responsibilities, which are detailed below.
- 1.5. Failure to adhere appropriately to this Policy will be treated as a very serious matter and may result, in the case of staff, in disciplinary action for gross misconduct or, in the case of contractors, in termination of contract. If you are not working under a contract (for example, you are a volunteer or trustee), a breach of this Policy (including falling below the expected standards) may mean that we have to ask you to cease being a volunteer or trustee.
- 1.6. This Policy sets out how the Charity safeguards and promotes the welfare of those it comes into contact with through its work, in accordance with applicable laws and regulatory and statutory guidance, including but not limited to:
- Keeping Children Safe in Education (2021);
 - Working Together to Safeguarding Children (2018); and
 - the London Child Protection Procedures (March 2020).
- A list of key statutory guidance and useful resources is included at Annex 6 to this Policy.**
- 1.7. All trustees and staff will receive a copy of this Policy, Section 1 of Keeping Children Safe in Education (2021) (as updated from time to time) and the Prevent Duty guidance and must sign to confirm that they have read and agree to abide by them.

- 1.8. This Policy sets out the safeguarding procedures everyone should follow if they have a safeguarding concern about a child or a safeguarding allegation – see section 5 below.
- 1.9. This Policy should be read in conjunction with the policies outlined in the Employee Handbook, including (but not necessarily limited to) our:
- Safer Recruitment Policy;
 - Trustee Code of Conduct;
 - Code of Safe Conduct (as set out in this Policy);
 - Health and Safety Policy;
 - Whistleblowing Policy;
 - Data Protection Policy;
 - Privacy Notice;
 - IT & Data Policy;
 - Grievance and Disciplinary Policy; and
 - Anti-Harassment and Anti-Bullying policies.
- 1.10. If a worker suspects wrongdoing or dangers at work (including a failure to properly implement this Policy) then they should raise their concerns under the Charity's Whistleblowing Policy. Employee grievances should be dealt with under the Charity's Grievance and Disciplinary Policy. Concerns about harassment and bullying at the Charity should be dealt with under the Charity's Anti-Harassment and Anti-Bullying Policy.
- 1.11. This Policy is available on the Charity's website.
- 1.12. The Policy is reviewed annually. Should any deficiencies or weaknesses in child protection arrangements become apparent, the arrangements will be remedied without delay. It is reviewed and kept up to date with safeguarding issues as they emerge and involve, including lessons learnt.
- 1.13. **If you have any questions or concerns about this Policy, safeguarding generally or are unsure whether your concern or question is caught by this Policy please contact the Charity's Designated Safeguarding Lead, Leanne Adamson.**

Leanne Adamson
National Programme Director
The Scholars Programme
07397 552941

leanne@thebrilliantclub.org; or
safeguarding@thebrilliantclub.org

Key safeguarding contact details are listed at Annex 1 to this Policy.

2. The Charity's approach to safeguarding

- 2.1. The following principles underpin the Charity's approach to safeguarding:
- the welfare of the child/young person is paramount;
 - safeguarding and promoting the welfare of children is everyone's responsibility. In order to fulfil this responsibility effectively, all trustees and staff should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child;
 - a whole charity approach. This means that the Charity will ensure that safeguarding and child protection are at the forefront and underpin all

relevant aspects of process and policy development. Ultimately, all systems, processes and policies should operate with the best interests of the child at their heart;

- Children and young people should know that their concerns will be treated seriously and that they can safely express their views;
- it is important that all those working for and with the Charity maintain the attitude that "it could happen here" and guard against complacency when it comes to safeguarding;
- all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have the right to equal protection from all types of harm or abuse;
- working in partnership with children, young people, their parents, carers, schools, and agencies is essential in promoting young people's welfare;
- no single professional can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time (including Early Help) everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action; and
- all concerns and allegations of abuse and/or neglect will be taken seriously and responded to swiftly and appropriately.

2.2. The Charity will protect and promote the welfare and wellbeing of children it works with by:

Prevention

- providing an environment in which children feel valued, listened to and respected, and feel confident that they know how to obtain help and support;
- providing appropriate levels of training and raising awareness of trustees and staff of the need to safeguard children and of their responsibilities in identifying and reporting safeguarding allegations or concerns; and
- recruiting employees and volunteers safely, ensuring all necessary checks are made and in accordance with the Charity's Safer Recruitment Policy.

Protection

- adopting and implementing an appropriate safeguarding policy and code of conduct for trustees and staff, which includes a structured and clear reporting procedure;
- sharing safeguarding information where necessary and appropriate with schools, statutory agencies, parents and children. Information sharing is vital in identifying and tackling all forms of abuse and neglect, and in promoting children's welfare, including their educational outcomes;
- working effectively with other individuals, agencies and organisations working to safeguard children;
- taking all safeguarding reports (including those falling under the PREVENT duty) seriously and responding in a timely and appropriate manner; and
- complying with any relevant school's safeguarding policy and procedures.

Support

- providing effective management, supervision, training and support (including pastoral support) for trustees and staff; and
- working with others to support children who may have been abused or neglected.

3. Definitions

- 3.1. A **child / children** means everyone under the age of 18. For the purposes of this Policy this also includes individuals who have reached the age of 18 but are enrolled in school or form of secondary educational institution (not a higher education institution), whom the Charity has contact with through its charitable activities.
- 3.2. **Safeguarding and promoting the welfare of children** means:
- protecting children from maltreatment;
 - preventing impairment of children's mental and physical health or development;
 - ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
 - taking action to enable all children to have the best outcomes.
- 3.3. A **safeguarding query** means a question or query relating to safeguarding which is not a concern or allegation.
- 3.4. A **safeguarding concern** is a concern that a child is or may be at risk of being abused or neglected.
- 3.5. A **safeguarding allegation** means that a person who works with children is said to have:
- behaved in a way that has harmed a child 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 that they may pose a risk of harm to children; or
 - behaved in such a way that indicates that they may not be suitable to work with children.

4. Types and indicators of abuse and neglect / safeguarding issues

- 4.1. If you believe that a child is suffering or is at risk of suffering abuse or neglect, as set out in **Annex 3** of this Policy or otherwise, you should follow the reporting procedure at section 5 below without delay.
- 4.2. All staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking and/or alcohol misuse, deliberately missing education and consensual and non-consensual sharing of nude and semi-nude images and/or videos can be signs that children are at risk.

5. Reporting a concern or allegation

- 5.1. **The first priority is always to remove a child from actual, or the threat of, immediate harm. If a child or young person is in immediate danger, a criminal offence is or may be taking place, or a child is in need of medical assistance, please take immediate action and call 999 and/or child's services, as appropriate.** You will need to disclose the alleged abuse to the police, medical professionals and/or children's services to ensure that the matter is handled appropriately and sensitively, and any evidence is preserved. Once this has taken place, report according to the reporting procedure set out at 5.2 onwards.

- 5.2. **When working with children from a school, staff should familiarise themselves with the relevant school's safeguarding policies and procedures and act in compliance with them.** For example, PhD tutors should ensure they have read and comply with the safeguarding policy of the school with whom they are working to provide tutorial sessions and ensure compliance with that Policy and report concerns / allegations in accordance with it, as well as this Policy.

The contact details of the school's Designated Safeguarding Lead (and Deputy) will be in the school's safeguarding policy, which you should take a note of before starting work with the school.

- 5.3. **If you have a safeguarding concern or allegation you must without delay (and in any event within 24 hours) inform:**

- the **relevant school's Designated Safeguarding Lead** (or Deputy) in accordance with the relevant school's own safeguarding policy / procedures; and
- the **Charity's Designated Safeguarding Lead** (or Deputy): safeguarding@thebrilliantclub.org, where possible using the Charity's Safeguarding Reporting Form – see Annex 2 below.

- 5.4. Should an allegation relate to the DSL or Deputy then a report should be made to the COO of the Charity directly. An allegation about the COO should be reported to the CEO. An allegation about the CEO should be reported to the Designated Trustee for Safeguarding, and an allegation about the Designated Trustee for Safeguarding should be reported to the Chair of the Board of Trustees.

- 5.5. The contact details of the Charity's Designated Safeguarding Lead (Deputy) and other relevant safeguarding personnel are at the end of this policy at Annex 1. The Safeguarding Reporting Form is at Annex 2.

- 5.6. You should have the contact details of the Charity's DSL (and deputy) and, where applicable, a relevant school's DSL (and deputy) saved on your phone.

- 5.7. Remember the DSL (or deputy) is always available if you have a question or query which relates to safeguarding, even if you are not sure whether it constitutes an allegation or concern.

6. Responding to a disclosure from a child

- 6.1. If a child makes a disclosure to you about a safeguarding concern or allegation you:

- should listen carefully and calmly, without interruption and without asking leading questions – this means you can seek clarification by using open questions but you should not put words in the child's mouth;
- should not make promises of secrecy or confidentiality – instead, you should explain that you may need to tell someone else about what they have told you to ensure that they and others are kept safe – further guidance on record-keeping and confidentiality is below at 13;

- should reassure the child that they have done the right thing in sharing their concern, that their concern is being taken seriously and that they will be supported and kept safe;
- after the conversation, make a careful note (using the referral form at Annex 2, if possible) of what they shared with you which you should date and sign (if possible) and share it with the school's DSL (where applicable) and the Charity's DSL without delay in accordance with 5 above. This record should include:
 - o the date, time, place and context in which the disclosure took place;
 - o what the child said (use the child's own words as far as possible with clarification where necessary) and their demeanour;
 - o what questions you asked and the child's responses;
 - o a clear chronology of what steps were taken next;
 - o if you have made contact with an outside agency (e.g. children's services or the Police), make clear which agency and who you spoke to (including their contact number and title) and any advice they gave and the agreed course of action (including who was to take such action); and
 - o any other relevant information.
- should not investigate concerns or allegations yourself but should report them immediately to the school and the Charity's DSL as per the reporting proceeding at 5 above. The designated person will assess the situation and take requisite steps, including, where appropriate, making referrals to statutory agencies.
- except as required under this Policy, you should ensure that the report is otherwise kept strictly confidential and records must be kept securely in a locked / password protected place to which access is restricted.
- should not under any circumstances (except where you witness something happening and directly intervene) make any alleged perpetrator aware of suspicions or allegations.
- due to the highly confidential nature of a disclosure regarding a child or young person you should not update the pupil's record on any of our systems with the disclosure. The Designated Safeguarding Lead is responsible for making appropriate records.
- disclosures of historical abuse should be treated in the same manner as disclosures of current abuse.

6.2 It is important to note that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will react to. In some cases, the victim may not make a direct report. For example, a friend may make a report or a member of staff may overhear a conversation that suggests a child has been harmed or a child's own behaviour might indicate that something is wrong. If you have any concerns about a child's welfare, you should act on them immediately rather than wait to be told.

6.3 If a report is determined to be unsubstantiated, unfounded, false or malicious, the DSL should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

7. Dealing with allegations of abuse by one or more children against another child (Peer on Peer Abuse)

- 7.1 The Charity has a zero tolerance approach to peer on peer abuse which includes challenging inappropriate behaviours between peers. The Charity is committed to never downplaying behaviours between peers, such as dismissing sexual harassment as "just banter", "having a laugh" or "boys being boys" which can lead to a culture of unacceptable behaviours. This can result in pupils normalising abuse / harassment and not reporting abuse they witness or experience.
- 7.2 Allegations of abuse of whatever kind, including unpleasant initiation rituals or attempts to radicalise by one or one pupil against another pupil are taken very seriously. Peer on peer abuse can take many forms, which are set out at paragraph 7 of Annex 3.
- 7.3 Disclosures of peer on peer abuse should be handled appropriately. You should be able to reassure victims that they are safe, and that their disclosures are being taken seriously. Pupils who report abuse should never be made to feel that they are creating a problem, nor should they ever be made to feel ashamed, or victim blamed for their disclosures.
- 7.4 All staff should understand that even if there are no reports, it does not mean it is not happening. It may be the case that it is just not being reported. As such it is important that if staff have any concerns regarding peer on peer abuse they should speak to the DSL (or deputy).
- 7.5 If such an allegation is made, the member of staff receiving the allegation will immediately inform the DSL.
- 7.6 The school will also be promptly informed of any allegation. The school's DSL will determine whether the LADO should be informed.
- 7.7 If there is a disclosure about peer on peer abuse, all children involved, whether perpetrator or victim will be treated as "at risk".
- 7.8 There is further information about peer on peer sexual violence and abuse in Annex 4.

8. Low- Level Concerns

- 8.1 The Charity understands the importance of a positive culture where concerns can be identified and spoken about openly and acknowledges that this is a key element of a strong safeguarding system.
- 8.2 As part of the Charity's whole charity approach to safeguarding, it will ensure that it promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the Charity are dealt with promptly and appropriately.
- 8.3 Creating a culture in which all concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable the Charity to identify concerning, problematic or inappropriate behaviour; minimise the risk of abuse and ensure that adults working in or on behalf of the Charity are

clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the Charity.

8.4 This Low-Level Concerns section of this Policy enables all staff to share any concerns – no matter how small – about their own or another member of staff's behaviour with the DSL. Safeguarding and promoting the welfare of children is everyone's responsibility.

8.5 The term "low-level" concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold of an allegation. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the Charity may have acted in a way that:

8.5.1 is inconsistent with the staff Code of Conduct, including inappropriate conduct outside of work; and

8.5.2 does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

8.6 Examples of such behaviour include, but are not limited to:

8.6.1 being over friendly with children;

8.6.2 having favourites;

8.6.3 taking photographs of children on their mobile phone;

8.6.4 engaging with a child on a one to one basis in a secluded area or behind a closed door; or

8.6.5 using inappropriate sexualised, intimidating or offensive language.

8.7 Further examples are set out in Annex 5.

8.8 Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

8.9 Low level concerns will be shared with the DSL and reported in the same way as other safeguarding allegations.

8.10 Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others. Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the Charity's Code of Conduct. Self-reporting in these circumstances can be positive for a number of reasons, and staff are encouraged to self-report on that basis that:

8.10.1 it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity;

8.10.2 it demonstrates awareness of the expected behavioural standards and self-awareness as to the member of staff's own actions or how they could be perceived; and

- 8.10.3 crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.
- 8.10.4 The Charity's aim is to create an environment where staff are encouraged and feel confident to self-refer.
- 8.11 The DSL will respond to reports of low level concerns in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively, whilst on the other hand protecting staff from any potential false allegations or misunderstandings. Any investigation of low-level concerns will be done discreetly and on a need-to-know basis.
- 8.12 Most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.
- 8.13 Some low-level concerns may also raise issues of misconduct or poor performance. The DSL and COO will also consider whether this is the case – by referring to the Charity's disciplinary and/or capability procedure and taking advice from HR and/or taking specialist advice as necessary on a named or no-names basis where necessary.
- 8.14 The Charity will retain all records of low-level concerns (including those which are subsequently deemed by the DSL to relate to behaviour which is entirely consistent with the Charity's Code of Conduct) in a central low-level concerns file.
- 8.15 Where multiple low-level concerns have been shared regarding the same individual these will be kept in chronological order as a running record, and with a timeline alongside. These records will be kept confidential and held securely with access afforded only to a limited number of individuals such as the DSL, COO, Chair of Trustees and Head of HR.
- 8.16 Low-level concerns will be retained on the Charity's central low-level concerns file (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise.
- 8.17 Where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated, it will be referred to in a reference.
- 8.18 Low-level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.

9. Code of Safe Conduct

- 9.1. You must act in compliance with the Charity's Safer Recruitment Policy, including providing without delay:
- information to enable relevant checks to be carried out against you as required by your role, including (but not limited to) DBS or PVG checks;

- evidence (on request) of any qualifications, certificates or other eligibility criteria for your role, e.g. DBS, PVG or AccessNI certificates;
 - information about any relevant police record or other information which may mean that you are unsuitable to work with children; and
 - providing up to date reference information (as requested).
- 9.2. You must comply with this Policy at all times and record and report any safeguarding concerns or allegations in accordance with this Policy and any relevant school's safeguarding policy, ensuring you have the contact details of the Charity's and any relevant school's Designated Safeguarding Leads (and Deputies) saved on your phone, as appropriate.
- 9.3. You must demonstrate empathy, humility and respect and act as a role model for others, maintaining high standards of professionalism and integrity at all times.
- 9.4. You must maintain a strictly professional relationship with all the children you come into contact with through your work with the Charity and ensure that all interactions are such that no reasonable person could observe an interaction and construe its nature as abusive or concerning.
- 9.5. You must not have unnecessary physical contact with a child (for example by doing something of a personal nature that they can do for themselves, for example dressing or using the bathroom).
- 9.6. You must not develop a physical or sexual relationship with a child or behave in a way that is sexually provocative or suggestive.
- 9.7. Unless authorised as part of a Charity programme, you must not have one-to-one contact with a child and should avoid being in any situation where this may arise. In circumstances where it is necessary to have one-to-one contact (e.g. for the purposes of providing confidential feedback), use a room with windows, leave the door open, and let another adult (e.g. a teacher) know where you are, with whom and what you are doing.
- 9.8. You must not condone or participate in behaviour of children which is illegal, unsafe or abusive.
- 9.9. You must not act in a way that may place a child at risk of abuse from others.
- 9.10. You must not smoke or be under the influence of alcohol or illegal drugs in the presence of a child.
- 9.11. You must not meet or contact a child outside of a school or a Charity trip or event or by any electronic means (including via social media platforms) other than in a scheduled and approved session via the Virtual Learning Environment (**VLE**).
- 9.12. You must not develop relationships or conduct yourself in a way with a child that could be deemed emotionally exploitative or abusive or act in ways intended to shame, threaten, humiliate, belittle, coerce or otherwise emotionally harm, abuse or manipulate children. For the avoidance of doubt, the giving of constructive and supportive feedback on effort, attainment, behaviour and participation in tutorials or similar will not be considered such a relationship or conduct.

- 9.13. When working with a school you should ensure that you comply with their safeguarding policy and procedures, code of conduct and any other relevant applicable policies.
- 9.14. All online teaching should be conducted in accordance with the Charity's and relevant schools' requirements and policies.
- 9.15. When teaching, online staff (including PhD tutors) must:
- never conduct a class other than through an approved platform (e.g. Zoom via the Charity's educational licence);
 - find an appropriate, private place to conduct the tutorial;
 - end the tutorial immediately if only one student is present;
 - not share files or other information directly;
 - never private message with students save through the moderated chat function on our Moodle VLE;
 - ensure that where pupils are dialing in from home (and not from School) that the session is recorded and the recording held securely in accordance with the Charity's data protection policies.
- 9.16. A failure to comply with this Code of Safe Conduct and this Policy will be treated very seriously.

10. Training

- 10.1. All trustees and staff will receive induction and ongoing safeguarding training which is appropriate to their role and the level and nature of their contact with children. This will, at a minimum cover the key elements of this Policy including what is safeguarding and its legislative context, identifying harm/abuse, reporting procedures, the contact details of relevant contacts including the DSL, online safety, and receiving disclosures.
- 10.2. The DSL and deputy will receive appropriate training to ensure they have the adequate skills and experience to carry out their role. This training should include, amongst other things, the assessment process for providing Early Help and statutory intervention and liaising with inter-agency assessment (including Child in Need, Section 47, Section 17 assessments) and the London Child Protection Procedures.
- 10.3. PhD students will receive safeguarding training which is tailored to their work with young people and the context they provide it (including online) and will cover the issues at 10.1 as well as specific issues around working / providing tutoring remotely, the need to ensure compliance with the relevant schools' policies and procedures, information around Early Help and statutory assessments for support / intervention.
- 10.4. Safeguarding training will be kept under review and updated every two years.

11. The role and responsibilities of the Designated Safeguarding Lead (and Deputy)

- 11.1. The **Designated Safeguarding Lead** has lead responsibility for safeguarding and child protection at the Charity. They should be suitably qualified and senior within the Charity and be given the time, funding, resources and support to carry out their role properly. A deputy DSL should also be in post to

receive reports and take action in the event the DSL is absent or unable to. The DSL's key responsibilities are to:

11.1.1. Manage referrals, including:

- ensuring safeguarding queries, concerns and allegations are responded to in a timely and appropriate manner;
- liaise with schools to ensure that safeguarding matters related to one of their pupils is properly responded to and reported, and will liaise regarding who will inform the child's family or carer, taking advice from the local authority as required;
- referring cases of suspected abuse to the local authority children's social care, as required;
- referring cases to the Channel programme where there is a radicalization concern as required and support staff who make referrals to the Channel programme;
- referring cases to the DBS if someone leaves Regulated Activity due to a risk/harm to a children;
- supporting staff who make referrals to the local authority or other statutory agencies (including the charity commission);
- referring criminal matters to the police as required;
- liaising with statutory agencies, internal staff and other organisations on matters of safeguarding;
- monitoring and tracking case management, and providing relevant updates to the Executive team ahead of any key decision making (the COO will keep the Safeguarding Trustee up-to-date and involved in any key decision making).

Children's social care assessments should consider where children are being harmed in contexts outside the home, so it is important that the Charity provides as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and enable a contextual approach to address such harm.

11.1.2. Implement policy, provide support and training, including:

- ensuring that this Policy is implemented across the Charity and that staff understand their responsibilities and duties, especially new and part-time staff;
- ensuring that this Policy is available publicly;
- managing allocated resources properly to enable safeguarding responsibilities to be carried out;
- ensuring that they, trustees and staff have received appropriate safeguarding training relevant to their role and responsibilities as set out above at 10
- attending relevant meetings and safeguarding updates, to ensure that staff are updated regularly on current safeguarding issues and to provide a forum for the development of good practice;
- acting as a source of support, advice and expertise for all staff;
- acting as a point of contact with the safeguarding partners;
- promote supportive engagement with parents and/or carers in safeguarding and promoting the welfare of children, including where families may be facing challenging circumstances;
- understanding the assessment process for providing early help and statutory intervention, including local criteria for action and local authority children's social care referral arrangements;

- understanding the importance of the role the designated safeguarding lead has in providing information and support to children social care in order to safeguard and promote the welfare of children;
- understanding the lasting impact that adversity and trauma can have, including on children's behaviour, mental health and wellbeing, and what is needed in responding to this in promoting educational outcomes;
- being alert to the specific needs of children in need, those with special educational needs and disabilities, those with relevant health conditions and young carers;
- understanding the importance of information sharing, both within the Charity and with the safeguarding partners, other agencies, organisations and practitioners;
- understanding and supporting the Charity with regards to the requirements of the Prevent duty and being able to provide advice and support to staff on protecting children from the risk of radicalisation;
- understanding the unique risks associated with online safety and being confident that they have the relevant knowledge and up to date capability required to keep children safe;
- recognizing the additional risks that children with special educational needs and disabilities (SEND) face online, for example, from online bullying, grooming and radicalization and being confident that they have the capability to support children with SEND to stay safe online;
- obtaining access to resources and attending any relevant or refresher training courses;
- encouraging a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the Charity may put in place to protect them;
- understanding the difficulties that children may have in approaching staff about their circumstances and considering how to build trusted relationships which facilitate communication;
- providing any support needed for a member of staff involved in a safeguarding case who has requested assistance; and
- providing an annual report to the COO ahead of the June Board meeting detailing any suggested changes to the Policy and its associated procedures.

11.1.3. Record keeping and data protection, including:

- keeping detailed, accurate, up to date, secure written records of concerns, allegations and referrals;
- understanding the importance of information sharing;
- understanding relevant data protection legislation and regulations, especially the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR); and
- ensuring that information regarding a safeguarding query, concern or allegation is only disclosed to other staff on a need to know basis; and
- ensuring that written records of queries, concerns and allegations about a child are kept and passed onto the relevant school, even if there is no need to make an immediate referral.

12. **The Trustees, Designated Trustee for Safeguarding and the Chief Operating Officer**

- 12.1. The **Board of Trustees** of the Charity should know their responsibilities and ensure there are adequate measures in place to assess and address safeguarding risks. They should have adequate safeguarding policies and procedures appropriate for the Charity's particular circumstances and which reflect both the law and best practice. They should ensure that relevant

policies and procedures (including this Policy) are effectively implemented and kept under review, annually or whenever legislation requires; and where appropriate, will consider whether to make a serious incident report to the Charity Commission in accordance with the Commission's guidance on "How to Report a Serious Incident in Your Charity".

- 12.2. The **Designated Trustee for Safeguarding** will review this Policy and interrogate the Charity's safeguarding practices and procedures, provide advice and guidance should a safeguarding incident occur and liaise with the DSL, Executive Team and Chair of the Board as appropriate, in particular to ensure necessary action has been taken and the Charity's reporting obligations have been complied with including to the Charity Commission (as per 12.2 above); and should any allegation be made against the CEO, the Designated Trustee for Safeguarding will receive the allegation and consult with the Chair of the Board of Trustees to ensure necessary action is taken.
- 12.3. The **Chief Operating Officer (COO)** has oversight of this Policy and, working with the DSL, is responsible for ensuring that it and any associated policies and procedures are in place, up to date and implemented (delegating operational responsibility and implementation, as appropriate). The COO will:
- receive an annual report from the DSL and HR manager identifying what relevant training has been undertaken by trustees and staff;
 - receive notification from the DSL (or other relevant staff) of any changes affecting the Policy or associated procedures and ensure the Policy is reviewed and amended as appropriate;
 - ensure, with the DSL, that all safeguarding records are kept confidentially, securely and are separate from the Charity's main records; and
 - ensure there is a standing item on the Board agenda to bring safeguarding matters to the attention of the Board.
- 12.4. Ensuring the Charity's compliance with its Safer Recruitment Policy rests with all staff alongside the COO and his/her team.

13. Online Safety

13.1 It is essential that children are safeguarded from potentially harmful and inappropriate online material. The Charity operates a whole charity approach to online safety empowering us to protect and educate pupils and staff in their use of technology.

13.2 The breadth of issues classified within online safety can be categorised into four main areas of risk:

13.2.1 Content: being exposed to illegal, inappropriate or harmful material;

13.2.2 Contact: being subjected to harmful online interaction with other users;

13.2.3 personal online behaviour that increases the likelihood of, or causes, harm; and

13.2.4 Commerce: risks such as online gambling, inappropriate advertising, phishing and or financial scams.

13.3 The Charity will ensure online safety is a running and interrelated theme whilst devising and implementing policies and procedures. This will include considering how online safety is reflected as required in all relevant policies and considering

online safety whilst planning any staff training, the role and responsibilities of the DSL and any parental engagement.

- 13.4 The Charity has a clear policy on the use of mobile and smart technology reflecting, amongst other things, the fact many children have unlimited and unrestricted access to the internet via mobile phone networks. The Charity understands that this access means some children whilst in an educational setting, sexually harass their peers via their mobile and smart technology, share indecent images: consensually and non-consensually (often via large chat groups), and view and share pornography and other harmful content.

14. Record keeping and information sharing

- 14.1. All concerns, discussions and decisions made, relating to safeguarding and the reasons for those decisions should be recorded in writing. Information will be kept confidential and stored securely.
- 14.2. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified, and addressed.
- 14.3. Records should include:
- 14.3.1. A clear and comprehensive summary of the concern;
 - 14.3.2. Details of how the concern was followed up and resolved; and
 - 14.3.3. A note of any action taken, decisions reached and the outcome.
 - 14.3.4. If in doubt about recording requirements, staff should discuss with the DSL (or deputy).
- 14.4. The records created in accordance with this Policy may contain personal data. Staff must ensure that they follow the Charity's Privacy Notice when handling personal data.
- 14.5. The Charity will treat all safeguarding information with an appropriate level of confidentiality, and only involving others when appropriate.
- 14.6. The Charity understands that information sharing is essential for effective safeguarding and promoting the welfare of children. Fears about sharing information will not stand in the way of the need to promote the welfare and protect the safety of children.
- 14.7. The Charity will cooperate with relevant statutory authorities and ensure that relevant information is shared with them for the purposes of their statutory assessments / purposes. The Chief Operating Officer will ordinarily determine when and how information should be passed to other agencies, in consultation with the Executive team and DSL. However, this does not prevent the sharing of information in accordance with the referral process set out within this Policy.
- 14.8. The COO works with the HR Manager to provide guidance to staff on data protection. The Chief Operating Officer works with the DSL to ensure that safeguarding records are kept separately, securely and in accordance with confidentiality and data protection principles and the Charity's Privacy Notice.
- 14.9. The Charity will have due regard to the [Information Sharing – Advice for practitioners providing safeguarding services to children, young people, parents and carers](#) (July 2018).

15. Safer recruitment

- 15.1. The Charity is committed to safer recruitment, selection and vetting and will act in compliance with its Safer Recruitment Policy to ensure that under no circumstances will any individual who is considered to pose a risk to children be deployed to work with this group. Appropriate DBS checks will be carried out against trustees and staff (including volunteers) in accordance with the eligibility requirements.
- 15.2. All staff, volunteers and others involved with the Charity who have contact with children are required to notify the DSL immediately if there are any reasons why they should not be working with children.

16. Review

- 16.1. This Policy will be regularly monitored and reviewed by the Executive team and Board of Trustees. The next review will be conducted in **November 2022**.

Annex 1- Key safeguarding contacts

| Role: | Person designated | When to contact | Contact details |
|--|---|--|---|
| Designated Safeguarding Lead | Leanne Adamson, Director of Access Programmes | Contact Leanne immediately in the first instance with any safeguarding queries, concerns or allegations | leanne.adamson@thebrilliantclub.org safeguarding@thebrilliantclub.org 07397552941 |
| If the above individual cannot be reached, please contact another member of the team as follows: | | | |
| Deputy Safeguarding Lead | Rosa Smith, Tutor Engagement Director | Contact Rosa with any concerns/issues if you cannot reach Leanne | rosa.smith@thebrilliantclub.org 07398182783 |
| Chief Programmes and Communities Officer | Susie Whigham | Contact Susie for any safeguarding concern if above individuals cannot be reached | susie.whigham@thebrilliantclub.org 07941618501 |
| Chief Executive Officer | Anne-Marie Canning MBE | Contact Anne-Marie for any safeguarding concern if above individuals cannot be reached | anne-marie.canning@thebrilliantclub.org |
| Our trustee with responsibility for safeguarding can be contacted if it is not appropriate to raise with the staff members above | | | |
| Trustee for Safeguarding | Caroline Carter | If it is not appropriate to raise issues with the individuals above, our Trustee for Safeguarding can be contacted | caroline.carter@thebrilliantclub.org |

External contacts and helplines

| | |
|----------------------------|---|
| Children's Services | Westminster Access Team – Tel: 020 7641 4000 (Out of hours – 020 7641 6000) Email: AccesstoChildrensServices@westminster.gov.uk Website: https://www.rbkc.gov.uk/lscb/information-professionals-and-volunteers/contacts-safeguarding-westminster |
| Local Authority Designated | Telephone: 020 7641 7668 Email: LADO@westminster.gov.uk |
| NSPCC Helpline | 0808 800 5000 https://www.nspcc.org.uk/keeping-children-safe/our-services/nspcc-helpline/ |

Annex 2 – Reporting form with body map

| Your information | | | |
|---------------------------------|--|-----------|--|
| Name | | | |
| Address | | | |
| Contact number(s) | | | |
| Email | | | |
| Name of programme and/or School | | Your role | |

| Personal information – child / young person | | | | | |
|--|----------------------------------|------------------------------------|--|--|--|
| Name | | | | Date of birth | |
| Gender ⁱ | Male <input type="checkbox"/> | Female <input type="checkbox"/> | Non-binary <input type="checkbox"/> | Another description (please state) <input type="checkbox"/> | |
| Is there any information about the child that would be useful to consider? | | | | | |

| Contact information – parent / carer (if known) | | |
|---|---------------------------------|---|
| Name(s) | | |
| Address | | |
| Contact number(s) | | |
| Email | | |
| Have they been notified of this incident? | No <input type="checkbox"/> | Please explain why this decision has been taken |
| | Yes <input type="checkbox"/> | Please give details of what was said / actions agreed |

| Incident details* | | | |
|--------------------------------|--|---|--|
| Date and time of incident | | | |
| Please tick one: | <input type="checkbox"/> I am reporting my own concerns. | <input type="checkbox"/> I am responding to concerns raised by someone else – please fill in their details: | |
| Name of person raising concern | | Role and relationship to child | |
| Contact number(s) | | | |
| Email | | | |

Details of the incident or concerns (include other relevant information, such as description of any injuries and whether you are recording this incident as fact, opinion or hearsay). **If there are any injuries or visible signs of harm please indicate where these were visible on the body map below.**

* Attach a separate sheet if more space is required (e.g. multiple witnesses)

Incident details (continued)

Child's account of the incident

Please provide any witness accounts of the incident

| | | | |
|---|--|------------------------------------|--|
| Name of witness (and date of birth, if a child) | | Role and relationship to the child | |
| Address | | | |
| Contact number(s) | | | |
| Email | | | |

Details of any person involved in this incident or alleged to have caused the incident / injury

| | | | |
|--------------------------------------|--|------------------------------------|--|
| Name (and date of birth, if a child) | | Role and relationship to the child | |
| Address | | | |
| Contact number(s) | | | |
| Email | | | |

Please provide details of action taken to date

| | | |
|--|-----------------------------|--|
| Has the incident been reported to any external agencies? | <input type="checkbox"/> No | <input type="checkbox"/> Yes – please provide further details: |
|--|-----------------------------|--|

| | |
|-------------------------------|--|
| Name of organisation / agency | |
| Contact person | |
| Contact number(s) | |
| Email | |

Agreed action or advice given

| Declaration | |
|----------------|--------------------------|
| Your signature | <input type="checkbox"/> |
| Print name | |
| Today's date | |

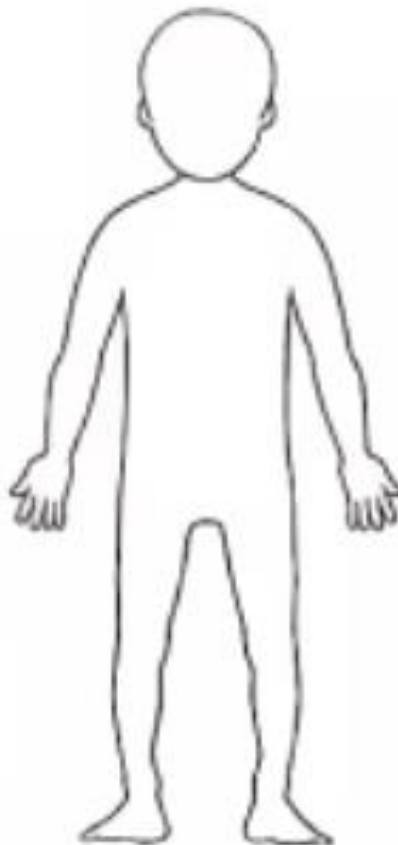
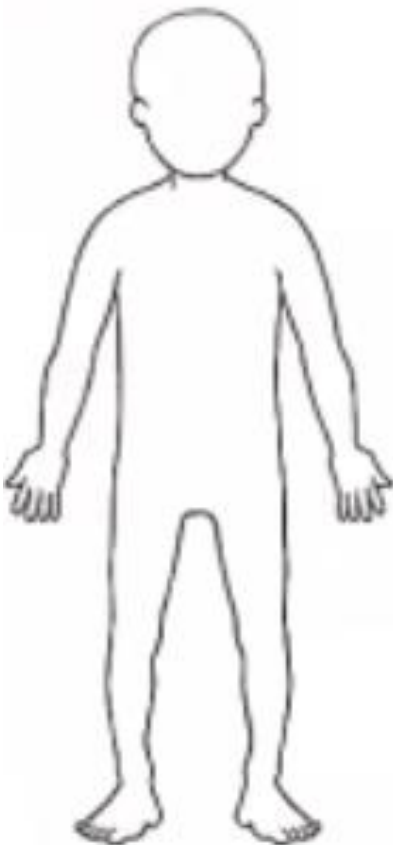
| Contact your organisation's Designated Safeguarding Officer in line with the Charity's reporting procedures | |
|--|--|
| Safeguarding Officer's name | |
| Date reported | |

| Contact your organisation's Designated Safeguarding Officer in line with the School's reporting procedures | |
|---|--|
| Safeguarding Officer's name and contact details | |
| Date reported | |

Body map:

Front

Back



Annex 3 – Forms of abuse, neglect and safeguarding issues

- 1. Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.
- 2. Physical abuse:** a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.
- 3. Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.
- 4. Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education.
- 5. Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy, for example, as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

6. Child Sexual Exploitation (CSE) and Child Criminal exploitation (CCE): both CSE and CCE are forms of abuse and both occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into taking part in sexual or criminal activity, in exchange for something the child needs or wants and/or for the financial advantage or increased status of the abuser or facilitator and/or through violence or the threat of violence. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual and it should be noted exploitation as well as being physical can be facilitated and/or take place online. CSE and CCE can affect children, both male and female and can include children who have been moved (commonly referred to as trafficking) for the purpose of exploitation. As children involved in criminal exploitation often commit crimes themselves, their vulnerability as victims is not always recognised by adults and professionals, (particularly older children), and they are not treated as victims despite the harm they have experienced. They may still have been criminally exploited even if the activity appears to be something they have agreed or consented to. It is important to note that the experience of girls who are criminally exploited can be very different to that of boys. The indicators may not be the same, however staff should be aware that girls are at risk of criminal exploitation too. It is also important to note that both boys and girls being criminally exploited may be at higher risk of sexual exploitation. More information, including the indicators of CSE and CCE is available at KCSIE (2021) paragraphs 32 to 39 and Annex B.

7. Peer on peer abuse: children can abuse children (referred to as peer on peer abuse). This is likely to include, but may not be limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- abuse in intimate personal relationships between peers;
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse);
- sexual violence, such as rape, assault by penetration and sexual assault (this may include an online element which facilitates, threatens and/or encourages sexual violence);
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse;
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;
- consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery)
- upskirting, which typically involves taking a picture under a person's clothing without their permission,, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm;
- teenage relationship abuse – defined as a pattern of actual or threatened acts of physical, sexual or emotional abuse, perpetrated against a current or former partner; and
-
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

See also Part Five of Keeping Children Safe in Education 2020 on “child on child sexual violence and sexual harassment”.

- 8. Serious violent crime:** There are a number indicators which may signal that children are at risk from, or involved with, serious violent crime. These may include increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation. Further advice on responding to concerns about children's involvement with serious violent crime can be found in the Home Office's "Preventing youth violence and gang involvement" and "Criminal exploitation of children and vulnerable adults: county lines" guidance. All staff should be aware of the range of risk factors which increase the likelihood of involvement in serious violence, such as being male, having been frequently absent or permanently excluded from school, having experienced maltreatment and having been involved in offending, such as theft or robbery. **Female Genital Mutilation (FGM):** All trustees and staff should speak to the Charity's Designated Safeguarding Lead (or deputy) and, if relevant, the applicable school's Designated Safeguarding Lead, with regard to any concerns about female genital mutilation (FGM). There is a specific legal duty on teachers. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the teacher must report this to the police. More information about this duty can be found at KCSIE (2021) Annex B.
- 9. Mental Health:** mental health problems, can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. However, Charity staff working directly with children may be well placed to observe children on a regular basis and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. For more information about mental health and children see KCSIE (2021) paragraphs 41 to 45.
- 10. Domestic Abuse:** Types of domestic abuse include intimate partner violence, abuse by family members, teenage relationship abuse and child/adolescent to parent violence and abuse. Anyone can be a victim of domestic abuse, regardless of sexual identity, age, ethnicity, socio economic status, sexuality or background and domestic abuse can take place inside or outside of the home. All children can witness and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members. Experiencing domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result. Young people can also experience domestic abuse within their own intimate relationships. This form of abuse is sometimes referred to as “teenage relationship abuse”. For more information about domestic abuse see KCSIE (2021), Annex B.
- 11. Cybercrime:** Cybercrime is criminal activity committed using computers and/or the internet. It is broadly categorized as either 'cyber-enabled' (crimes that can happen off-line but are enabled at scale and at speed on-line) or 'cyber-dependent' (crimes that can be committed only by using a

computer. If there are concerns about a child in this area, the DSL (or a deputy) should consider referring into the Cyber Choices programme. This is a nationwide police programme supported by the Home Office and led by the National Crime Agency, working with regional and local policing. It aims to intervene where young people are at risk of committing, or being drawn into, low level cyber dependent offences and divert them to a more positive use of their skills and interests.

Indicators of abuse

12. Possible signs of abuse include, but are not limited to:

- the child says he/she has been abused or asks a question or makes a comment which gives rise to that inference;
- there is no reasonable or consistent explanation for a child's injury, the injury is unusual in kind or location or there have been a number of injuries and there is a pattern to the injuries;
- the child's behaviour stands out from the group as either being extreme model behaviour or extremely challenging behaviour, or there
- is a sudden or significant change in the child's behaviour;
- the child's development is delayed, the child loses or gains weight or there is deterioration in the child's general well-being;
- the child appears neglected, e.g. dirty, hungry, inadequately clothed;
- the child is reluctant to go home or seems fearful of their home environment, or has been openly rejected by her parents or carers; and
- inappropriate behaviour displayed by other members of staff or any other person working with children, for example inappropriate sexual comments;
- excessive one-to-one attention beyond the requirements of their usual role or responsibilities; or inappropriate sharing of images.

13. We recognise that the following groups of children can face additional safeguarding challenges and of the need to be especially vigilant in recognising the signs of abuse and neglect in this group of children. These groups include, but are not limited to, where the child:

- is disabled and has specific additional needs;
- has special educational needs (whether or not they have a statutory education, health and care plan);
- has a mental health need;
- is a young carer;
- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups or county lines;
- is frequently missing/goes missing from care or from home;
- is misusing drugs or alcohol themselves;
- is at risk of modern slavery, trafficking, sexual or criminal exploitation;
- has a family member in prison, or is affected by parental offending;
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health problems and domestic abuse;
- has returned home to their family from care;
- is at risk of 'honour' based abuse such as Female Genital Mutilation or Forced Marriage;
- is showing early signs of abuse and/or neglect;
- is at risk of being radicalised or exploited;
- is a privately fostered child; or

- is homeless.

Annex 4 – Peer on peer sexual violence and sexual harassment

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also involve a wider group. It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Children who are victims of sexual violence or harassment will likely find the experience stressful and distressing and it can adversely affect their educational attainment. Sexual violence and harassment exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. Children with SEND are disproportionately likely to be victims of sexual violence or harassment. Children who are perceived to be lesbian, gay, bi or trans (LGBTQ+) can be targeted by their peers, even if such an attribution is wrong.

Sexual harassment can be defined as 'unwanted conduct of a sexual nature' that can occur online and offline. Sexual harassment is likely to violate a child's dignity and/or make them feel intimidated, degraded or humiliated.

Sexual harassment can include:

- Sexual comments such as telling sexual stories, making lewd comments, making sexual remarks about appearance and calling someone sexualised names;
- Sexual "jokes" or taunting;
- Displaying pictures of a sexual nature;
- Online sexual harassment which might include non-consensual sharing of images, bullying and sexual exploitation, coercion and threats; or
- "Up-skirting", which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence and may constitute sexual harassment.

Problematic, abusive and violent sexual behaviour may cause developmental damage. Harmful sexual behaviour can occur online and/or offline.

Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference. Children displaying harmful sexual behaviour have often experienced their own abuse and trauma and it is important that they are offered appropriate support and education.

Staff should recognise that children and young people might not find it easy to talk about their abuse verbally. Staff should be aware of signs and behaviours that might indicate abuse. Staff might also overhear conversations that suggest a child has been harmed or might receive a report from a friend of the child. Reports should be reviewed regularly to identify potential patterns of concerning, problematic or inappropriate behaviour.

It is essential that all victims are reassured that their concerns are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence

or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

When responding to allegations which are found to be unsubstantiated, unfounded, false or malicious, the DSL should consider whether the child or person who has made the allegation is in need of support or may have been abused by someone else.

RESPONDING TO INCIDENTS OF SEXUAL VIOLENCE OR SEXUAL HARASSMENT

In cases of sexual violence, action would be taken in line with the procedures set out in the rest of this policy, referring the case to children's social care and the police if a crime has been committed. Where the abuse involved online, illegal images of children, these will not be viewed or forwarded unless absolutely unavoidable and in these cases two members of staff should be involved in the decision.

If the threshold for early help or statutory intervention is not reached, the management of these cases will follow the Anti Bullying Policy. The Charity's response will be underpinned by the principle that sexual violence and harassment is never acceptable and will not be tolerated. All concerns and discussions and decisions will be recorded.

Consideration must be given to the wishes of the victim who may ask that no one else is told. However, the DSL may judge that it is in the best interests of the child to inform others either to protect the victim or safeguard others. As a rule, parents should normally be informed unless to do so would put the victim at greater risk.

Depending on the seriousness of the allegation, consideration should be given to ensuring the victim and the perpetrator are not in the same classes at least until the issue has been investigated and action taken.

The needs and wishes of the victim should be paramount so that they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine.

If it is clear that ongoing support will be required, the victim should be asked to name a trusted adult, with whom they can talk to about their needs.

Consideration also needs to be given to the needs of the perpetrator. Although it is highly likely that sanctions will be both justified and deserved, it might be helpful to involve the external professionals to understand why they have acted in this way. Sanctions should be balanced with a consideration of the broader picture and should be decided on a case-by-case basis. Parents of the perpetrator would normally be informed about what has happened, but this would depend on the specific circumstances.

Action may also need to be taken to minimise reports spreading more widely and to avoid other children 'taking sides'. Social media is likely to play a central role and how to prevent or minimise the impact of this should be considered.

SHARING NUDES AND SEMI-NUDES: HOW TO RESPOND TO AN INCIDENT: ADVICE FOR EDUCATION SETTINGS WORKING WITH CHILDREN AND YOUNG PEOPLE (DECEMBER 2020)

In December 2020 the UK Council for Child Internet Safety (UKCCIS) published non-statutory guidance on managing incidents of the sending or posting of nude or semi-nude images by young people under the age of 18 - 'Sharing nudes and semi-nudes: advice for education settings working with children and young people'. The UKCCIS guidance is non-statutory but should be read alongside Keeping Children Safe in Education.

The guidance defines sharing nudes and semi-nudes as the sending or posting of nude or semi-nude images, videos or live streams online by young people under the age of 18. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop, which works offline. Alternative terms used by children and young people may include 'dick pics' or 'pics'. The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated. This advice does not apply to:

- Under-18s sharing adult pornography;
- Under-18s sharing sexual texts without nudes or semi-nudes; or
- Adults sharing nudes or semi-nudes of under 18-year olds. This is a form of child sexual abuse and must be referred to the police as a matter of urgency.

If an incident comes to your attention:

- **Report it** to your DSL or equivalent immediately
- **Never** view, copy, print, share, store or save the imagery yourself, or ask a child to share or download – this is illegal.
- If you have already viewed the imagery by accident (e.g. if a young person has showed it to you before you could ask them not to), report this to the DSL (or equivalent) and seek support. Record the fact that the images were viewed, along with reasons for doing so and who was present. Sign and date this record.
- **Do not** delete the imagery or ask the young person to delete it.
- **Do not** ask the child/children or young person(s) who are involved in the incident to disclose information regarding the imagery. This is the responsibility of the DSL (or equivalent).
- **Do not** share information about the incident with other members of staff, the young person(s) it involves or their, or their, parents and/or carers.
- **Do not** say or do anything to blame or shame any young people involved.
- **Do** explain to them that you need to report it and reassure them that they will receive support and help from the DSL (or equivalent).

Annex 5 – Examples of low-level concerns

1. Low-level concern resulting in report to school DSL

Mr. Simpson, a PhD tutor at the Charity, reports that a pupil has emailed him directly about her final assignment. Although there is nothing inappropriate in the email, the

pupil should not have had access to Mr Simpson's email address, and contact should have been through the Virtual Learning Environment.

Mr Simpson has done the right thing in reporting this. The DSL speaks to him about the situation, and asks him to delete the email. The DSL at The Brilliant Club speaks to the DSL at the pupil's school to report the incident, the DSL at the school has a conversation with the pupil about the need to contact Mr Simpson only through the virtual learning environment, for her own, and his safety.

2. Self-report of a low-level concern

Ms. Oliver is a PHD tutor at the Charity and asks to speak to her Programme Officer about an incident that took place the previous day on a trip to a university as part of the programme. Ms Oliver lets the Programme Officer know that a group of pupils asked her to take a picture of them in front of a university building on her phone, and she then emailed this to their teacher. She has since deleted the image but realises that she should not have taken this picture in the first place.

The Programme Officer reports the incident to the DSL, who speaks to the Tutor to ensure that she understands why this should not have happened. The Tutor confirms that the image has been deleted from her device. The DSL also speaks to the teacher at the school to explain the situation and ensure that the school understands what has happened.

Annex 6 – Useful resources

- Keeping Children Safe in Education (September 2021)
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- What to do if you are worried a child is being abused (March 2015):
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf
- Working together to safeguard children (July 2018):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard_Children.pdf
- Disclosure and Barring Service: <https://www.gov.uk/disclosure-barring-service-check/overview>
- Charity Commission safeguarding guidance:
<https://www.gov.uk/charities-how-to-protect-vulnerable-groups-including-children>
- Information sharing – advice for practitioners providing safeguarding services to children, young people, parents and carers (July 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf

- London Child Protection Procedures and Practice Guidance (updated twice yearly and available at this link):

<https://www.londoncp.co.uk/>

- NPCC (National Police Chief's Council) When to call the police guidance

<https://www.npcc.police.uk/documents/Children%20and%20Young%20people/When%20to%20call%20the%20police%20guidance%20for%20schools%20and%20colleges.pdf>

- Farrer & Co, *Developing and implementing a low-level concerns policy: A guide for organisations which work with children*, September 2021 (Farrer & Co Guidance)

<https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/low-level-concerns-guidance-2021.pdf>
