



# **Safeguarding and Child Protection in Schools**

**A Guide for Schools (Updated June 2022)**



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# Acronyms

ACPC	Area Child Protection Committee
BoG	Board of Governors
CCEA	Council for the Curriculum, Examinations and Assessments
CCMS	Council for Catholic Maintained Schools
CEOP	Child Exploitation and Online Protection
CPSS	Child Protection Support Service
CSE	Child Sexual Exploitation
DE	Department of Education
DHSSPS	Department of Health, Social Services and Public Safety (now DoH)
DFP	Department of Finance and Personnel
DoH	Department of Health
DoJ	Department of Justice
DT	Designated Teacher
DDT	Deputy Designated Teacher
EA	Education Authority
EDC	Enhanced Disclosure Certificate
ETI	Education and Training Inspectorate
FGM	Female Genital Mutilation
FGMPO	Female Genital Mutilation Protection Order
FMPO	Forced Marriage Protection Order
HSCT	Health and Social Care Trust
MARAC	Multi Agency Risk Assessment Conference
NSPCC	National Society for the Prevention of Cruelty to Children
PDMU	Personal Development and Mutual Understanding
PSNI	Police Service of Northern Ireland
RSE	Relationship and Sexuality Education
SBNI	Safeguarding Board for Northern Ireland
UNOCINI	Understanding the Needs of Children in Northern Ireland

## 1

## Overview

In recognition of the key role that a school plays in the life of a child, schools have a safeguarding responsibility towards the children and young people in their charge. This guide aims to assist the School Board of Governors (BoG) and other school staff in fulfilling their responsibilities regarding their safeguarding and child protection role, in order to promote clarity and consistency of approach across all schools.

Whilst this guidance has been drafted for schools, it also contains an addendum for early years settings. It is also useful for other settings and they will therefore wish to consider how to reflect the processes outlined in this circular within their settings.

Public awareness of matters relating to safeguarding and child protection continues to grow, as the whole context rapidly expands due to changes in society and, particularly, new technology. Recent safeguarding and child protection cases have highlighted the need for everyone to take responsibility for protecting children as well as the necessity for those in key positions to have a clear understanding of their role in adhering to policies and procedures.

Safeguarding is more than child protection. Safeguarding begins with preventative education and activities which enable children and young people to grow up safely and securely in circumstances where their development and wellbeing is promoted. It includes support to families and early intervention to meet the needs of children and continues through to child protection, which refers specifically to the activity that is undertaken to protect individual children or young people who are suffering, or likely to suffer harm.

**In all matters relating to safeguarding and child protection procedures or policies, the best interests of the child must be the paramount consideration.**

This guidance should be read in conjunction with:

- 'Co-operating to Safeguard Children and Young People in Northern Ireland' (August 2017) at:  
[Co-operating to Safeguard Children and Young People in Northern Ireland](#) and
- The Safeguarding Board for Northern Ireland's (SBNI) Policies and Procedures which can be found on the SBNI website at:  
[Safeguarding Board for Northern Ireland Procedures Manual](#)

The Education Authority (EA) Safeguarding site also provides useful information on all aspects of safeguarding and child protection:

[Safeguarding and Child Protection](#)

**The contents of this guidance do not constitute, or purport to be, an authoritative interpretation of the law; that is exclusively a matter for the courts.**

## 2

# Key Principles of Safeguarding and Child Protection

The following principles should underpin all strategies, policies, procedures, practice and services relating to safeguarding children and young people.

- **The child or young person's welfare is paramount** - The welfare of the child is the paramount consideration for the courts and in childcare practice. An appropriate balance should be struck between the child's rights and parents'<sup>1</sup> rights. All efforts should be made to work co-operatively with parents, unless doing so is inconsistent with ensuring the child's safety.
- **The voice of the child or young person should be heard** - Children and young people have a right to be heard, to be listened to and to be taken seriously, taking account of their age and understanding. They should be consulted and involved in all matters and decisions which may affect their lives and be provided with appropriate support to do so where that is required. Where feasible and appropriate, activity should be undertaken with the consent of the child or young person and, where possible, to achieve their preferred outcome.
- **Parents are supported to exercise parental responsibility and families helped to stay together** - Parents have responsibility for their children rather than rights over them. In some circumstances, parents will share parental responsibility with others such as other carers or the statutory authorities. Actions taken by organisations should, where it is in the best interests of the child, provide appropriate support to help families stay together as this is often the best way to improve the life chances of children and young people and provide them with the best outcomes for their future.
- **Partnership** - Safeguarding is a shared responsibility and the most effective way of ensuring that a child's needs are met is through working in partnership. Sound decision-making depends on the fullest possible understanding of the child or young person's circumstances and their needs. This involves effective information sharing, strong organisational governance and leadership, collaboration and understanding between families, agencies, individuals and professionals.
- **Prevention** - The importance of preventing problems occurring or worsening through the introduction of timely supportive measures.
- **Responses should be proportionate to the circumstances** - Where a child's needs can be met through the provision of support services, these should be provided. Both organisations and individual practitioners must respond

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1 References to parents throughout this document includes those that have parental responsibility.

proportionately to the needs of a child in accordance with their duties and the powers available to them.

- **Protection** - Children should be safe from harm and in circumstances where a parent or carer is not meeting their needs, they should be protected by the State.
- **Evidence-based and informed decision making** - Decisions and actions taken must be considered, well informed and based on outcomes that are sensitive to, and take account of, the child or young person's specific circumstances, risks to which they are exposed, and their assessed needs.

**In relation to the school setting for the purposes of this guidance:**

- The term 'child' has the same meaning as in the Children (Northern Ireland) Order 1995 i.e. a person under the age of 18.

In the case of a pupil with special educational needs the term 'child' should be interpreted as including any person who has not attained the age of 19 and is a registered pupil at the school. While a school has responsibility for all registered pupils, referral pathways and processes may differ for a young person over the age of 18 (Education (NI) Order 1996).

- All schools have a safeguarding responsibility towards the young people in their charge and should take all reasonable steps to ensure that their welfare is safeguarded and their safety is preserved.
- Safeguarding/Child Protection arrangements should be accessible in the school and understood by children so that they know what to do and who to go to.
- References to 'parent' have the same meaning as anyone with 'Parental Responsibility' as defined in Article 6 of the Children Order i.e. 'all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property'. In practical terms, it means the responsibility to care for, and the right to make important decisions about, the child.
- The term 'staff' refers to all staff including paid, unpaid, non-teaching and volunteers.
- The term 'Designated Teacher' encompasses the role of both the Designated Teacher (DT) and Deputy Designated Teachers (DDT).
- The term "Employing Authority" is used throughout this guidance to encompass the EA (formerly the five Education and Library Boards), Council for Catholic Maintained Schools (CCMS), BoG or Proprietor of an Independent School as appropriate and any Body which might assume these functions in the future.

## 3

## Legal and Policy Context

There is a broad range of international and domestic legislation relating to child welfare and protection. Details of all relevant legislation are set out in Annex A and schools must be aware of their responsibilities in each case, however, as a starting point schools must be aware of the following:

### **The United Nations Convention on the Rights of the Child**

The United Kingdom agreed to be bound by the Convention in 1991. It sets out the rights which all children and young people up to the age of 18 should have.

### **The Children (Northern Ireland) Order 1995**

The Children (Northern Ireland) Order 1995 is the principal statute governing the care, upbringing and protection of children in Northern Ireland. It applies to all those who work with and care for children, whether parents, paid carers or volunteers. It is the most comprehensive and far reaching child care legislation ever introduced to Northern Ireland. It clearly identifies five key principles which are Paramountcy, Prevention, Protection, Partnership and Parental Responsibility with the welfare of the child considered as being of paramount importance.

### **The Education and Libraries (Northern Ireland) Order 2003**

Articles 17, 18 and 19 of the Education and Libraries (Northern Ireland) Order 2003 place a statutory duty on BoG to safeguard and promote the welfare of their pupils and to determine the measures to be taken at the school with a view to protecting pupils from abuse (whether at school or elsewhere). Article 18(d) requires BoG to prepare a written statement of such measures and to provide this to parents. BoG must also have regard to any guidance given by the Department, the EA, the former Department of Health, Social Services and Public Safety (DHSSPS) (Department of Health (DoH) from 9 May 2016), SBNI and the relevant Employing Authority.

As such, all grant-aided schools **must** have a child protection policy which includes the appointment of a DT/DDT with responsibility for child protection. Requirements on other settings are a condition of grant.

### **Sexual Offences (Northern Ireland) Order 2008**

This legislation reduced the age of consent in NI (in line with other areas of the UK), and strengthened the legal safeguards for young people between the ages of 16 and 17. Significantly, it introduced the concepts of grooming (including online behaviours), and 'Abuse of a Position of Trust'.

### **Safeguarding Vulnerable Groups (Northern Ireland) Order 2007**

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 as amended by the Protection of Freedoms Act 2012 provides the legislative framework for the establishment of a Disclosure and Barring Service and requirements relating to individuals who work with children and vulnerable adults. This legislation, brought in to address concerns around the plethora of criminal justice legislation in recent years, defines 'regulated activity' with children and prevents persons on barred lists from engaging in regulated activity.

[Protection of Freedoms Act 2012](#)

### **The Safeguarding Board (Northern Ireland) Act 2011**

This Act established the SBNI and places interagency co-operation on a statutory footing. The objective of the SBNI is to safeguard and promote the welfare of children and young people in Northern Ireland by co-ordinating and ensuring the effectiveness of what is done by each person or body represented on the board. The SBNI is also responsible for development of regional policies and procedures for safeguarding and promoting the welfare of children.

[Safeguarding NI](#)

### **The Addressing Bullying in Schools Act (NI) 2016**

The Addressing Bullying in Schools Act (NI) 2016, came into operation on 01 September 2021 which requires the BoG of the school to determine the anti-bullying measures pursued at the school and to record all incidents of bullying behaviours or alleged bullying behaviours involving a registered pupil.

The Act can be found at:

[Addressing Bullying in Schools Act \(Northern Ireland\) 2016](#)

### **The Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022**

Section 26 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 enables the Department of Justice to bring forward regulations to provide for an Operation Encompass model for Northern Ireland.

[Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#)

### **Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022**

The Act which became law in April 2022 created several new offences, including non-fatal strangulation, up-skirting and down-blousing, cyber-flashing, and masquerading as a child online, and implements certain elements of the Gillen report on serious sexual offence cases. Details of the legislation can be viewed by following the link

[Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#)

## **Government Policies and Strategies**

### **Children and Young People's Strategy 2020-2030**

The Children and Young People's Strategy 2020-2030 is a requirement of the Children's Services Co-operation Act (NI) 2015, it is the overarching strategic framework for government to improve the health and well-being of all children in Northern Ireland.

### **Co-operating to Safeguard Children and Young People in Northern Ireland (August 2017)**

This policy replaces the 'Co-operating to Safeguard Children guidance issued in 2003 and provides the overarching policy framework for safeguarding children and young people in the statutory, private, independent, community, voluntary and faith sectors. It outlines how communities, organisations and individuals must work both individually and in partnership to ensure children and young people are safeguarded as effectively as possible.

[Co-operating to Safeguard Children and Young People in Northern Ireland](#)

### **Domestic and Sexual Violence and Abuse Strategy 2013-2020 and subsequent action plans**

This Strategy highlights an overarching strategic vision for addressing domestic and sexual violence and abuse. The DoH and the Department of Justice (DoJ) are the strategic lead departments in taking forward both the domestic violence and abuse and sexual violence and abuse agendas through improved effective, collaborative and cohesive engagement within and across Northern Ireland.

The Stopping Domestic and Sexual Violence and Abuse Strategy can be found at:

[Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Strategy](#)

### **Adult Safeguarding: Prevention and Protection in Partnership**

'Adult Safeguarding: Prevention and Protection in Partnership' was published by the former DHSSPS (now the DoH) and the DoJ, on behalf of the Northern Ireland Executive in July 2015 with the aim of improving safeguarding arrangements for adults who are at risk of harm from abuse, exploitation or neglect. A key objective is to reduce the incidence of harm from abuse, exploitation or neglect of adults who are at risk in Northern Ireland and to provide effective support and, where necessary, protective responses and access to justice for victims and their families. The publication is available at:

[Adult Safeguarding: Prevention and Protection in Partnership key documents](#)

The EA's Child Protection Support Service (CPSS) offices will have contact details for Adult Safeguarding Teams.

# 4

## Managing Safeguarding and Child Protection in Schools

Everyone in education plays a part in keeping children and young people safe from harm and abuse.

All staff in a school, both teaching and non-teaching, have a responsibility to ensure the protection and welfare of children is paramount. This also extends to any volunteers accepted to work in the school during school hours when pupils are on the premises.

### 4.1 Responsibilities of Board of Governors

The Education and Libraries (Northern Ireland) Order 2003 places a statutory duty on BoG to:

- Safeguard and promote the welfare of registered pupils.
- Have a written child protection policy.
- Specifically address the prevention of bullying in school behaviour management policies.

The Addressing Bullying in Schools Act (NI) 2016, places a statutory duty on BoG to keep a record of all incidents of bullying or alleged bullying involving a registered pupil at the school.

To fulfil their responsibilities BoGs are obligated to acknowledge and work within the relevant guidance and procedural documents that have been produced by the Department of Education (DE) and DoH.

All Governors should receive an element of safeguarding training as part of their induction with the Chair and Designated Governor for Child Protection undertaking full CPSS training. All Governors should undertake refresher Child Protection training every term of office (four years). This training may be delivered by the Principal or DT with resources available from the EA CPSS. See Section 4.7 for more details on child protection training.

## Process

BoG must ensure that:

- A Designated Governor for Child Protection is appointed.
- A DT and DDT are appointed in their schools.
- They have a full understanding of the roles of the DT and DDTs for Child Protection.
- Safeguarding and child protection training is given to all staff and governors including refresher training.
- Relevant safeguarding information and guidance is disseminated to all staff and governors with the opportunity to discuss requirements and impact on roles and responsibilities.
- The school has a Child Protection Policy which is reviewed annually and parents and pupils receive a copy of the child protection policy and complaints procedure every two years (see Section 4.3 for more details).
- The school has an Anti-Bullying Policy which is reviewed at intervals of no more than four years and maintains a record of all incidents of bullying or alleged bullying. See the Addressing Bullying in Schools Act (NI) 2016<sup>2</sup>.
- The school ensures that other safeguarding policies, see Section 10, are reviewed at least every three years, or as specified in relevant guidance.
- There is a code of conduct for all adults working in the school (see Section 4.8 for more details).
- All school staff and volunteers are recruited and vetted, in line with DE Circular 2012/19 and DE Circular 2013/01 (see Section 4.4 for more details).
- They receive a full annual report on all child protection matters (It is best practice that they receive a termly report of child protection activities). This report should include details of the preventative curriculum and any initiatives or awareness raising undertaken within the school, including training for staff.
- The school maintains the following child protection records in line with DE Circulars 2015/13 Dealing with Allegations of Abuse Against a Member of Staff and 2020/07 Child Protection: Record Keeping in Schools:
  - Safeguarding and child protection concerns.

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2 [Addressing Bullying in Schools Act \(Northern Ireland\) 2016](#)

- Disclosures of abuse.
- Allegations against staff and actions taken to investigate and deal with outcomes.
- Staff induction and training.

**NB:** Governors of Schools which are involved in initiatives such as Extended Schools, Full Service Schools, and Boarding Departments, must ensure that the implications for safeguarding their pupils in the extended school environment are fully addressed, and that these are outlined within the school's child protection policy.

## 4.2 The School Safeguarding Team

As best practice, in the best interests of the children, and as a support for the Designated Teachers, the school should establish a Safeguarding Team. This team should include the Chair of the BoG, the Designated Governor for Child Protection, the Principal (as Chair), the DT and the DDT. The team may co-opt other members as required to help address specific issues, for example the SENCO, ICT Co-ordinator, etc.

This Safeguarding Team is a vehicle for ensuring effective co-ordination and co-operation between the key individuals responsible for safeguarding throughout the school.

The EA CPSS provides child protection training in relation to the specific responsibilities of each member of the team<sup>3</sup>.

The responsibilities of the team should include:

- The monitoring and periodic review of Safeguarding and Child Protection arrangements in the school.
- Support for the DT in the exercise of their child protection responsibilities, including recognition of the administrative and emotional demands of the post.
- Ensuring attendance of Governors and staff at relevant training - including refresher training - in keeping with legislative and best practice requirements.

As best practice, the Safeguarding Team should review their child protection/ safeguarding practices annually using the Education and Training Inspectorate (ETI) pro-forma entitled 'Guidance for the evaluation of child protection/ safeguarding'. ETI

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<sup>3</sup> Child Protection Training is delivered by CPSS. It can be supplemented by external training should schools decide to do so however it would not replace the CPSS training.

expects the pro-forma to be completed and provided to them as a permanent record on all types of inspections. Phase and sector appropriate versions of the pro-forma (which is annually reviewed and updated) and other information from ETI is available on the ETI website: [Safeguarding](#)

#### **4.2.1 Chair of Board of Governors**

The Chairperson of the BoG plays a pivotal role in creating and maintaining the safeguarding ethos within the school environment.

In the event of a safeguarding or child protection complaint being made against the Principal, it is the Chairperson who must assume lead responsibility for managing the complaint/allegation in keeping with guidance issued by the Department (and relevant guidance from other Departments when it comes to other early years settings), employing authorities, and the school's own policies and procedures.

The Chairperson is responsible for ensuring child protection records are kept and for signing and dating annually the Record of Child Abuse Complaints against staff members even if there have been no entries.

#### **4.2.2 Designated Governor for Child Protection**

The BoG will delegate a specific member of the governing body to take the lead in safeguarding/child protection issues in order to be able to advise the governors on:

- The role of the DTs;
- The content of child protection policies;
- The content of a code of conduct for adults within the school;
- The content of the termly updates and full Annual Designated Teachers Report;
- Recruitment, selection and vetting of staff.

#### **4.2.3 School Principal**

The Principal, as the Secretary to the BoG, will assist the BoG to fulfil its safeguarding and child protection duties, keeping them informed of any changes to guidance, procedure or legislation relating to safeguarding and child protection, ensuring any circulars and guidance from DE are shared promptly, and timely inclusion of child protection activities on the BoG meeting agenda. In addition, the Principal takes the lead in managing child protection concerns relating to staff.

The Principal has delegated responsibility for establishing and managing the safeguarding and child protection systems within the school. This includes the appointment and management of suitable staff to the key roles of DT and DDT Designated Teacher posts and ensuring that new staff and volunteers have safeguarding and child protection awareness sessions as part of an induction programme.

It is essential that there is protected time and support to allow the DTs to carry out this important role effectively and that DTs are selected based on knowledge and skills required to fulfil the role (see Section 4.2.4).

The Principal must ensure that parents and pupils receive a copy, or summary, of the Child Protection Policy at intake and, at a minimum, every two years.

#### **4.2.4 Designated Teacher for Child Protection**

Every school is required to have a DT and DDT with responsibility for child protection. These are highly skilled roles developed and supported through a structured training programme, requiring knowledge and professional judgement on complex and emotive issues. The role involves:

- The induction and training of all school staff including support staff.
- Being available to discuss safeguarding or child protection concerns of any member of staff.
- Responsibility for record keeping of all child protection concerns.
- Maintaining a current awareness of early intervention supports and other local services eg Family Support Hubs<sup>4</sup>.
- Making referrals to Social Services or PSNI where appropriate.
- Liaison with the EA Designated Officers for Child Protection.
- Keeping the school Principal informed.
- Lead responsibility for the development of the school's child protection policy.
- Promotion of a safeguarding and child protection ethos in the school.
- Compiling written reports to the BoG regarding child protection.

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4 See Section 4.2 'Early Recognition of Families in Need' in 'Co-operating to Safeguard Children and Young People in Northern Ireland' for more information.

#### 4.2.5 Deputy Designated Teacher for Child Protection

The role of the DDT is to work co-operatively with the DT in fulfilling his/her responsibilities.

It is important that the DDT works in partnership with the DT so that he/she develops sufficient knowledge and experience to undertake the duties of the DT when required. DDTs are also provided with the same specialist training by CPSS to help them in their role.

Schools may have more than one DDT depending on their size, location, (eg split site schools) and the presence of an additional provision such as a nursery, learning support centre, speech and language unit, or boarding department.

### 4.3 Child Protection Policy

Schools are expected to do whatever is reasonable, in all the circumstances of the case, to safeguard and promote their pupils' safety and wellbeing. Every school should work to create and maintain an ethos which contributes to the care, safety and wellbeing of children or young people and must maintain a child protection policy that reflects both its legal duties and its safeguarding and child protection responsibilities.

Article 18 of the Education and Libraries (NI) Order 2003 requires the BoG to prepare a written statement of child protection measures and to provide this to parents.

As such, all grant-aided schools **must** have a child protection policy which includes the appointment of a DT/DDT with responsibility for child protection. Requirements on other settings are a condition of grant.

#### 4.3.1 The Child Protection Policy

The Child Protection Policy is one of a suite of safeguarding policies and should set out clearly the procedures to be followed in cases of alleged and suspected abuse, drawing on the guidance provided by DE, EA, the former DHSSPS, DoH, the appropriate Employing Authority and the SBNI.

A school's child protection policy must be a 'living document' providing a secure framework within which all staff can work. It reflects the values to which the school community is committed and how the school is fulfilling its statutory responsibilities in safeguarding children.

The school policy should include:

- The school's safeguarding/child protection ethos.
- Details of the safe recruitment measures used.
- Definitions and potential signs and symptoms of abuse including Child Sexual Exploitation (CSE) and domestic violence.
- The roles of the DT and DDT and appropriate contact details for them.
- The reporting process for concerns about school staff or volunteers.
- How a parent can raise a concern about safeguarding/child protection.
- Reference to a Code of Conduct for all staff and volunteers.
- The school's approach to "The Preventative Curriculum".
- Reference to other safeguarding policies eg anti-bullying, safe handling, intimate care, educational visits, online safety, mobile learning, whistle blowing, attendance, and safe environment.
- Specific Issues eg extended school activity, boarding department.

The Board of Governors must ensure that the school has a child protection policy which is reviewed annually, and that parents and pupils receive a copy of the child protection policy and complaints procedure every two years.

#### **4.4 Recruitment and Vetting of Staff and Volunteers**

Vetting checks are a key preventative measure in preventing unsuitable individuals' access to children and vulnerable adults through the education system and schools must ensure that all persons on school property are supervised and vetted as appropriate if they are engaged in regulated activity.

It is the responsibility of the BoG to ensure that there is an official record kept of when vetting checks are successfully completed for all staff.

The Safeguarding Vulnerable Groups (NI) Order 2007 and the Protection of Freedoms Act 2012 provide the legislative framework for a vetting and barring scheme for people who work with children and vulnerable adults.

[The Safeguarding Vulnerable Groups \(NI\) Order 2007](#)

[Protection of Freedoms Act 2012](#)

## Process

The responsibilities and processes to be followed are clearly set out in:

DE Circular 2013/01 'Disclosure and Barring Arrangements: Vetting Requirements for Paid Staff working in or Providing a Service in Schools':

[Circular 2013/01 - Guidance for schools and employing authorities on pre-employment safer recruitment practices](#)

DE Circular 2012/19 'Disclosure and Barring Arrangements: Changes to Pre-Employment Vetting Checks for Volunteers Working in Schools from 10 September 2012:

[Circular 2012/19 - Changes to pre-employment vetting checks for volunteers working in schools](#)

### 4.4.1 AccessNI Clearance

DE Circular 2013/01 (updated September 2015) sets out vetting requirements for schools. In brief, the following groups must have an Enhanced Disclosure Certificate (EDC) from AccessNI **before** taking up post:

- All new **paid** teaching and non-teaching staff.
- Examination Invigilators.
- Private contracted transport providers - named drivers.

### 4.4.2 Volunteers

There are two types of volunteers working in schools: those who work unsupervised and those who work under supervision. Volunteers who work unsupervised are required to have an EDC. A volunteer who works under supervision is not required to obtain an EDC, however, schools/ organisations must determine whether the level of supervision meets the statutory standard - see DE Circular 2012/19.

Schools must ensure that volunteers, eg coaches, music tutors, school photographers etc, who are employed by others, have the necessary clearances in place and a record of these should be maintained by the Principal.

## 4.5 Visitors to Schools

Visitors to schools, such as parents, suppliers of goods and services, to carry out maintenance etc do not routinely need to be vetted before being allowed onto school

premises. However, such visitors should be managed by school staff and their access to areas and movement within the school should be restricted as needs require.

**Visitors should be:**

- Met/directed by school staff/representatives.
- Signed in and out of the school by school staff.
- Given restricted access to only specific areas of the school, if appropriate.
- Escorted by a member of staff/representative, where appropriate.
- Clearly identified with visitor/contractor passes.
- Given access to pupils restricted to the purpose of their visit.
- Cordoned off from pupils for health and safety reasons if delivering goods or carrying out building/maintenance or repairs.

## **4.6 Pupils on Work Experience**

Health and Social Care Programmes will require an EDC for pupils on long term placement and may be required for pupils on work experience/shadowing placements. Schools should apply through their AccessNI Registered Body in advance (See DE Circular 2013/01 for more information).

Pupils coming into the school on work experience do not require AccessNI clearance as they are required to be fully supervised by school staff. The normal child protection induction processes should apply.

## **4.7 Child Protection Training**

### **4.7.1 School Governors**

Child Protection Training for school governors has three specific elements:

- Initial Child Protection Awareness Training as part of the induction programme for all new governors.
- Child Protection Training from the CPSS for Chairperson and Designated Governor for Child Protection in order that they can assist the full BoG with their child protection governance. This should be completed during each term of office (every four years).

- Training on recruitment, selection and vetting which incorporates child protection legislation and DE guidance for all governors who will be sitting on interview or teacher appointments panels.

On line training packages are available on EA TV at however this is to provide additional support rather than act as a substitute for child protection training.

#### **4.7.2 Designated Teacher Training/Deputy Designated Teacher Training**

All new DTs and DDTs should attend the two day CPSS Introduction to Child Protection course, at the earliest opportunity in the term in which they are appointed to the post, and refresher training within three years of their initial training date and thereafter. Several of these courses will be offered throughout the year.

A certificate of attendance will be issued to DTs and DDTs as proof of attendance and this may be examined by ETI during any inspection. All training is subject to the SBNI Child Protection and Safeguarding Learning and Development Strategy 2014-2017.

The DT and DDT are expected to cascade child protection training to the whole school, at a minimum every two years, with new staff receiving training as part of their induction programme. All staff should know how to identify the signs and symptoms of possible abuse and be aware of the relevant child protection procedures, including how to contact the designated teacher.

### **4.8 Conduct of Staff**

The protection and promotion of the welfare of children and young people is a responsibility for all members of staff, teaching and non-teaching. In meeting this, staff should work towards a culture of mutual trust and respect in school through which the best interests of the children and young people entrusted to their care is paramount.

Naturally, implicit in this is the assumption that the conduct of school staff towards their pupil group must be above reproach. This holds true whatever the age, gender, or developmental maturity of the pupils, but clearly the younger the child, or the greater the degree of learning difficulties he/she has, the less likely it will be that he/she will be able to recognise and respond appropriately to an abuse by any member of staff or the trust that his/her position confers.

Each school should operate a Code of Conduct which extends to staff, both teaching and non-teaching, and volunteers and should include:

- Setting an example;
- Relationships and attitudes;

- Private meetings with pupils;
- Physical contact with pupils;
- Honesty and integrity;
- Conduct outside of work;
- E-Safety and internet use; and
- Confidentiality

An exemplar can be found at Annex C.

Adherence to the Code will reduce the risk of allegations being made. Schools should adapt and update the Code to meet their individual needs and agree the contents with teaching and non-teaching staff.

The Code of Conduct is not intended to detract from the enriching experiences children and young people gain from positive interaction with staff within the education sector. Rather, it is intended to assist staff by drawing attention to the areas of risk for staff and by offering guidance on conduct. The Code of Conduct can be referred to in the school's child protection/pastoral care policy, and should be made known to parents.

The Code cannot address every possible circumstance in which staff might find themselves, however it is intended that staff will be mindful of the Code which will raise awareness of issues and situations which can potentially arise. In all circumstances, employees' professional judgement will be exercised and for the vast majority of employees this Code of Conduct will serve only to confirm what has always been their safe practice.

## 4.9 Parents

The primary responsibility for safeguarding and protection of children rests with parents who should feel confident about raising any concerns they have in relation to their child. As part of the ongoing work of fostering trust and good relationships with parents/carers, the school should help parents/carers to understand its responsibility for the welfare of all the children and young people in its charge.

All policies, including child protection, pastoral care, anti-bullying, positive behaviour, online safety, and complaints, should be issued to parents/carers at intake\*. The child protection policy, in particular, should be reviewed and re-issued, at a minimum, every two years\*.

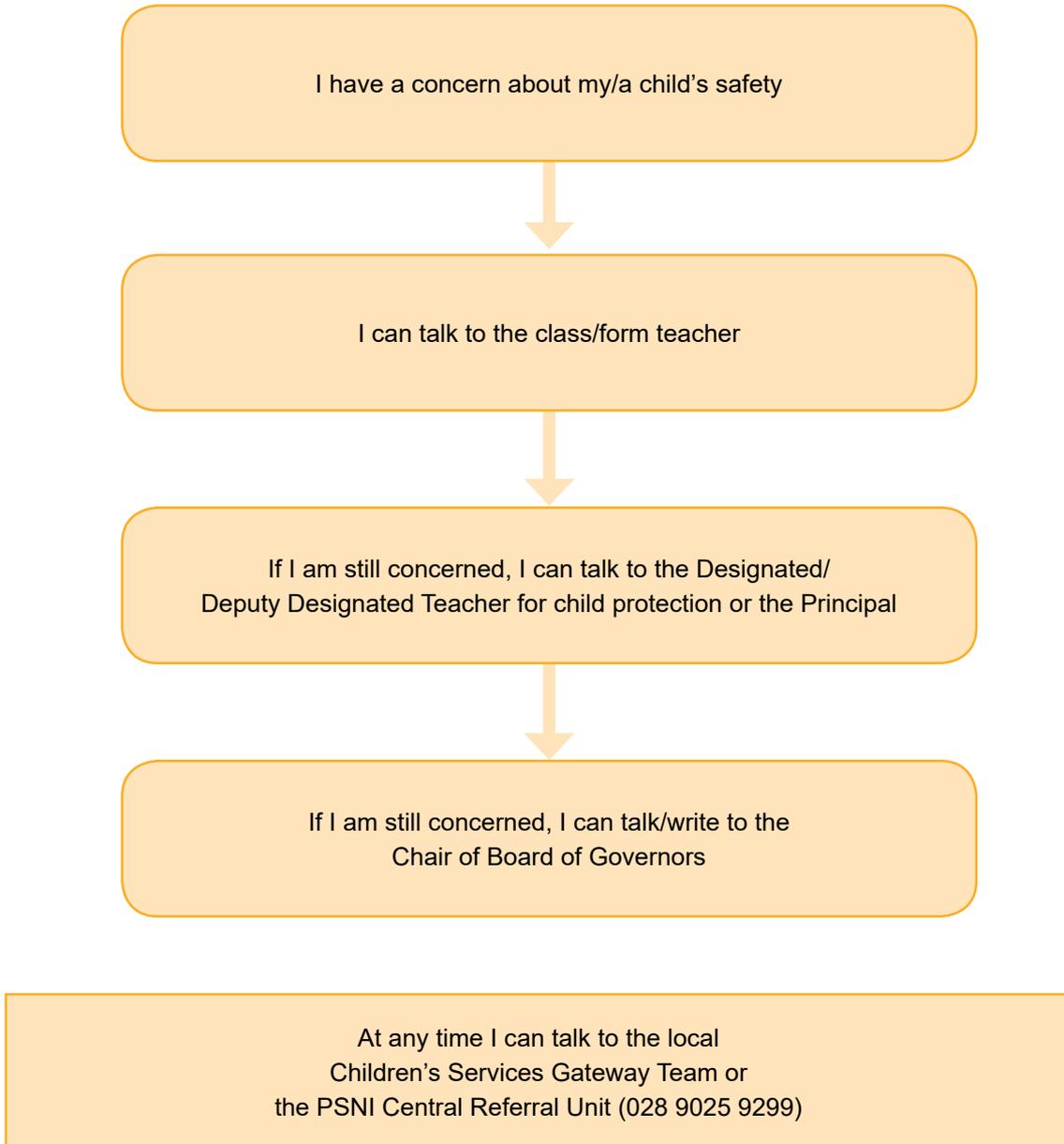
\* *Issue of a summary of the full policy is sufficient provided it contains clear details of how to access the full policy, including a hard copy if required.*

It should be clear that the school will always protect the best interests of the child and, in cases of suspected abuse, may refer cases directly to the investigative agencies. It is important that parents take time to read these policies and know they are required to inform the school:

- If the child has a medical condition or educational need;
- If there are any Court Orders relating to the safety or wellbeing of a parent or child.
- If there is any change in a child's circumstances for example - change of address, change of contact details, change of name, change of parental responsibility.
- Parents of primary school children should tell the teacher if there are any changes to arrangements about who brings their child to and from school.
- Parents should contact the school if their child is absent and send in a note on the child's return to school. This assures the school that the parent/carer knows about the absence. More information on parental responsibility can be found on the EA website at:  
[Safeguarding and Child Protection](#)
- It is essential that the school has up to date contact details for the parent/carer.

The arrangements for parents to make known to staff any concerns they may have about the safety of their (or another) child should be clear, including how to contact the school, the class teacher, the DT for Child Protection, or the Principal if they are worried about a safeguarding or child protection concern. The process for a parent who has a potential safeguarding or child protection concern is set out below and should be personalised for the school.

If a parent has a potential child protection concern within the school:



If you have escalated your concern as set out in the above flowchart, and are of the view that it has not been addressed satisfactorily, you may revert to the school's complaints policy. This policy should culminate in the option for you to contact the NI Public Services Ombudsman (NIPSO) who has the legislative power to investigate your complaint. For further information regarding this process please refer to Annex B.

If a parent has a concern about a child's safety or suspect child abuse within the local community, it should be brought directly to the attention of the Children's Services Gateway Team.

## 4.10 Child Protection Support Service (CPSS)

The CPSS is a regional service for schools, based within the EA's Directorate of Children and Young People's Services.

The CPSS primary role is to provide:

- Daily helpline to advise, guide and support DTs/DDTs/Principals in relation to concerns about individual children with safeguarding/child protection concerns and on wider policy and training matters.
- Initial, refresher and cluster group training on child protection issues.
- Support visits to schools where required.
- Advice and guidance on assessing and managing children who pose a significant risk of harm to themselves, other pupils and staff.
- Dissemination of new information on training, DE Circulars and guidance.
- Support in developing or reviewing the school's child protection policy.
- Follow up to ETI inspections where safeguarding/child protection is identified as an area for improvement.

The CPSS will also:

- Offer training to the Chairperson and Designated Governor for Child Protection in relation to their statutory safeguarding/child protection responsibilities.
- Offer support, advice and training to other services within the EA.
- Assist EA Human Resource Managers in dealing with allegations of abuse against teachers and other EA officers/employees.
- Liaise with Social Services and PSNI where appropriate.
- Represent the education sector at multi-agency meetings including Multi Agency Risk Assessment Conferences (MARAC) meetings which are a co-ordinated inter-agency response to domestic violence and abuse.

Contact details for CPSS are included in the Contacts Section.

## 5

## Dealing with Child Protection Concerns

### 5.1 What is Child Abuse?

Child abuse occurs in families from all social classes and cultures and in communities, agencies and organisations. Abusers come from all walks of life and all occupations and professions. Child abuse can manifest in a number of ways and can involve a combination of the forms of abuse. Those working with children and young people must have an awareness and understanding of the nature and prevalence of different manifestations within their practice area.

It is always preferable to prevent abuse, or for intervention to take place at the earliest possible stage. Through their day-to-day contact with individual children, school staff, especially teachers, but also non-teaching staff, including lunch-time supervisors and ancillary or auxiliary staff, are particularly well placed to observe outward symptoms, change in appearance, behaviour, learning pattern or development.

A child in need of protection is a child who is at risk of, or likely to suffer significant harm which can be attributed to a person or persons or organisation, either by an act of commission or omission; or a child who has suffered or is suffering significant harm. 'Harm' means ill treatment or the impairment of health or development, and the question of whether harm is significant is determined in accordance with Article 50(3) of the Children Order. More detail on the concept of harm and significant harm can be found in Section 2.4 of Co-operating to Safeguard Children and Young People in Northern Ireland (August 2017) and in the Children (NI) Order 1995.

Staff should be alert to all types of abuse and to their legal obligations (see Annex A), including reporting of offences - Section 5 of the **Criminal Law Act (NI) 1967** makes it an offence to fail to disclose an arrestable offence. This includes crimes against children.

Observation of signs and symptoms of possible abuse can do no more than give rise to concern - they are not in themselves proof that abuse has occurred. It must always be remembered that alternative medical, psychological or social explanations may exist for the signs and symptoms of possible abuse. However, teachers and other staff should be aware of the possible implications of, and alert to, all such signs, particularly if they appear in combination or are repeated regularly.

Where a member of staff is concerned that abuse may have occurred, he/she must report this immediately to the DT who has specific responsibility for child

protection. **The designation of a teacher for this purpose should not be seen as diminishing the role of all members of staff in being alert to signs of abuse and being aware of the procedures to be followed**, including those in cases where an allegation is made against any member of the school's staff, teaching or non-teaching (see Section 5.5 on Dealing with Allegations Against a Member of Staff - DE Circular 2015/13).

It is imperative that any disclosure by a child, or concern that indicates a child may be at immediate risk, is reported **immediately** to the PSNI and Social Services to ensure that emergency protection measures are put in place. This is particularly important if there is a risk to the child at home. Contact details for the PSNI Central Referral Unit and Duty Social Workers can be found in the Contacts Section.

Pupils who are the victims of abuse often display emotional or behavioural difficulties which may require a holistic assessment of need to determine appropriate level and types of intervention.

## 5.2 Types of Abuse

Child abuse may take a number of forms, including:

- **Neglect** is the failure to provide for a child's basic needs, whether it be adequate food, clothing, hygiene, supervision or shelter that is likely to result in the serious impairment of a child's health or development. Children who are neglected often also suffer from other types of abuse.
- **Physical Abuse** is deliberately physically hurting a child. It might take a variety of different forms, including hitting, biting, pinching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child.
- **Sexual Abuse** occurs when others use and exploit children sexually for their own gratification or gain or the gratification of others. Sexual abuse 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 clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via e-technology). Sexual abuse is not solely perpetrated by adult males. Women can commit acts of sexual abuse, as can other children.
- **Emotional Abuse** is the persistent emotional maltreatment of a child. It is also sometimes called psychological abuse and it can have severe and persistent

adverse effects on a child's emotional development. Emotional abuse may involve deliberately telling a child that they are worthless, or unloved and inadequate. It may include not giving a child opportunities to express their views, deliberately silencing them, or 'making fun' of what they say or how they communicate. Emotional abuse may involve bullying - including online bullying through social networks, online games or mobile phones.

- **Exploitation**<sup>5</sup> is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; to take selfish or unfair advantage of a child or young person or situation, for personal gain. It may manifest itself in many forms such as child labour, slavery, servitude, engagement in criminal activity, begging, benefit or other financial fraud or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature.

\* All the above definitions are from Co-operating to Safeguard Children and Young People in Northern Ireland (2017)

[Co-operating to Safeguard Children and Young People in Northern Ireland](#)

These types of abuse apply equally to children with disabilities but the abuse may take slightly different forms, for example, lack of appropriate supervision, or the use of physical restraints such as being confined to a wheelchair or bed.

Child abuse in other specific circumstances can be found in Section 6.

### **5.3 Talking to Children where there are Concerns about Possible Abuse**

Where teachers see signs which cause them concern, they should, as a first step, seek some clarification from the child with tact and understanding. Where a classroom assistant or another member of the school's non-teaching staff sees such signs, he/she should immediately bring them to the attention of either the class teacher or the Designated Teacher, and it may be appropriate for the necessary clarification to be carried out by the teacher.

Such clarification may reassure teachers that abuse has not occurred; but signs and symptoms which cause concern, while perhaps not a result of abuse, may nevertheless

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5 Although 'exploitation' is not included in the categories of registration for the Child Protection Register, professionals should recognise that the abuse resulting from or caused by the exploitation of children and young people can be categorised within the existing CPR categories as children who have been exploited will have suffered from physical abuse, neglect, emotional abuse, sexual abuse or a combination of these forms of abuse.

indicate that the child or his/her family is in need of intervention by statutory, voluntary or community based services through a 'child in need' referral (with parental consent).

Care must be taken in asking, and interpreting children's responses to, questions about indications of abuse. The same considerations apply when a child makes an allegation of abuse, or volunteers information which amounts to that. In some circumstances, talking to the child will quickly clarify initial concerns into a suspicion that abuse has occurred, and point to the need for an immediate referral. Staff should be aware that the way in which they talk to a child can have an effect on the evidence which is put forward if there are subsequent criminal proceedings, and the extent of questioning should, therefore, be kept to a minimum:

- Staff should not ask the child leading questions, as this can later be interpreted as putting ideas into the child's mind.
- Staff should not, therefore, ask questions which impose the adult's own assumptions. For example, staff should say, "Can you tell me what has happened", rather than, "Did they do X to you?"
- The priority at this stage is to actively listen to the child, and not to interrupt or try to interpret if he/she is freely recalling significant events (*the child must not be asked to unnecessarily recount the experience of abuse*) and as soon as possible afterwards to make a record of the discussion. This should be passed on to the DT, using for example, the template 'Note of Concern' from the DE 'Child Protection: Record Keeping in Schools' circular 2020/07. The note should record the time, date, place and people who were present, as well as what was said. Signs of physical injury observed should be described in detail, but *under no circumstances should a child's clothing be removed or a photograph taken*.
- Any comment by the child, or subsequently by a parent or carer or other adult, about how an injury occurred should be written down as soon as possible afterwards, quoting words actually used.
- Staff should not give the child or young person undertakings of confidentiality, although they can and should, of course, reassure that information will be disclosed only to those professionals who need to know.
- Staff should also be aware that their note of the discussion may need to be used in any subsequent court proceedings. Subsequent sections of this booklet give guidance on record-keeping. It should be emphasised that lack of proper records will not, of itself, exempt the school from any subsequent requirement to give evidence in court. *It is therefore essential that accurate contemporaneous (i.e. recorded as soon as possible after the event) records are maintained.*

- Staff should **not** ask the child to write an account of their disclosure for the record.

The NSPCC report 'No-one Noticed No-one Heard: A Study of Disclosures of Childhood Abuse' (2013) describes childhood experiences of disclosing abuse. It provides useful insight on barriers to children's disclosure and key factors that promoted disclosure.

[No one noticed, no one heard](#)

## 5.4 Child Displaying Symptoms of, or School alerted to, Possible Abuse

In all cases where symptoms displayed by a child give rise to concerns about possible abuse, or about the welfare of the child, the teacher or other member of staff should report these concerns to the designated teacher. A parent or other carer may also give information to a member of staff of the school which gives rise to concern about possible child abuse by someone outside the school, or by a person working in the school in a volunteer capacity. The person making the complaint should be advised of their responsibility to refer to the local Health and Social Care Trust Gateway Team.

In order to form a view on whether a child or children may indeed be being abused, or at risk of possible abuse, the Principal/DT/DDT may need to seek discreet preliminary clarification from the person making the complaint or giving the information, or from others who may have relevant information.

While such clarification will often help to confirm or allay concerns, *it is not the responsibility of teachers and other education staff to carry out investigations into cases of suspected abuse, or to make extensive enquiries of members of the child's family or other carers.* Under Articles 65 and 66 of the Children (NI) Order, this is the statutory responsibility of the investigating agencies, Children's Social Services and/ or PSNI. Schools should not take action beyond that set out in the procedures in this guidance, and those established by the SBNI and employing authorities, to be followed in handling suspected cases of abuse.

### Further Information

The EA CPSS can offer advice on all child protection issues. Contact details are included in the Contacts Section.

## 5.5 Dealing with Allegations of Abuse made Against a Member of Staff

Where a complaint about possible abuse is made against a member of staff of the school, the procedures in DE Circular 2015/13 should be followed -

[Circular 2015/13 - Dealing with allegations of abuse against a member of staff](#)

In all decisions the child's welfare is the paramount consideration and the child should be listened to and his/her concerns taken seriously. The possible risk of harm to children posed by a member of staff must be evaluated and managed. In some cases this may require consideration of suspension as a precautionary measure.

### Statutory Responsibilities

The Education and Libraries (Northern Ireland) Order 2003 places a statutory duty on BoG to safeguard and promote the welfare of pupils. In order to fulfil these responsibilities Governors are obliged to acknowledge and work within the relevant guidance issued by DE and DoH.

### Process

Principals and BoG have a duty of care for the welfare of pupils and any allegation needs to be effectively evaluated and managed. However, as employers, they also have a duty of care to their staff and should ensure they provide effective support for anyone facing an allegation of abuse.

**All allegations should be reported immediately**, normally to the Principal or DT/DDT for Child Protection/Deputy Designated Teacher for Child Protection. A Lead Individual should be identified to manage the handling of the allegation from the outset. This would normally be the Principal or a designated senior member of staff. If the Principal is the subject of concern the allegation should be reported immediately to the Chair of the BoG, Deputy Chairperson, Designated Governor for Child Protection and the person appointed to be the Lead Individual.

In the interests of all involved the issue should be dealt with as a priority and unnecessary delays should be avoided. Every effort to maintain confidentiality and guard against unwanted publicity must be made. Allegations should not be shared with other staff or children.

**All allegations** of a child abuse nature **must** be recorded in the hard backed and bound Record of Child Abuse Complaints book<sup>6</sup>, which must be retained securely. A record of this should be placed on the relevant pupil's Child Protection File. For more information on recording of child protection complaints see DE Circular 2020/07 Child Protection: Record Keeping in Schools.

### **Further information**

The responsibilities and processes to be followed are clearly set out in DE Circular 2015/13 "Dealing with allegations of abuse against a member of staff".

[Circular 2015/13 - Dealing with allegations of abuse against a member of staff](#)

DE Circular 2020/07 'Child Protection: Record Keeping in Schools' sets out the processes for recording, sharing and storage of child protection records.

[Circular 2020/07 - Child Protection: Record Keeping in Schools](#)

The EA CPSS can offer advice on all child protection issues. Contact details are included in the Contacts Section.

## **5.6 Process for Referral**

### **5.6.1 Context**

Responsibility for referral of suspected abuse cases lies with the DT who will find it helpful to establish a good working relationship with colleagues from the other agencies, especially the Social Services and the PSNI. These agencies have wide experience in dealing with such cases, and regular communication should help to build the understanding, trust and confidence which will help to secure effective co-operation in cases of actual or suspected abuse.

### **5.6.2 Understanding the Needs of Children in Northern Ireland (UNOCINI)**

UNOCINI is a framework to support professionals in assessment and planning to better meet the needs of children and their family.

The UNOCINI model is used to enable practitioners and their agencies to communicate their concerns about children using a common format, language and understanding of the levels of need, concern or risk for all children across Northern Ireland.

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<sup>6</sup> All schools should retain a Record of Child Abuse Complaints to record allegations against a member of staff.

The UNOCINI assessment framework is intended to be used by all professionals working with children as a tool to help them identify the needs of children at an early stage. UNOCINI guidance includes information about when and how to refer a child to children's social services.

The supporting document 'Thresholds of Need Model' was developed to assist staff to describe the different levels of children's needs. Children's needs are categorised into four levels and assessments of need can take place both within each level and also across different levels.

More detailed guidance can be found at:

[UNOCINI - Thresholds of Need Model](#)

The UNOCINI referral form must be completed whenever staff wish to refer a child or young person to children's social services for support, safeguarding or a fuller assessment of a child's needs.

If you are concerned that a child may be suffering, or at risk of suffering, significant harm, then an **urgent** referral to children's social services through the local Gateway Service must be made. When making an urgent referral by telephone, the Duty Social Worker will advise you that you will be required to confirm your referral in writing on a UNOCINI within 24 hours. For further detailed guidance please refer to the DoH website at:

[Understanding the Needs of Children in Northern Ireland \(UNOCINI\) Guidance](#)

Prior to making a referral to Social Services the consent of the parent/carers and/or the young person (if they are competent to give this) will normally be sought. The exception to this is where to seek such consent would put that child, young person, or others at increased risk of significant harm or an adult at risk of serious harm, or it would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation.

In instances where consent is sought but refused, a referral should be made and a record maintained of the reasons for that decision and the actions taken. More detailed information on the process is available in the SBNI Procedures Manual:

[Safeguarding Board for Northern Ireland Procedures Manual](#)

The CPSS can offer advice as required.

Non-urgent referrals i.e. child in need/family support referrals **must** have the consent of the parent/carers and/or the young person (if they are competent to give this) and should be made in writing using the UNOCINI referral form.

The welfare of the child is paramount and, if the DT is unable to contact the parent/carers, he/she should not delay, and should progress the referral with Social Services Gateway Team.

Issues of consent (including when consent is not forthcoming) must always be clearly recorded.

If in any doubt about liaising with parents/carers, the DT should contact the CPSS or consult with their local Gateway Service.

Schools are reminded that, when completing a UNOCINI referral, not to copy the referral form to the EA or CCMS.

UNOCINI pro-formas should be destroyed in line with the school's records retention policy and the guidance provided in DE circular 2020/07 "Child Protection: Record Keeping in Schools".

The outcomes of a Social Services investigation may include the Principal/DT/DDT being invited by Social Services Gateway Team to attend a child protection case conference to participate in the decision making process regarding Child Protection Registration. Further detailed guidance can be found in the SBNI Procedures Manual: [SBNI Procedures Manual](#)

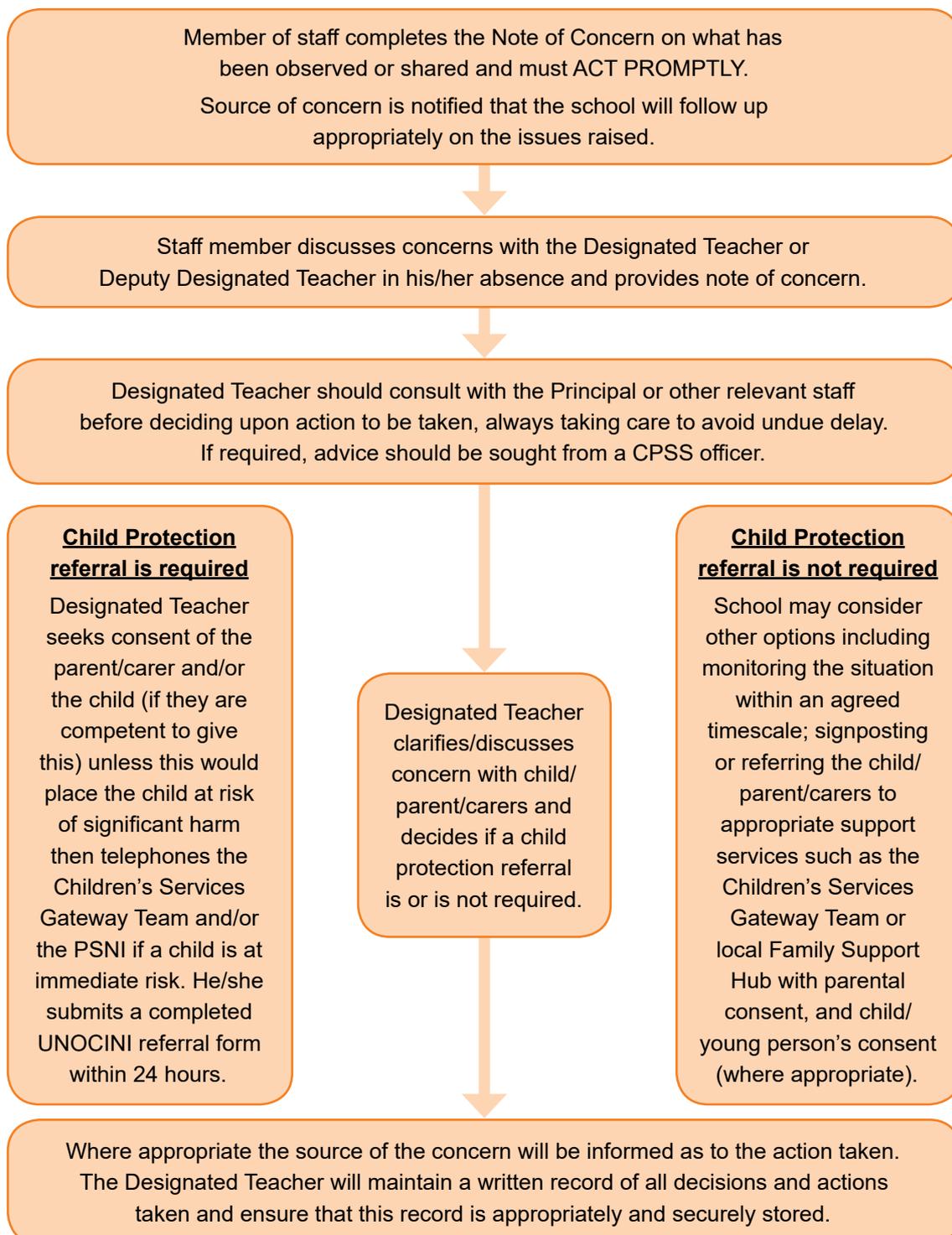
### **Further Information**

Flowcharts on Processes for Referral are available at Section 5.7. For more information on agencies and support services see Annex B.

The EA CPSS can offer advice on all child protection issues. Contact details are included in the Contacts Section.

## 5.7 Processes for Referral are set out in the Flowcharts below:

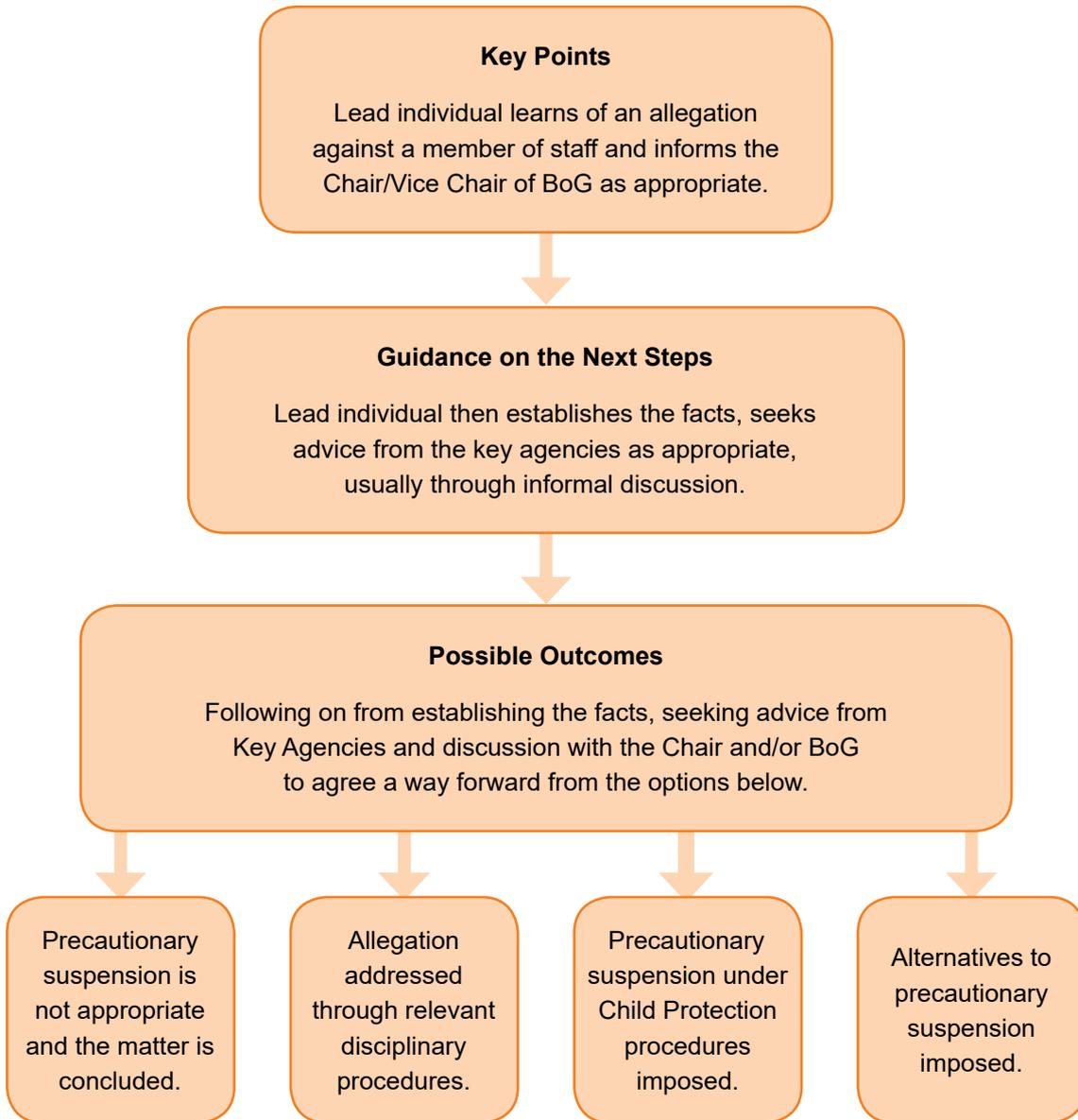
Procedure where the School has concerns, or has been given information, about possible abuse by someone other than a member of staff <sup>7, 8</sup>



7 It is imperative that any disclosure by a child, or concern that indicates a child may be at immediate risk, is reported immediately to the PSNI and Social Services to ensure that emergency protection measures are put in place. This is particularly important if there is a risk of the child at home. Contact details for the PSNI Central Referral Unit and Duty Social Workers can be found in the Contacts Section.

8 DE Circular 2020/07 Child Protection: Record Keeping in Schools.

Dealing with Allegations of Abuse Against a Member of Staff <sup>9, 10</sup>



9 DE Circular 2020/07 Child Protection: Record Keeping in Schools.

10 As noted previously a **Lead Individual** to manage the handling of an allegation should be identified from the outset, normally the Principal or a designated senior member of staff.



## 6

## Specific Types of Abuse

### 6.1 Grooming

Grooming<sup>11,12</sup> of a child or young person is always abusive and/or exploitative. It often involves perpetrator(s) gaining the trust of the child or young person or, in some cases, the trust of the family, friends or community, and/or making an emotional connection with the victim in order to facilitate abuse before the abuse begins. This may involve providing money, gifts, drugs and/or alcohol or more basic needs such as food, accommodation or clothing to develop the child's/young person's loyalty to and dependence upon the person(s) doing the grooming. The person(s) carrying out the abuse may differ from those involved in grooming which led to it, although this is not always the case.

Grooming is often associated with CSE (see Section 6.2), but can be a precursor to other forms of abuse. Grooming may occur face to face, online and/or through social media, the latter making it more difficult to detect and identify.

Adults may misuse online settings eg chat rooms, social and gaming environments and other forms of digital communications, to try and establish contact with children and young people or to share information with other perpetrators, which creates a particular problem because this can occur in real time and there is no permanent record of the interaction or discussion held or information shared.

Those working or volunteering with children or young people should be alert to signs that may indicate grooming, and take early action in line with their child protection and safeguarding policies and procedures to enable preventative action to be taken, if possible, before harm occurs.

Practitioners should be aware that those involved in grooming may themselves be children or young people, and be acting under the coercion or influence of adults. Such young people must be considered victims of those holding power over them. Careful consideration should always be given to any punitive approach or 'criminalising' young

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11 DoH publication 'Co-operating to Safeguard Children and Young People in Northern Ireland' (August 2017)

[Co-operating to Safeguard Children and Young People in Northern Ireland](#)

12 NSPCC definition - 'Grooming is when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse or exploitation. Children and young people can be groomed online or in the real world, by a stranger or by someone they know - for example a family member, friend or professional. Groomers may be male or female. They could be any age. Many children and young people do not understand that they have been groomed, or that what has happened is abuse.'

people who may, themselves, still be victims and/or acting under duress, control, threat, the fear of, or actual violence. In consultation with the PSNI and where necessary the PPS, HSC professionals must consider whether children used to groom others should be considered a child in need or requiring protection from significant harm.

### **Statutory Responsibilities**

[The Sexual Offences \(Northern Ireland\) Order 2008](#) provides for offences relating to sexual grooming of children and young people.

### **Further Information**

DoH Co-operating to Safeguard Children and Young People in Northern Ireland (2017)  
[Co-operating to Safeguard Children and Young People in Northern Ireland](#)

Further information and sources of advice on online grooming and internet safety can be found in Section 6.7.

The EA CPSS can offer advice on all child protection issues. Contact details are included in the Contacts Section.

## **6.2 Child Sexual Exploitation**

Child Sexual Exploitation is a form of sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always include physical contact; it can also occur through the use of technology.<sup>13</sup>

Any child (i.e. a person under the age of 18) can be a victim of CSE. Although younger children can experience CSE, the average age at which concerns are first identified is 12-15 years of age. Sixteen and seventeen year olds, although legally able to consent to sexual activity can also be sexually exploited. Both young females and males can be victims of CSE.

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13 Department of Health, Social Services and Public Safety publication 'Co-operating to Safeguard Children and Young People in Northern Ireland' (August 2017)  
[Co-operating to Safeguard Children and Young People in Northern Ireland](#)

CSE can be perpetrated by adults or by young people's peers, on an individual or group basis, or a combination of both, and can be perpetrated by females as well as males.

While children in care are known to experience disproportionate risk of CSE, **the majority of CSE victims are living at home.**

### **Statutory Responsibilities**

While CSE is not a specific criminal offence, it does encompass a range of sexual offences and other forms of serious criminal misconduct.

The Sexual Offences (NI) Order 2008 provides for a number of offences that between them could enable prosecution of cases of CSE.

The Children (NI) Order 1995 and the Child Abduction (NI) Order 1985 can also be used in cases where children are going missing as part of the exploitation.

#### **6.2.1 Identifying CSE**

CSE can be very difficult to identify and a young person may not see themselves as a victim. However, it is our statutory responsibility to protect all children and young people from abuse, irrespective of whether or not they view themselves as a victim of abuse. **Professionals need to be able to identify vulnerability in the midst of challenging behaviour and frequent resistance to, or even apparent disregard for, professional support.**

Research repeatedly shows that young people rarely report abuse through CSE. Most concerns are identified by professionals, friends or family or by proactive investigation by authorities. In recognition of this, good practice guidelines state that all areas should assume that CSE is occurring within their area unless they have evidence to indicate otherwise. As such, **schools should be alert to the likelihood of CSE and plan to protect children and young people accordingly.**

#### **Potential indicators of CSE:**

- Acquisition of money, clothes, mobile phones etc without plausible explanation.
- Truancy/leaving school without permission.
- Persistently going missing or returning late.
- Receiving lots of texts/ phone calls prior to leaving.

- Change in mood - agitated/stressed.
- Appearing distraught/dishevelled or under the influence of substances.
- Inappropriate sexualised behaviour for age.
- Physical symptoms eg bruising; bite marks.
- Collected from school by unknown adults or taxis.
- New peer groups.
- Significantly older boyfriend or girlfriend.
- Increasing secretiveness around behaviours.
- Low self-esteem.
- Change in personal hygiene (greater attention or less).
- Self harm and other expressions of despair.
- Evidence or suspicion of substance abuse.

While these indicators can be useful in identifying potential risk, their presence does not necessarily mean CSE is occurring. More importantly, nor does their absence mean it is not.

### **6.2.2 What to Do**

CSE is a form of child abuse and, as such, any member of staff suspecting that CSE is occurring should follow the school child protection policy and procedures, including reporting to the appropriate agencies.

The HSCT and PSNI should be involved as early as possible to ensure any evidence that may assist prosecution is not lost and to enable a disruption plan to reduce the victim's contact with the perpetrator(s) and reduce the perpetrator(s) control over the victim to be put in place without delay. More details on the process can be found in DoH Co-operating to Safeguard Children and Young People in Northern Ireland (2017), Section 7.2.7.

### **Further Information**

DoH Co-operating to Safeguard Children and Young People in Northern Ireland (2017), Section 7.2.7 gives further information on CSE and steps to be followed.

[Co-operating to Safeguard Children and Young People in Northern Ireland](#)

The SBNI has developed a public information campaign on CSE - “The More You Know, The More You See”. For further information go to [Safer to know](#).

A **Professional Information Guide** is also available on the SBNI website at [Safeguarding NI](#).

The ETI report “An evaluation of preventative education and the statutory curriculum to inform the Independent Inquiry into Child Sexual Exploitation” (September 2014) can be found at:

[An Evaluation of Preventative Education and the Statutory Curriculum to inform the Independent Inquiry into Child Sexual Exploitation](#)

More information on CSE, including a guide on “What can schools do to protect children and young people from sexual exploitation” can be found on the NSPCC website at [NSPCC](#).

Barnardo’s also have special expert services that can help those affected and information on identifying and dealing with CSE can be found on their website at: [Child sexual exploitation \(CSE\)](#)

Resources for schools can be found on the EA website under the heading ‘Child Sexual Exploitation’: [Safeguarding and Child Protection](#)

Free confidential 24-hour support is available from:

Childline  
Tel: 0800 1111  
[Childline](#)

NSPCC CSE Helpline  
Tel: 0800 389 1701  
[NSPCC](#)

### 6.3 Domestic and Sexual Violence and Abuse

*(see also Section 8 under Preventative Curriculum)*

The Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy (2016) defines domestic and sexual violence and abuse as follows:-

Domestic Violence and Abuse:

*‘threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member.’*

## Sexual Violence and Abuse

*‘any behaviour (physical, psychological, verbal, virtual/online) perceived to be of a sexual nature which is controlling, coercive, exploitative, harmful, or unwanted that is inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability).’*

Please note that coercive, exploitative and harmful behaviour includes taking advantage of an individual’s incapacity to give informed consent.

The Stopping Domestic and Sexual Violence and Abuse Strategy can be found at: [Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Strategy](#)

### Background

In the 12 months from 1 October 2017 to 30 September 2018, there were 31,008 domestic abuse incidents recorded by the PSNI, an increase of 1,582 incidents (5.4%) on the previous 12 months and the highest in any 12 month period since the start of data collection in 2004/2005.

NSPCC research carried out in 2009 ‘Partner exploitation and violence in teenage intimate relationships’ highlights partner violence as a significant concern for young people’s wellbeing, providing unequivocal evidence for the need to develop more effective safeguards in this area of child welfare. The survey identified that three-quarters of girls in a relationship experienced emotional violence of some form, a third reported sexual violence and a quarter experienced physical violence with one in 10 girls the physical violence was defined as severe. Half of boys in a relationship reported emotional violence, 18 per cent experienced physical violence and 16 per cent sexual violence. Thus, a substantial number of young people will experience some form of violence from their partner before they reach adulthood.

[NSPCC Library Online](#)

### Process

Schools should ensure that:

- training for staff by the DTs for Child Protection includes awareness of domestic violence and its impact on children;
- the Child Protection Policy includes recognition of the impact on children of an abusive family setting and states that cases will be reported to the appropriate statutory agency;

- domestic and sexual violence and abuse is included in the school's preventative curriculum - see Section 8.2 for more information.

The DT can contact CPSS for advice at any stage (details are in the Contacts Section).

### Further Information and Resources

The EA website has information on domestic and sexual violence and abuse within its resources on child protection and safeguarding:

[Safeguarding and Child Protection](#)

Link to The Hide Out (site includes an educational toolkit with lesson plans for each year group and resources)

[Adults – Young people and domestic abuse | The Hide Out](#)

More information is available at: [Domestic abuse](#). You can also contact the 24 hour domestic and sexual violence helpline on:

Phone: 0808 802 1414 (Freephone)

Email: [24hrsupport@dvhelpline.org](mailto:24hrsupport@dvhelpline.org)

Text: 'support' to 077 9780 5839

Children and young people can contact the Childline Free Helpline at 0800 1111.

'Safe Learning: How to support the educational needs of children and young people affected by domestic violence' was produced by Save the Children in conjunction with Women's Aid in 2006. It is a guide for educational professionals offering an insight into children's experiences of domestic violence and how these may affect their learning. It offers suggestions as to how educational professionals can respond to support children and minimise any disruption to their education.

[Safe Learning: How to support the educational needs of children and young people affected by domestic violence](#)

Organisations that can offer advice and support:

- Women's Aid Federation Northern Ireland - [Women's Aid Federation Northern Ireland](#) - 028 9024 9041
- Mens Advisory Project (MAP) - [The Mens Advisory Project Northern Ireland](#) - 028 9024 1929
- Men to Men - 028 9024 7027
- Mens Aid NI - [Men's Aid](#) - 077 0385 8130

### Other Useful Numbers

- Rape Crisis and Sexual Abuse Centre - 028 9032 9002
- Nexus - 028 9032 6803
- Victim Support - 028 9024 3133
- Law Society (Legal and Local Solicitor Advice) - 028 9023 1614
- Parents Helpline - 0808 8010 722

## 6.4 Female Genital Mutilation (FGM)

FGM is a form of child abuse and violence against women and girls. FGM comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons. The procedure is also referred to as 'cutting', 'female circumcision' and 'initiation'. The practice is medically unnecessary, extremely painful and has serious health consequences, both at the time when the mutilation is carried out and in later life.

FGM is a form of child abuse and, as such, teachers have a statutory duty to report cases, including suspicion, to the appropriate agencies, through agreed and established school procedures.

In the UK, FGM has been a specific criminal offence since the Prohibition of Female Circumcision Act 1985. The Female Genital Mutilation Act 2003 replaced the 1985 Act in England, Wales and Northern Ireland and the Serious Crime Act 2015 further strengthened the law on FGM.

FGM is a complex issue with many men and women from practising communities considering it to be normal to protect their cultural identity. The procedure may be carried out when the girl is newborn, during childhood or adolescence, just before marriage or during the first pregnancy. However, the majority of cases are thought to take place between the ages of five and eight, putting children in this age bracket at highest risk.

### Statutory Responsibilities

[Education and Libraries \(Northern Ireland\) Order 2003](#) - Article 17 - schools have a statutory duty to promote and safeguard the welfare of its pupils.

The [Female Genital Mutilation Act 2003](#) repealed and re-enacted the Prohibition of Female Circumcision Act 1985 to set the maximum penalty for FGM to 14 years

imprisonment and to make it an offence for UK nationals or permanent UK residents to perform FGM overseas or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where FGM is legal.

The [Serious Crime Act 2015](#) introduced a new offence of failing to protect a girl from FGM and lifelong anonymity for victims of FGM has been guaranteed. New FGM Protection Orders (FGMPO) were introduced in July 2015 (Section 73) and allow for the making of an FGMPO for the purpose of protecting a girl against the commission of a genital mutilation offence or protecting a girl against whom such an offence has been committed.

A new mandatory FGM reporting duty was also introduced. This duty does not extend to Northern Ireland, however, the **Criminal Law Act (NI) 1967** - Section 5 - makes it an offence to fail to report a “relevant offence” where a person has information which could lead to the apprehension, prosecution or conviction of such an offender. FGM would be such an offence.

#### [Criminal Law Act 1967](#)

The Department issued Multi Agency Practice Guidelines on FGM to all Principals, DTs, BoG and the CPSS in July 2014 and FGM is included as part of Child Protection training.

Where there is a concern that a child or young person may be at **immediate** risk of FGM this should be reported to the PSNI without delay. Contact can be made directly to the Sexual Referral Unit (based within the Public Protection Unit) at 028 9025 9299. Where there is a concern that a child or young person may be at risk of FGM, referral should be made to the relevant HSCT Gateway Team.

All staff should be aware of warning signs, appropriate response and signposting to further information and sources of help.

The EA CPSS can offer advice on all safeguarding and child protection issues. Contact details are included in the Contacts Section.

#### **Further Information**

*Multi-Agency Practice Guidelines* are available on the Department of Finance website at:

[Multi-agency practice guidelines on female genital mutilation](#)

[Tackling FGM in the UK: Intercollegiate recommendations for identifying, recording and reporting](#)

### External links which may be helpful:

The **NSPCC** has a FGM helpline. The helpline is open 24/7 and can be called if you're worried a child is at risk of, or has had, FGM. The helpline is free and anonymous.

Phone: 0800 028 3550      Email: [fgmhelp@nspcc.org.uk](mailto:fgmhelp@nspcc.org.uk)

ACSONI (African and Caribbean Support Organisation Northern Ireland) can also offer support and advice on FGM, including links with the local community.

Phone: 028 9043 4090      Email: [info@acsoni.org](mailto:info@acsoni.org)

## 6.5 Forced Marriage

A Forced Marriage is a marriage conducted without the valid consent of one or both parties and where duress is a factor. Forced Marriage is a criminal offence in Northern Ireland, and where an agency, organisation or practitioner has knowledge or suspicion of a forced marriage in relation to a child or young person, they should contact the PSNI immediately<sup>14</sup>.

There is a clear distinction between a forced marriage and an arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage but the choice whether or not to accept the arrangement remains with the prospective spouses. In forced marriages, one or both spouses do not (or, in the case of some adults with support needs, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

### Statutory Responsibilities

#### Forced Marriage (Civil Protection) Act 2007

A Forced Marriage Protection Order (FMPO) issued under the 2007 Act offers protection to a victim from being forced into marriage. A FMPO may contain prohibitions, restrictions or requirements and any other such terms as the Court considers appropriate. An application for a FMPO can be made by a victim, a person obtaining the court's permission to apply for an order on behalf of the victim, a relevant third party, or by the Court itself. Breach of a FMPO is a criminal offence.

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<sup>14</sup> Department of Health, Social Services and Public Safety publication 'Co-operating to Safeguard Children and Young People in Northern Ireland' (August 2017)

All agencies with responsibility towards safeguarding and promoting the welfare of children must comply with [The Right to Choose: Statutory guidance for dealing with forced marriage](#) published by the Department of Finance and Personnel (DFP) in April 2012 to protect persons from being forced into marriage against their will. This guidance is designed to assist with the operation of the 2007 Act and to ensure that the protections which the Act offers are widely promoted in Northern Ireland.

Warning signs within the school environment:

- Absence and persistent absence.
- Request for extended leave of absence/failure to return from visits to country of origin.
- Surveillance by siblings or cousins.
- Decline in behaviour, engagement, performance or punctuality.
- Poor exam results.
- Being withdrawn from school by those with parental responsibility and not being provided with suitable education at home.
- Not allowed to attend extracurricular activities.
- Sudden announcement of engagement to a stranger.
- Prevented from going on to further/higher education.

Due to the nature of forced marriage the involvement of the child's or young person's family may increase the risk of significant harm to the child or young person. The family may deny that the child or young person is being forced to marry and they may expedite any travel arrangements and bring forward the marriage.

It is, therefore, advised that in all cases where there is a suspicion that a child or young person is being, or has been forced into a marriage, schools should contact CPSS for advice and assistance.

The EA CPSS can offer advice on all safeguarding and child protection issues. Contact details are included in the Contacts Section.

### **Further Information**

[The Right to Choose: Statutory guidance for dealing with forced marriage](#) published by the Department of Finance and Personnel in April 2012.

DoH Co-operating to Safeguard Children and Young People in Northern Ireland (2017)  
[Co-operating to Safeguard Children and Young People in Northern Ireland](#)

## 6.6 Children who Display Harmful Sexualised Behaviour

Learning about sex and sexual behaviour is a normal part of a child's development. It will help them as they grow up, and as they start to make decisions about relationships. Schools support children and young people, through the Personal Development element of the curriculum, to develop their understanding of relationships and sexuality and the responsibilities of healthy relationships. Teachers are often therefore in a good position to consider if behaviour is within the normal continuum or otherwise.

It must also be borne in mind that sexually harmful behaviour is primarily a child protection concern. There may remain issues to be addressed through the school's positive behaviour policy but it is important to always apply principles that remain child centred.

It is important to distinguish between different sexual behaviours - these can be defined as 'healthy', 'problematic' or 'sexually harmful'. More details on each type of behaviour can be found in [DE Circular - 2022/02 - Children Who Display Harmful Sexual Behaviour](#).

Healthy sexual behaviour will normally have no need for intervention, however consideration may be required as to appropriateness within a school setting.

Problematic sexual behaviour requires some level of intervention, depending on the activity and level of concern. For example, a one-off incident may simply require liaising with parents on setting clear direction that the behaviour is unacceptable, explaining boundaries and providing information and education. Alternatively, if the behaviour is considered to be more serious, perhaps because there are a number of aspects of concern, advice from the EA CPSS should be sought.

The CPSS will advise if additional advice from PSNI or Social Services is required.

### 6.6.1 What is Harmful Sexualised Behaviour?

Harmful sexualised behaviour is any behaviour of a sexual nature that takes place when:

- there is no informed consent by the victim; and/or

- the perpetrator uses threat (verbal, physical or emotional) to coerce, threaten or intimidate the victim.

Harmful sexualised behaviour can include:

- Using age inappropriate sexually explicit words and phrases.
- Inappropriate touching.
- Using sexual violence or threats.
- Sexual behaviour between children is also considered harmful if one of the children is much older - particularly if there is more than two years' difference in age or if one of the children is pre-pubescent and the other is not.
- However, a younger child can abuse an older child, particularly if they have power over them - for example, if the older child is disabled.

Harmful sexualised behaviour will always require intervention and schools should refer to their own child protection policy and seek the support that is available from the CPSS.

Harmful sexualised behaviour may take place in school, in a family home or in the wider community and the guidance provided in DE [Circular - 2022/02 - Children Who Display Harmful Sexual Behaviour](#) should also be used to assess and manage risks which may arise in school as a consequence of harmful sexualised behaviour which has taken place in a family home or the wider community.

### **Further Information**

DE Circular 2022/02 provides guidance for schools and other education settings about harmful sexualised behaviour displayed by children and young people.

[Circular - 2022/02 - Children Who Display Harmful Sexual Behaviour](#)

The EA CPSS can offer advice on all safeguarding and child protection issues. Contact details are included in the Contacts Section.

## **6.7 E-Safety/Internet Abuse**

Online safety means acting and staying safe when using digital technologies. It is wider than simply internet technology and includes electronic communication via text messages, social environments and apps, and using games consoles through any digital device. In all cases, in schools and elsewhere, it is a paramount concern.

In January 2014, the SBNI published its report 'An exploration of e-safety messages to young people, parents and practitioners in Northern Ireland' which identified the associated risks around online safety under four categories:

- **Content risks:** the child or young person is exposed to harmful material.
- **Contact risks:** the child or young person participates in adult initiated online activity.
- **Conduct risks:** the child or young person is a perpetrator or victim in peer-to-peer exchange.
- **Commercial risks:** the child or young person is exposed to inappropriate commercial advertising, marketing schemes or hidden costs.

Schools have a responsibility to ensure that there is a reduced risk of pupils accessing harmful and inappropriate digital content and should be energetic in teaching pupils how to act responsibly and keep themselves safe. As a result, pupils should have a clear understanding of online safety issues and, individually, be able to demonstrate what a positive digital footprint might look like.

The school's actions and governance of online safety must be reflected clearly in its safeguarding arrangements. Safeguarding and promoting pupils' welfare around digital technology is the responsibility of everyone who comes into contact with the pupils in the school or on school-organised activities.

It is recommended that rather than having a stand-alone online safety policy, schools should integrate their online safety policy (and, where applicable, their mobile learning policy) into existing safeguarding, behaviour, code of practice and anti-bullying policies.

The online safety policy should incorporate agreements on the acceptable use of (i) the internet and school-based digital technology and (ii) personal mobile technology.

## **6.8 Managing the Risks**

Twenty-first Century life presents dangers including violence, racism, radicalisation and exploitation. Whilst children and young people need to be protected from these dangers, they also need to be educated about how to recognise and avoid the risks, in age appropriate manner. Pupils need to know how to cope if they come across inappropriate material or situations online and should be encouraged to seek help and advice when they need it without fear of censure or criminalisation.

Schools also need to perform risk assessments on the technologies within their school to ensure that they are fully aware of and can mitigate the potential risks involved with their use.

DE Circular 2016/27 provides schools with information on the characteristics of good online safety practice and recommended actions for schools in developing or reviewing their online safety procedures. The Department's website also provides further advice and links to relevant DE Circulars and sites providing advice for teachers, pupils and parents.

#### Education in safe and effective practices

The EA/C2k has procured a filtered internet service for and on behalf of all pupils and staff in schools in Northern Ireland. This is provided as part of the core C2k service available to all schools. However, where a school decides to provide alternative internet access, then the responsibility for the filtering of any inappropriate online content rests with the school's BoG (unless otherwise agreed in a written contract with the service provider).

It is appreciated that schools cannot cover every scenario and that parents have the primary responsibility for the protection and safeguarding of their children but the reality is that many parents are intimidated by the complexity of modern technologies, and may feel inadequate in the face of the ready familiarity with which their children use them. It is recommended that schools, so far as is reasonably possible, engage with parents to share information, advice and guidance on the appropriate and safe use of digital technology.

Some schools have provided excellent training to parents through pupil-led workshops and presentations. There are many other websites that can offer support and other links are available from the DE website.

#### **Cases of Inappropriate Use**

A school may become aware of pupils or members of staff affected by internet abuse, either in school or outside school hours, eg trolling, sexting, cyber-bullying, online grooming etc.

Cyber-bullying should be considered within the school's overall Anti Bullying Policy. Article 2(2) of the Addressing Bullying in Schools Act (NI) 2016 expressly permits schools to include in their Anti-Bullying Policy measure to tackle cyber-bullying between pupils, even when the incidents take place outside the normal school day.

While there is no specific legislation for cyber-bullying, the following may cover different elements of cyber-bullying behaviour:

Protection for Harassment (NI) Order 1997

[The Protection from Harassment \(Northern Ireland\) Order 1997](#)

Malicious Communications (NI) Order 1988

[The Malicious Communications \(Northern Ireland\) Order 1988](#)

The Communications Act 2003

[Communications Act 2003](#)

## **6.9 Sexting**

Sexting is the sending or posting of sexually suggestive images, including nude or semi-nude photographs, via mobiles or over the Internet. There are two aspects to Sexting:

### **6.9.1 Sexting between individuals in a relationship**

As adults we can question the wisdom of this but the reality is that children and young people consider this to be normal.

Clearly pupils need to be aware that it is illegal, under the Sexual Offences (NI) Order 2008, to take, possess or share 'indecent images' of anyone under 18 even if they are the person in the picture (or even if they are aged 16+ and in a consensual relationship) and in these cases you should contact local PSNI on 101 for advice and guidance.

Please be aware that, while offences may technically have been committed by the child/children involved, the matter will be dealt with sensitively and considering all of the circumstances and it is not necessarily the case that they will end up with a criminal record.

It is important that particular care is taken in dealing with any such cases. Adopting scare tactics may discourage a young person from seeking help if they feel entrapped by the misuse of sexual images. Advice should be sought from CPSS.

### **6.9.2 Sharing an inappropriate image with an intent to cause distress**

If a pupil has been affected by inappropriate images or links on the internet it is important that you **do not forward it to anyone else**. Please remember that schools

are not required to investigate incidents. It is an offence under the Criminal Justice and Courts Act 2015 ([Criminal Justice and Courts Act 2015](#)) to share an inappropriate image of another person without the individual's consent - see Articles 33-35 of the Act for more detail. By contacting the PSNI you could help prevent further distribution of the image and further such incidents contain the damage it can cause.

If a young person has shared an inappropriate image of themselves that is now being shared further whether or not it is intended to cause distress, the child protection procedures should be followed.

**The UK Safer Internet Centre (contact details below) may be able to assist in having an image blocked or removed to prevent further distribution.**

It is also vital to ensure that the victim of abuse receives the correct support. They are likely to feel ashamed, embarrassed and worried about parental reaction - some may wish to speak to the school independent Counsellor. A list of organisations offering advice and support is included below.

### **Departmental Guidance**

DE Circular 2007/1 - guidance on Internet Use Policy

DE Circular 2011/22 - advice on the safe use of the internet and digital technologies

DE Circular 2013/25 - guidance on e-Safety policy and Acceptable Use Policy

DE Circular 2016/27 - guidance on online safety

DoH Co-operating to Safeguard Children and Young People in Northern Ireland (2017) - Section 7.2.9 offers advice on Risks of Misuse of Digital Technologies.

The SBNI recommend the SWGFL (South West Grid for Learning) '360 degree safe' online safety self-assessment tool for use across schools and colleges. The tool is free to use and is intended to help schools strengthen their online safety policy and practice. The tool can be found at [Online Safety Self-Review Tool for Schools](#).

### **Further Information**

C2k can offer advice on internet safety and has produced resources including 'Better safe than sorry' and 'Internet Safety Room'. In cases of internet abuse a number of organisations offer support and resources including:

- Child Exploitation and Online Protection Command (CEOP) 'thinkuknow' website contains advice and resources for teachers exploring the risks which

children and young people are exposed to. CEOP has produced targeted advice and guidance for Key Stages, Resources and guidance for parents/carers, and teachers is also available: [CEOP Education](#)

- Go to [Get Safe Online](#) for useful advice and information on how to stay safe online. Safeguardingni.org will also provide information for parents and carers on online safety.
- The UKCCIS (UK Council for Child Internet Safety) has published guidance for England and Wales 'Sexting in Schools and Colleges: Responding to Incidents and Safeguarding Young People' (2016).  
[UK Council for Child Internet Safety](#)
- The UK Safer Internet Centre ([UK Safer Internet Centre](#)) offers online safety tips, advice and resources to help professionals, children and young people to stay safe on the internet.
- PSNI/SBNI leaflet 'Sexting and the Law' - a basic guide to help professionals and the public deal with incidents of sexting.  
[Sexting and the law leaflet](#)

## 7

## Dealing with Children with Increased Vulnerabilities

### 7.1 Children with a Disability

Children and young people with disabilities (i.e. any child or young person who has a physical, sensory or learning impairment or a significant health condition<sup>15</sup>) may be more vulnerable to abuse and individuals and organisations working with children with disabilities should be aware of any vulnerability factors associated with risk of harm, and any emerging child protection issues. Staff must be aware that communication difficulties can be hidden or overlooked making disclosure particularly difficult. Staff and volunteers working with children should receive training to enable them to identify and refer concerns early, to allow preventative action to be taken.

DoH Co-operating to Safeguard Children and Young People in Northern Ireland (2017), Section 7.3.10 gives further information on children and young people with disabilities and steps to be followed.<sup>16</sup>

Children with a special educational need should be given the chance to express themselves to a member of staff or other professional with appropriate language/communication skills, especially where there are concerns that abuse may have occurred.

Physical contact may be a necessary part of teaching some pupils with special educational needs, for example visually impaired children, or those with profound and multiple learning difficulties. Schools with such pupils should consider whether the Code of Conduct for Staff (see Section 4.8) needs to be amplified to make clear the necessary balance between providing support and preventing abuse or potential perceptions of abuse. Schools should inform staff, parents and pupils about their Code of Conduct and Intimate Care Policy.

The Department's report of its review into the use of restraint and seclusion in educational settings includes supportive practices definitions in relation to children with special educational needs. This is covered in more detail under Section 10.3.

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15 The Disability Discrimination Act further defines a disability as "...a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities"

16 [\*Co-operating to Safeguard Children and Young People in Northern Ireland\*](#)

## **7.2 Children with limited fluency in English**

Children whose first language is not English/Newcomer pupils should be given the opportunity to express themselves to a member of staff or other professional with appropriate language/communication skills, especially where there are concerns that abuse may have occurred.

DTs and other relevant school staff should seek advice and support from the EA's Intercultural Education Service if necessary. All schools should create an atmosphere in which pupils with special educational needs which involve communication difficulties, or pupils for whom English is not their first language, feel confident to discuss these issues or other matters that may be worrying them.

## **7.3 Pre-school provision including nursery schools and classes**

Many of the issues in the preceding paragraphs will also be relevant in the pre-school setting with the additional consideration that these younger children may have limited communication skills. Teachers, nursery assistants and other adults will come into contact with children while helping them with toileting, washing and changing their clothing. Staff in pre-school settings should consider whether the Code of Conduct meets the needs of their particular responsibilities and should make clear the boundaries of appropriate physical contact, and their Code to staff and parents.

## **7.4 Gender Identity Issues/Sexual Orientation**

Schools should strive to provide a happy environment where all young people feel safe and secure. All pupils have the right to learn in a safe and secure environment, to be treated with respect and dignity, and not to be treated any less favourably due to their actual or perceived sexual orientation.

DE requires all grant-aided schools to develop their own policy on how they will address Relationships and Sexuality Education (RSE) within the curriculum. It is via this policy that schools are expected to cover issues relating to relationships and sexuality, including those affecting LGB&T children and young people.

CCEA published updated guidance for primary and post-primary schools on RSE in August 2015. This guidance outlines the importance of RSE, the partnership approach needed for effective delivery of RSE (including the need for engagement with parents), the inclusive approach that is required (covering sexual orientation/gender identity) and the importance of the classroom environment. DE Circular 2015/22 - Relationship and sexuality education also provides help and advice for schools.

EA has published guidance on how schools can support transgender young people.

[Supporting Transgender Young People](#)

### **Statutory Responsibilities**

**The Education (Curriculum Minimum Content) Order (NI) 2007** does not specifically refer to, “gender, race, political opinion, faith” but instead states that pupils should have opportunities to, “Investigate how and why conflict, including prejudice, stereotyping, sectarianism and racism may arise in the community”. The terms prejudice and stereotyping can cover a wide range of scenarios - including disability, gender, and sexual orientation.

**European Convention of Human Rights** details the rights of all citizens.

**Education and Libraries (NI) Order 2003** places an obligation on BoG to ‘safeguard and promote the welfare of registered pupils’.

**Equality Act (Sexual Orientation) Regulations (NI) 2003 and Regulations (NI) 2006** makes it unlawful for service providers (including education service providers) to discriminate against people because of their sexual orientation.

**Sex Discrimination (NI) Order 1976** (as amended in 2011 and 2012) makes it unlawful for an educator to discriminate based on sex, being married or having a civil partner, on the grounds of undergoing, undergone, or intention to undergo gender reassignment (this means someone who changes their sex under medical supervision).

Each school is required to have in place a written RSE Policy with the latest guidance published in August 2015:

[Relationships and sexuality education](#)

The policy should seek to promote an understanding of diversity and inclusiveness and Section 3 offers guidance specifically in respect of LGB&T pupils.

While it is recognised that every school’s RSE policy will be different, there are some key areas which should appear in all policies, including how the policy takes account of statutory obligations including The Equality Act (Sexual Orientation) Regulations NI 2006.

The guide also provides support to teaching staff in dealing with sensitive issues such as sexual orientation. There are separate guides for primary and post-primary schools.

## **Further Information**

RSE Guidance is available at:

[Relationships and Sexuality Education Guidance: Primary](#)

[Relationships and Sexuality Education Guidance: Post-Primary](#)

**KOI** (Knowing Our Identity) is a gender identity development service operated by the Belfast Health and Social Care Trust. The service is for children and adolescents (up to the age of 18) across Northern Ireland who are experiencing distress in relation to their gender identity development. The preferred referral route is through CAMHS (Child and Adolescent Mental Health Service), however other professionals, including education, as well as young people and their families can contact the service direct to discuss a possible referral. More details can be found at:

[Knowing Our Identity](#)

**NIABF** - the Northern Ireland Anti-Bullying Forum offers guidance on how to address all forms of bullying in schools and includes resources on homophobic bullying.

[End Bullying](#)

## **7.5 Boarding Schools and Residential Settings**

Boarding departments of schools offer residential care for children who need to live away from their home for educational reasons. Children in such situations are particularly vulnerable to abuse, and it is therefore vital that there are clear standards for the operation of boarding departments, and that appropriate personnel checks are carried out to ensure children's safety.

When recruiting staff for school boarding departments, schools should, as a minimum, carry out pre-employment checks in line with the following Departmental guidance:

- DE Circular 2012/19 'Disclosure and Barring Arrangements: Changes to Pre-Employment Vetting Checks for Volunteers Working in Schools from 10 September 2012.
- DE Circular 2013/01 'Disclosure and Barring Arrangements: Vetting Requirements for Paid Staff working in or Providing a Service in Schools'.

Schools should also adhere to the requirements of Article 176 of the Children (Northern Ireland) Order 1995 which requires managers of any school which provides accommodation to safeguard and promote the welfare of children for whom accommodation is provided. The provisions in Article 176 are supplemented by the

Inspection of Premises, Children and Records (Children Accommodated in Schools) Regulations (Northern Ireland) 2000.

If children are to be placed with 'host families' during holiday periods it is recommended that vetting checks are carried out - see DE Circular 2013/01 for further information. DoH Co-operating to Safeguard Children and Young People in Northern Ireland (2017) contains a section on private fostering (Section 7.3.6). All boarding schools must have a policy in relation to pupils who remain in Northern Ireland and stay with other families (or teachers) outside of term time, and adhere to the private fostering arrangements as set out in Regulation 6 of the [Children \(Private Arrangements for Fostering\) Regulations \(Northern Ireland\) 1996](#).

## **7.6 Work Experience and Residential Situations**

Schools will also be concerned to ensure the welfare of their pupils on work experience and on residential trips. Guidance on organising work experience is available from the EA and from the Health and Safety Executive.

[Educational Visits](#)

For guidance on vetting of supervisors/volunteers see DE Circulars 2013/01 and 2012/19.



## 8

## Preventative Curriculum

<sup>17</sup>The statutory personal development curriculum requires schools to give specific attention to pupils' emotional wellbeing, health and safety, relationships, and the development of a moral thinking and value system. The curriculum also offers a medium to explore sensitive issues with children and young people in an age-appropriate way which helps them to develop appropriate protective behaviours.

In recent years, the use of “keeping safe messages” and the term “preventative curriculum” have become more widely used to denote the proactive promotion of positive emotional health and wellbeing of pupils within and across the broader school community. This is achieved by raising awareness of social, emotional, and health issues, developing the confidence, resiliencies and coping skills of pupils, and in offering early intervention when pupils are experiencing certain difficulties.

Schools are well-placed to teach pupils how to develop healthy relationships, and to make informed choices in their lives so that they can protect themselves.

The ETI report ‘An evaluation of preventative education and the statutory curriculum to inform the Independent Inquiry into Child Sexual Exploitation’ published in September 2014 found that the schools with the most effective provision are proactive in identifying local issues and promote a preventative curriculum to build the confidence, self-esteem, and personal resiliencies of children so that they can develop coping strategies and can make more positive choices in a range of situations. This contrasts with the less effective practice in schools which are more reactive to “single issues” such as CSE.

In the most effective schools leadership is particularly effective at all levels with governors and the senior leadership team strongly committed to developing positive relationships and a caring ethos across the whole school. The personal development curriculum and wellbeing of pupils has a high priority in the school development plan and keeping safe messages are embedded throughout the school. The teachers delivering the programme are highly skilled in both pastoral care and personal development and there are effective links across the wider curriculum. These schools consult extensively with parents, pupils and community organisations and external providers are carefully selected and evaluated prior to delivering their programmes in the school.

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<sup>17</sup> ETI Report ‘An Evaluation of Preventative Education and the Statutory Curriculum to Inform the Independent Inquiry into Child Sexual Exploitation’ September 2014

The ETI report 'An evaluation of preventative education and the statutory curriculum to inform the Independent Inquiry into Child Sexual Exploitation' published in September 2014 can be found at:

[An Evaluation of Preventative Education and the Statutory Curriculum to inform the Independent Inquiry into Child Sexual Exploitation](#)

A further ETI evaluation on 'The Effectiveness of Emotional Health and Well-being Support in Schools and EOTAS Centres' published in November 2018 can be found at:

[An evaluation of the effectiveness of Emotional Health and Well-Being support for pupils in schools and EOTAS centres](#)

## 8.1 Relationships and Sexuality Education

The Education (Curriculum Minimum Content) Order (NI) 2007 specifies the minimum content for each area of learning of the curriculum at each key stage. Teachers have considerable flexibility to select from within those areas of learning the aspects they consider appropriate to the ability and interests of their pupils.

At primary level, RSE is covered within the 'Personal Development and Mutual Understanding' (PDMU) area of learning, whilst at post-primary level it is covered within 'Learning for Life and Work' (LLW).

Whilst the minimum content for RSE is prescribed by legislation, schools are responsible for developing their own policy on how they will address RSE within the curriculum, based on the ethos of their school and subject to consultation with parents and pupils.

In January 2011, the ETI published an evaluation report on the provision of RSE in **post-primary schools** which highlighted the need for revised RSE guidance and new teaching resources. In the conclusion to the evaluation (Section 8) the ETI report there is a solid foundation of good practice for the delivery of the complex issues related to RSE and much commitment on which future developments can build.

The characteristics of overall best practice in the teaching and learning of RSE in post-primary schools is set out in this Section of the report.

[Report of an Evaluation of Relationships and Sexuality Education in Post-primary Schools | Education Training Inspectorate](#)

In July 2016, the ETI published a report on RSE provision in **primary and special schools**. The evaluation found that there were many strengths in the provision of PDMU in primary and special schools. However, whilst the PDMU lessons observed were

judged to be good to outstanding in quality, it was noted that teachers were less well prepared to teach the optional aspects of the RSE curriculum, especially those which were sensitive and, in some cases, controversial. Drawing on the findings of the evaluation, the ETI make a number of recommendations (Section 4.2 of the report):

[Relationships and Sexuality Education in Primary and Special schools](#)

The ETI's 2011 evaluation report highlighted the need for revised RSE guidance and in particular the need for further guidance for teachers with regard to teaching sensitive subjects such as sexual orientation and domestic abuse. DE subsequently commissioned CCEA to produce revised guidance, which was published in August 2015. This guidance provides a template for the development of a school's RSE policy and a directory signposting schools to useful resources. However, the CCEA guidance does not stray into the actual content of teaching and learning as this is a matter for each school. The guidance issued to all schools under cover of DE Circular 2015/22.

[Circular 2015/22 - Relationship and sexuality education](#)

Two separate guidance documents have been developed - one for primary level and one for post-primary level. The guidance provides advice and a template for the development of a school's RSE policy which is relevant to the lives of pupils today; providing an overall framework for a school's RSE policy; and, for instance, looking at how schools interact with pupils, focussing on the need to make pupils feel safe and confident that they should not be bullied, for example, due to their sexual orientation.

The guidance documents also outline the importance of RSE, the partnership approach needed for effective delivery of RSE (including the need for engagement with parents), the inclusive approach that is required (covering sexual orientation/gender identity) and the importance of the classroom environment.

### **Further Information**

More information and the guidance documents can be found on the Department website at:

[Relationships and sexuality education](#)

CCEA has established a RSE Hub which includes resources and guidance information for teachers, parents/carers and children and young people.

[Relationships and Sexuality Education](#)

## 8.2 Domestic and Sexual Violence and Abuse

Domestic Violence and Abuse is:

*'Threatening, controlling, coercive behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender or sexual orientation) by a current or former intimate partner or family member'.*

Sexual Violence and Abuse is:

*'Any behaviour (physical; verbal, virtual/digital) perceived to be of a sexual nature which is controlling, coercive, exploitative, harmful, or unwanted that is inflicted on anyone (irrespective of age, ethnicity, religion, gender or sexual orientation) without their informed consent or understanding.*

Background:

The DoH and DoJ, on behalf of the Northern Ireland Executive, produced a new Strategy, in March 2016, tackling domestic and sexual violence and abuse, having at its core a vision of zero tolerance to domestic and sexual violence and abuse in our society. The Strategy builds work already achieved in previous Strategies, *'Tackling Violence at Home'* and *'Tackling Sexual Violence and Abuse'*.

The Strategy aims to help improve understanding of domestic and sexual violence and stopping it happen in the first place by helping people change how they act, supporting victims and holding people responsible for their actions.

The Strategy document and a Children and Young Person's version is available at: [Stopping Domestic and Sexual Violence and Abuse Strategy](#)

There are five key Strands in the Strategy which focus on leadership, prevention, support, services and justice. DE commitments relate to Strand 2, **'Prevention and Intervention'**:

- Teachers will have the necessary skills to teach about sensitive subjects, including child abuse, and domestic and sexual violence and abuse.
- Teachers will be alert to pupils experiencing distress and trained to respond appropriately.
- Teachers will have access to a range of age appropriate and evaluated resources to support the teaching of sensitive subjects.
- Quality assurance arrangements will be established to ensure that the preventative curriculum offered in schools is effective.

## General Role for Education

While it is important that those at risk are identified and interventions are put in place, it is equally important that children and young people are provided with information and skills in building healthy behaviours and relationships. Children should be provided with the opportunity to develop good mental health and emotional resilience to enable them to identify abuse and exercise prevention skills.

The statutory curriculum provides the opportunity for specific attention to be given to a pupil's emotional wellbeing, health and safety, relationships and the development of a moral thinking and value system. It also offers a vehicle for exploring with children and young people sensitive issues such as domestic violence and sexual abuse in an age appropriate way and appropriate protective behaviours.

Teachers or other school staff who suspect that a pupil is a victim of domestic violence or sexual abuse should raise their concerns with the designated teacher. The procedures to be followed are the same as for any other type of abuse (see Section 5.6 and 5.7).

## Operation Encompass

Operation Encompass focuses on the routine sharing of information relating to domestic violence or abuse in line with the Domestic Abuse Information-Sharing with Schools etc. Regulations (NI) 2022. If police attend an incident of domestic violence where a child is present, they will contact the child's school as early as possible the next day to share information with the school's designated teacher. The aim is to help schools provide timely support to child victims of domestic violence and it is being introduced on a phased basis across NI during the 2022/23 academic year. South Eastern and Southern Health & Social Care Trusts will launch in September 2022; Northern and Western Health & Social Care Trust will launch in February 2023; and Belfast Health & Social Care Trust will launch in May 2023. CPSS will contact schools in advance of the launch date to support them in preparing for implementation.

Police will only give schools the information that will enable them to provide the necessary pastoral care and support to the child. The type of information that would be received may include the timing of the incident; the child or children involved and where the incident took place if relevant; who was involved in the incident, their relationship to the child and where appropriate, the level of the incident (offence type, injuries etc); and whether the child would have been present, in the vicinity or a witness to the incident.

Further information is available from CPSS at [Operation Encompass](#). Schools will receive training in advance of the launch as well as practical support including implementation checklists; sample child protection policies; guidance on record keeping including a sample DPIA; template letters and posters which can all be accessed using the above link.

More information is available at: [Domestic abuse](#). You can also contact the 24 hour domestic and sexual abuse helpline on:

Phone: 0808 802 1414 (Freephone)

Email: [24hrsupport@dvhelpline.org](mailto:24hrsupport@dvhelpline.org)

Text: 'support' to 077 9780 5839

Children/young people seeking advice should contact the Childline Free Helpline at 0800 1111.

Organisations that can offer advice and support:

- Women's Aid Federation Northern Ireland  
[Women's Aid Federation Northern Ireland](#) - 028 9024 9041
- Men's Advisory Project (MAP)  
[MAP NI](#) - 028 9024 1929
- Men to Men  
028 9024 7027
- Mens Aid NI  
[Men's Aid](#) - 077 0385 8130
- Cara Friend  
[Cara Friend](#) - 028 9032 2023
- Rainbow Project  
[Rainbow Project](#) - 028 9031 9030

Other useful numbers:

- Rape Crisis and Sexual Abuse Centre - 028 9032 9002
- Nexus - 028 9032 6803
- Victim Support - 028 9024 3133
- Disability Action - 028 9029 7880
- Law Society (Legal and Local Solicitor Advice) - 028 9023 1614
- Parents Helpline - 0808 8010 722

## 9

## Child Protection: Record Keeping In Schools

Schools must create and retain reliable records to demonstrate accountability for decisions and actions taken. As part of developing child protection/safeguarding arrangements organisations must consider and develop clear guidelines for the recording, storage, sharing, retention and destruction of both manual and electronic records where they relate to child welfare concerns.

### Statutory Responsibilities

Each school has a responsibility to maintain its records and record keeping systems. The Board of Governors (BoG) should ensure that the arrangements operated by the school for the retention, management and release of public records comply with statutory requirements, including data protection legislation, most recently the new Data Protection Act 2018 (DPA) including the General Data Protection Regulation (GDPR).

GDPR provides a legal framework for keeping everyone's personal data safe by requiring organisations to have robust processes in place for handling and storing personal information based on the following principles:

- Processed lawfully, fairly and in a transparent manner;
- Collected for specified, explicit and legitimate purposes;
- Adequate, relevant and limited to what is necessary;
- Accurate and where necessary kept up to date;
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which those data are processed; and
- Processed in a manner that ensures appropriate security of personal data.

Each school should have a Records Management Policy. While there is no specific legislation in respect of child protection records, schools should ensure that the principles of the requirements of the legislation, in particular the [Children \(Northern Ireland\) Order 1995](#) and the [Data Protection Act 2018](#), and guidance in DE Circular 2020/07 is adhered to.

## **Process**

School staff should be aware of the need to record and report child protection concerns. It is essential that an accurate record of all cases of child abuse, or possible abuse, is maintained detailing all actions taken. Circular 2020/07 provides a framework for managing child protection records in order to ensure that schools create and retain reliable records to demonstrate accountability for decisions and actions taken.

### **The school should ensure that:**

- School staff are aware of the need to record and report child protection issues and the appropriate procedures to be followed. The importance of confidentiality should be highlighted.
- The Child Protection Files are held in a separate, secure confidential filing system, ideally in a fireproof cabinet. This is only accessible to the DT, DDT or the Principal.
- Files must not be removed from school premises except when taken to a case planning meeting or on foot of a court order. A record should be kept of when information is removed, by whom, for what purpose, and when it is returned.
- If information is held electronically, whether on a laptop or portable memory device all must be encrypted and appropriately password-protected.

### **Departmental Guidance**

- DE Circular 2020/07 Child Protection: Record Keeping Schools.
- DE Circular 2015/13 Dealing with allegations of abuse against a member of staff.

## 10 Other Policies

### 10.1 Overview

The school has a duty to ensure that safeguarding permeates all activities and functions. The child protection policy should complement and support a range of other policies including:

- Attendance Policy.
- Behaviour Management and Discipline / Positive Behaviour Policy.
- Pastoral Care.
- Anti-Bullying Policy.
- Safe Handling.
- Special Educational Needs.
- First Aid and Administration of Medicines.
- Health and Safety Policy.
- Relationships and Sexuality Education.
- Intimate Care.
- E-Safety Policy.
- Educational Visits.
- Staff Code of Conduct.

All policies must be kept up to date, with regular risk assessments carried out where required. All policies should be available to parents with hard copies available on request.

## 10.2 Physical Contact with Pupils

All staff have a responsibility to maintain confidence in their ability to safeguard the welfare and best interests of children and young people. Integral to this is a clear understanding of standards of behaviour expected and in particular the acceptable boundaries of physical contact with pupils. School staff must accept that all physical contact can be open to scrutiny and that even perfectly innocent actions can sometimes be misconstrued.

The Code of Conduct (Section 4.8) makes it clear that whilst, as a general principle, staff are advised not to make unnecessary physical contact with children and young people, it is also unnecessary and unrealistic to suggest that physical contact should only happen in emergencies.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Staff should, therefore, use their professional judgement at all times. As a general rule, when physical contact is made with pupils 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 schools may occur most often with younger pupils, for example, physical comforting can give welcome reassurance to a distressed younger child.

## 10.3 Safe Handling/Use of Reasonable Force

The Department of Education is currently producing new guidance relating to safe handling and the use of reasonable force following a review on the use of restraint and seclusion in educational settings in Northern Ireland.

A report on the review was published on 25 March 2022. The recommendations of the report, which have been endorsed by the Minister for Education, include the principles on which the guidance should be based along with definitions which allow for a clear understanding of restrictive practices and supportive practices and when it is appropriate to use these.

The report can be accessed through the following link:

[Review of restraint and seclusion in educational settings published](#)

Interim guidance was also issued from DE on 10 May 2021 and this can be accessed through the following link:

[Circular 2021/13 - Interim Guidance on the Use of Restraint and Seclusion in Educational Settings](#)

The underpinning principles of safe handling and the use of reasonable force are that these should be in line with the rights of the child under the United Nations Convention on the Rights of the Child (UNCRC) and should never be used as a punitive measure, i.e. as a form of punishment.

This is reiterated in the abolishment of corporal punishment, making it illegal for education staff to use physical harm to punish a child under their care.

In relation to seclusion, a child should never be placed involuntarily in any environment in which they are alone and/or physically prevented from leaving as a form of punishment, as this may constitute an act of 'Deprivation of Liberty' without the appropriate authority to do so.

Supportive practices in meeting the health and wellbeing needs of pupils, including those with Special Educational Needs, should be agreed with the appropriate health care professionals and parents/carers of the pupil.



# 11 Contacts

## Child Protection Support Service

The helpline number is **028 9598 5590** and operates from Monday to Friday from 9.00 am until 4.30 pm.

## Duty Social Worker Gateway Team (Health & Social Care Trusts)

Gateway Teams	Contact Number
Belfast	028 9050 7000
Northern	0300 1234 333
South Eastern	0300 1000 300
Southern	028 3756 7100
Western	028 7131 4090
Out of Hours for All Areas	028 9504 9999

## PSNI

The **Central Referral Unit (CRU)** based in Antrim Road PSNI Station is part of the Public Protection Unit and is the central referral point for child sexual and physical abuse allegations.

The office is open Monday to Sunday 9.00am to 5.00pm including public holidays. Email [cru@psni.police.uk](mailto:cru@psni.police.uk) or telephone 101.



## Annex A

## Legislation

### The United Nations Convention on the Rights of the Child

The [United Nations Convention on the Rights of the Child](#) is an international human rights treaty setting out the civil, political, economic, social and cultural rights of the child. It provides the overarching framework to guide the development of local laws, policies and services so that all children and young people are nurtured, protected and empowered. Each of the 41 Articles in the Convention detail a different type of right, all of which interact to form one integrated set of rights for children and young people. All Articles of the Convention are important and inter-relate to each other: those Articles with particular relevance for this policy include:

- **Article 3 (Best Interests of the Child)** The best interests of the child must be a primary consideration for all actions concerning children taken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. This includes ensuring the child is given the protection and care necessary for their wellbeing, taking into account the rights and duties of others towards them. Organisations, services and facilities responsible for the care or protection of children must conform with appropriately set standards.
- **Article 4 (Protection of rights)** Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. This involves assessing their social services, legal, health and educational systems, as well as funding for these services. Governments must help families protect children's rights and create an environment where they can grow and reach their potential.
- **Article 12 (Voice of the Child)** A child who is capable of forming his or her own views has the right to express those views freely in all matters which affect them, those views being given due weight in accordance with their age and maturity. This is particularly the case for any judicial and administrative proceedings affecting them. A child can either give their views directly, or have their views represented appropriately on their behalf.
- **Article 19 (Protection from all forms of violence)** Governments should ensure that children are properly cared for and their right to be protected from harm and mistreatment is upheld.

- **Article 20 (Children deprived of family environment)** Children who cannot be looked after by their own family have a right to be looked after properly by people who respect their ethnic group, religion, culture and language.
- **Articles 34 and 36 (Exploitation)** Governments should protect children from all forms of exploitation.
- **Article 39 (Rehabilitation of child victims)** Children who have been harmed should receive help to recover and reintegrate into society.

### **The United Nations Convention on the Rights of Persons with Disabilities**

The United Kingdom agreed to be bound by the Convention in 2007. It seeks to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. [Convention on the Rights of Persons with Disabilities \(CRPD\)](#)

### **The Children (Northern Ireland) Order 1995**

The [Children \(Northern Ireland\) Order 1995](#) is the principal statute governing the care, upbringing and protection of children in Northern Ireland. It applies to all those who work with and care for children, whether parents, paid carers or volunteers. The Children Order provides the legislative framework within which this policy operates.

### **The Human Rights Act**

[The Human Rights Act \(1998\)](#) incorporates the [European Convention on Human Rights \(ECHR\)](#) into UK legislation. State authorities must use their powers reasonably and proportionately to protect children and young people, and the ECHR holds them responsible for inhuman or degrading treatment inflicted within their jurisdiction. Professionals across all public authorities, including government departments, local councils, hospitals, schools and the PSNI must respect the ECHR, as must private bodies in specific circumstances.

### **The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007**

The [Safeguarding Vulnerable Groups \(Northern Ireland\) Order 2007](#) as amended by the Protection of Freedoms Act 2012 provides the legislative framework for the establishment of a Disclosure and Barring Service and requirements relating to individuals who work with children and vulnerable adults. This legislation defines 'regulated activity' with children and prevents persons on barred lists from engaging in regulated activity.

The responsibilities and processes to be followed are set out in DE Circulars 2012/19 and 2013/01.

### **The Children's Services Co-operation Act (Northern Ireland) 2015**

The [Children's Services Co-operation Act \(Northern Ireland\) 2015](#) places a requirement on individuals and organisations providing children's services to children to co-operate with each other to devise and implement cross cutting strategies. The Act is key to ensuring improved outcomes for children by supporting, enhancing and encouraging co-operation so that services are integrated from the point of view of the child or young person.

In order to fulfil your responsibilities you are obligated to acknowledge and work within the relevant guidance and procedures that have been produced by DE and DoH.

### **The Education and Libraries (Northern Ireland) Order 2003**

Article 17 and 18 of the Education and Libraries (Northern Ireland) Order 2003 places a statutory duty on BoG to safeguard and promote the welfare of its pupils and to determine the measures to be taken at the school with a view to protecting pupils from abuse (whether at school or elsewhere). Article 18(d) requires BoG to prepare a written statement of such measures and to provide this to parents. BoG must also have regard to any guidance given by the Department, the EA and CCMS.

As such, all grant-aided schools **must** have a child protection policy which includes the appointment of a DT/DDT with responsibility for child protection. [Requirements on other settings are a condition of grant.]

[The Education and Libraries \(Northern Ireland\) Order 2003](#)

### **The Addressing Bullying in Schools Act (Northern Ireland) 2016**

Section 2 of the Act requires that the BoG of the school determine the anti-bullying measures pursued at the school, ensure these are properly implemented and are reviewed at intervals of no more than four years.

Section 3 of the Act places a statutory duty on BoG of a grant-aided school to ensure that a record is kept of all incidents of bullying or alleged bullying involving a registered pupil at the school that occur:

- a. on the premises of the school during the school day;
- b. while travelling to or from the school during the school term;

- c. while the pupil is in the lawful control or charge of a member of the staff of the school; or
- d. while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school.

The Act can be found at:

[Addressing Bullying in Schools Act \(Northern Ireland\) 2016](#)

### **The Public Interest Disclosure (Northern Ireland) Order 1998**

The Public Interest Disclosure (Northern Ireland) Order 1998 ensures employees are protected from suffering detrimental treatment by their employers for disclosing information (in good faith, and in the reasonable belief that it is substantially true) about the conduct of private or public bodies or individual employers ('protected disclosure'). Specifically, protected disclosure includes any disclosure of information which, in the belief of the employee making the disclosure, tends to show that a criminal offence has been, is being or is likely to be, committed, or that the health or safety of an individual has been, is being or is likely to be, endangered; or that information about such matters has been, is being or is likely to be, deliberately concealed.

### **Criminal Law Act (NI) 1967**

**Section 5 of the Criminal Law Act (NI) 1967** makes it an offence to fail to report a "relevant offence" where a person has information which could lead to the apprehension, prosecution or conviction of such an offender. Sexual offences against children, including FGM would be such an offence (The Sexual Offences (NI) Order 2007 and the FGM Act 2003).

### **Family Homes and Domestic Violence (Northern Ireland) Order 1998**

Family Homes and Domestic Violence (Northern Ireland) Order 1998, includes that, in addition to non-molestation and occupation orders, a court will have the power to attach an exclusion requirement to an interim care or emergency protection order in order to protect children, providing therefore for the removal of the suspected abuser, rather than the child, from the home.

### **Safeguarding Board Act (NI) 2011**

The Safeguarding Board Act (NI) 2011 places interagency co-operation on a statutory footing. The SBNI was launched in September 2012. The objective of the SBNI is to safeguard and promote the welfare of children and young people in Northern Ireland by co-ordinating and ensuring the effectiveness of what is done by each person or body

represented on the board. There is a statutory duty on members to co-operate with each other, to make arrangements to promote the welfare of children, and to supply information to the SBNI under certain conditions. Further details are available on [Safeguarding NI](#).

### **The Public Services Ombudsman Act (NI) 2016**

The Public Services Ombudsman Act (NI) 2016 gives a power to investigate and report on complaints about maladministration in all grant aided schools in Northern Ireland. This process of complaint must be referred to in the complaints policy.

[Public Services Ombudsman Act \(Northern Ireland\) 2016](#)

### **Use of Reasonable Force**

The **Education (NI) Order 1998**, Article 4, outlines the powers a member of school staff can use in restraining pupils. (It should be noted this area is currently under review with recommendations to remove Article 4c)

[Education \(Northern Ireland\) Order 1998](#)

Report on the review of restraint and seclusion in educational settings in Northern Ireland:

[Review of restraint and seclusion in educational settings published](#)

Interim guidance 10 May 2021:

[Circular 2021/13 - Interim Guidance on the Use of Restraint and Seclusion in Educational Settings](#)

### **Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022**

The Act which became law in April 2022 gives effect to the Justice Minister's desire to improve the operation and effectiveness of the justice system. At its core are two key aims, which are:

- a) to enhance public safety by implementing certain elements of the Report of the Gillen review of serious sexual offence cases and from a review of the law on child sexual exploitation and sexual offences against children; and,
- b) to improve services for victims of trafficking and exploitation.

The Act created several new offences, including non-fatal strangulation, up-skirting and down-blousing, cyber-flashing, and masquerading as a child online, and implements certain elements of the Gillen report on serious sexual offence cases. Details of the

legislation can be viewed by following the link [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#).

### **The Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022**

Section 26 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 enables the Department of Justice to bring forward regulations to provide for an Operation Encompass model for Northern Ireland.

Operation Encompass is an early intervention partnership between schools and the police enabling support for children and young people who are experiencing domestic abuse. Operation Encompass ensures that there is a telephone call or notification to a designated person in a school, college or training facility prior to the start of the next school day after an incident of domestic abuse, primarily, where there are children related to either of the adult parties involved. This allows for appropriate support mechanisms to be put in place for the child.

[Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#)

## Annex B

## Other Agencies and Support Services

### Inter-agency Co-operation

Schools and other bodies in the education sector can best contribute to a co-ordinated approach to child protection by developing effective links with other agencies and support services. In particular, local social services agencies can help provide in-school training on child protection issues.

### Principal Agencies

The principal agencies involved in investigating and dealing with child protection cases are the Social Services, the PSNI and the NSPCC. These agencies have a close working relationship with other services which have direct contact with children, and which also have a vital contribution to make to their protection: these include medical practitioners and other health professionals (including school nurses), Education Welfare Services, Educational Psychology Services, Probation services, the Armed Forces where the families of service personnel are concerned, and voluntary and church organisations.

Designated teachers will find it helpful to establish a good working relationship with colleagues from the other agencies, especially the Social Services and the PSNI. These agencies have wide experience in dealing with such cases, and regular communication should help to build the understanding, trust and confidence which will help to secure effective co-operation in cases of actual or suspected abuse.

### Safeguarding Board for Northern Ireland

The objective of the SBNI is to safeguard and promote the welfare of children and young people in Northern Ireland by co-ordinating the work and ensuring the effectiveness of each person or body represented on the Board.

The functions of the SBNI include:

- To promote awareness, across our community, of the need to safeguard children and promote their welfare.
- To develop good communication between the Board and children and young people.

- To undertake case management reviews, in order to learn lessons in cases where children have died or have been seriously injured.
- To review information in relation to the sudden and unexpected deaths of children.
- To develop policies and procedures to help professionals and agencies work together more effectively.
- To arrange consultation and discussion, where appropriate, in relation to safeguarding matters.
- To produce an annual report setting out the work of the SBNI, a copy of which is laid before the Northern Ireland Assembly.

Regulation 17 of the SBNI 2011 Regulations requires the SBNI to undertake Case Management Reviews (CMR), in accordance with the CMR guidance laid out in Annex B of the Guidance to the SBNI.

#### [Safeguarding NI](#)

#### **The role of the SBNI Safeguarding Panel**

SBNI Safeguarding Panels (previously ACPC: Area Child Protection Committee) provide forums for regular discussion among all the agencies involved in child protection with the aim of developing and promoting inter-agency co-operation. The Panels operate at HSCT level, and its function is to develop a strategic approach to child protection. It develops, monitors and reviews inter-agency child protection policies, procedures and training.

The HSCTs carry out child protection investigations, and also have responsibility for co-ordinating multi-agency child protection plans.

The SBNI procedures manual is available at:

[Safeguarding Board for Northern Ireland Procedures Manual](#)

#### **Health and Social Care Trusts**

The Department of Health (formerly Health and Social Care Board) is the authority designated by the Children Order and delegates its child safeguarding and child protection functions to the HSCTs.

The HSCTs work in partnership with other statutory agencies and with the community and voluntary sector to ensure that children and young people are safeguarded and their welfare is promoted. Where a potential risk to a child has been raised, it is the

responsibility of the Gateway Service or Children's Services in the relevant HSCT to assess the risk to the child and his/her needs and determine what response is required.

It is the responsibility of the HSCT to ensure that the assessed needs of the children and young people are met as fully as possible, that their best interests are effectively served and risks to them are being effectively managed.

Social workers within HSCTs are the lead professionals for safeguarding children and young people. As a profession, social workers and their managers have responsibility to safeguard children and young people, including the management and maintenance of the Child Protection Register, its associated systems and for ensuring that all statutory functions delegated to HSCTs in respect of safeguarding and protecting children are satisfactorily fulfilled.

Social workers have lead responsibility for all Child Protection Investigations, and should liaise with other professionals and agencies, including the PSNI, to achieve as full an understanding as possible of the child or young person's family circumstances.

There are social workers based within organisations outside of the HSC sector who provide safeguarding services to children, such as those within the Education sector or those working in some voluntary organisations or in independent practice. These social workers must liaise closely with HSCT social workers as necessary to ensure the children and young people they work with are effectively safeguarded.

### **Education and Training Inspectorate**

The ETI is a 'unitary' inspectorate and part of DE, providing independent inspection services and policy advice for DE.

The ETI also provides independent inspection services and policy advice for a number of other government departments including the Department for the Economy and the Department for Communities. In addition, inspection services are also provided for the Department of Agriculture, Environment and Rural Affairs (DAERA), the Criminal Justice Inspection (CJI) and the Home Office.

The legal basis for ETI's work is set out in The Education and Libraries (Northern Ireland) Order 1986 (Articles 102 and 102A).

## Gateway<sup>18</sup>

The Gateway Service is the first point of contact with a HSCT for all new referral to children's social work service with responsibility for:

- ensuring that referrals are appropriately received and responded to promptly;
- linking with children and families to assess their needs and identify appropriate support services;
- ensuring immediate response to safeguard children in need of protection;
- co-ordinating action to ensure that children and young people receive ongoing social work and other professional support and services whenever they need it; and
- working closely with other agencies when required.

## Social Services and the PSNI

Under the Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse (Northern Ireland) established between the PSNI and Social Services, where either agency receives a report of Alleged or Suspected child abuse that a child is at risk, the other is automatically informed.

Each agency will gather relevant information as part of an initial assessment to determine if a joint protocol investigation is required involving officers from both agencies. If a decision is made that a joint protocol investigation is not required then the case may be investigated by way of a single agency child protection investigation by Social Services for child protection or family support or a single-agency criminal investigation will be undertaken by the PSNI. In some cases no further action may be taken by either agency.

Health and Social Services Care Trusts have a specific statutory duty to carry out child protection investigations in situations where it has reasonable cause to suspect that a child "is suffering, or is likely to suffer, significant harm" (Children (NI) Order 1995 Article 66 (1) (b)). Health and Social Care Trusts have a specific statutory duty to investigate situations where it is believed that a child may be at risk.

Investigations are carried out by Social Services and the PSNI, often jointly. If it is determined that a child or family do need support or services, appropriate action will be taken by Social Services in accordance with their statutory duties; the PSNI will

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18 As set out in DoH Co-operating to Safeguard Children and Young People in Northern Ireland (2017)

be concerned with the criminal aspects of the case. The prime consideration of both agencies, in every instance, is the welfare and needs of the child. Both agencies will investigate reports with the utmost discretion and sensitivity; the circumstances of an individual case may, however, require the disclosure of the source of the report, and confidentiality in this regard cannot therefore be assumed.

An investigation into suspected abuse may result in a court making an emergency protection, care or supervision order if it is satisfied that a child is suffering, or is likely to suffer, 'significant harm'. 'Harm' means ill treatment or the impairment of health or development, and the question of whether harm is significant is determined in accordance with Article 50(3) of the Children Order. This is, however, only one of a number of possible outcomes of such an investigation, and wherever possible the Social Services will seek to support children and their families rather than pursue an outcome through the courts. It is also worth noting in this context that under the Family Homes and Domestic Violence (Northern Ireland) Order 1998, in addition to non-molestation and occupation orders, a court will have the power to attach an exclusion requirement to an interim care or emergency protection order in order to protect children, providing therefore for the removal of the suspected abuser, rather than the child, from the home.

### **Multi-Agency Risk Assessment Conference**

A MARAC is a multi-agency meeting where statutory and voluntary agency representatives share information about high risk victims of **domestic abuse** in order to produce a co-ordinated action plan to increase victim safety. The role of the MARAC is to provide a forum for effective information sharing and partnership working amongst a diverse range of adult and child focussed services in order to enhance the safety of *high risk victims and their children*.

The main aim of the MARAC is to reduce the risk of serious harm or homicide for victims assessed as being at high risk of domestic violence.

### **Council for Catholic Maintained Schools**

CCMS was established to promote effective management and control of Catholic maintained schools by the BoG. A key role for CCMS is therefore the provision of advice and information to the schools, including support and guidance on child protection staffing issues.

## Education Authority

The designated officers in the EA are senior, experienced officers with responsibility for co-ordinating policy and action on child protection. The CPSS can provide advice and training for Governors and Designated Teachers.

## CPSS

Within the EA the CPSS has been developing as a regional service to schools since 2006. It is under the managerial authority of the Regional Service Manager for Northern Ireland.

The CPSS is comprised of Designated Officers for Child Protection whose role is to provide:

- Daily helpline to advise, guide and support DTs/DDTs/Principals in relation to concerns about individual children and on wider policy and training matters.
- Initial, refresher and cluster group training on child protection issues.
- Support visits to schools where required.
- Advice and guidance on assessing and managing children whose behaviour poses a significant risk of harm to themselves, other pupils and staff.
- Dissemination of new information on training, DE circulars and guidance.
- Support in developing or reviewing the school's child protection policy.
- Follow up to ETI inspections where child protection/safeguarding is identified as an area for improvement. The CPSS will also:
- Offer training to the Chairperson and Designated Governor for Child Protection in relation to their statutory child protection/safeguarding responsibilities.
- Offer support, advice and training to other services within the EA.
- Assist EA Human Resource managers in dealing with allegations of abuse against teachers and other EA officers/employees.
- Liaise with Social Services and PSNI where appropriate.
- Represent the education sector at multi-agency meetings including MARAC meetings which are a co-ordinated inter-agency response to domestic violence and abuse.

**Contact details for CPSS are included in the Contacts Section**

The EA Safeguarding site provides information on all aspects of safeguarding and child protection:

[Safeguarding and Child Protection](#)

**Northern Ireland Public Service Ombudsman**

If having escalated a safeguarding and/or child protection concern as set out in Section 4 of this Guidance and you are not satisfied with how your concerns have been addressed, you may revert to the school's complaints policy. This policy should culminate in the option for you to contact the NI Public Services Ombudsman (NIPSO) who has the legislative power to investigate your complaint.

Each school is responsible for setting its own complaints policy and procedures which should be available on the school's website, or by contacting the school directly. Please note that this complaints process, although similar, is separate from the escalation of safeguarding and child protection concerns, and is in relation to the way in which your concerns were dealt with.

Details of how to make a complaint to NIPSO can be found on their website at: [Northern Ireland Ombudsman](#) or, by telephone on 0800 34 34 24. However, please bear in mind that usually, before you complain to the Ombudsman, you will be expected to have exhausted the school's internal complaints procedure.



## Annex C

## Code of Conduct for Staff and Volunteers in Schools

Date Ratified by BOG: \_\_\_\_\_

Review Date: \_\_\_\_\_

### Objective, Scope and Principles

This Code of Conduct, which applies to all staff and volunteers, is designed to give guidance on the standards of behaviour which should be observed. School staff and volunteers are role models, in a unique position of influence and trust and their behaviour should set a good example to all the pupils within the school.

It does not form part of any employee's contract of employment. It is merely for guidance and specific breaches of the Code must not be viewed as a disciplinary offence.

The Code includes sections on:

- Setting an Example
- Relationships and Attitudes
- Private Meetings with Pupils
- Physical Contact with Pupils
- Honesty and Integrity
- Conduct Outside of Work
- E-Safety and Internet Use
- Confidentiality

## **1. Setting an Example**

- 1.1 All staff and volunteers in schools set examples of behaviour and conduct which can be copied by pupils. Staff and volunteers should therefore, for example, avoid using inappropriate or offensive language at all times, and demonstrate high standards of conduct in order to encourage our pupils to do the same. All staff and volunteers should be familiar with all school policies and procedures and to comply with these so as to set a good example to pupils.
- 1.2 Staff and volunteers must always comply with statutory requirements in relation to such issues as discrimination, health and safety and data protection.

## **2. Relationships and Attitudes**

- 2.1 All staff and volunteers should treat pupils with respect and dignity and not in a manner which demeans or undermines them, their parents or carers, or colleagues. Staff and volunteers should ensure that their relationships with pupils are appropriate to the age and maturity of their pupils. They should not demonstrate behaviours that may be perceived as sarcasm, making jokes at the expense of pupils, embarrassing or humiliating pupils, discriminating against or favouring pupils. Attitudes, demeanour and language all require thought to ensure that conduct does not give rise to comment or speculation. Relationships with pupils must be professional at all times and sexual relationships with current pupils are not permitted and may lead to criminal conviction.
- 2.2 Staff and volunteers may have less formal contact with pupils outside of school; perhaps through mutual membership of social groups, sporting organisations, or family connections. Staff and volunteers should not assume that the school would be aware of any such relationship and should therefore consider whether the school should be made aware of the connection.
- 2.3 Staff and volunteers should always behave in a professional manner, which within the context of this Code of Conduct includes such aspects as:
- acting in a fair, courteous and mature manner to pupils, colleagues and other stakeholders;
  - co-operating and liaising with colleagues, as appropriate, to ensure pupils receive a coherent and comprehensive educational service;
  - respect for school property;
  - taking responsibility for the behaviour and conduct of pupils in the classroom and sharing such responsibility elsewhere on the premises;

- being familiar with communication channels and school procedures applicable to both pupils and staff and volunteers;
- respect for the rights and opinions of others.

### **3. Private Meetings with Pupils**

- 3.1 It is recognised that there will be occasions when confidential interviews with individual pupils must take place. As far as possible, staff and volunteers should conduct interviews in a room with visual access or with an open door and ensure that another adult knows that the interview is taking place. Where possible, another pupil or (preferably) another adult should be present or nearby during the interview.

### **4. Physical Contact with Pupils**

- 4.1 To avoid misinterpretations, and so far as is practicable, staff and volunteers are advised not to make unnecessary physical contact with a pupil.
- 4.2 Staff and volunteers should therefore be cognisant of the guidance issued by the Department on the use of reasonable force (Circular 1999/09 and guidance document 'Towards a Model Policy in Schools on Use of Reasonable Force).

### **5. Honesty and Integrity**

- 5.1 All staff and volunteers are expected to maintain the highest standards of honesty and integrity in their work. This includes the handling and claiming of money and the use of school property and facilities.
- 5.2 Gifts from suppliers or associates of the school (eg a supplier of materials) must be declared to the Principal. A record should be kept of all such gifts received. This requirement does not apply to "one off" token gifts from pupils or parents eg at Christmas or the end of the school year. Staff and volunteers should be mindful that gifts to individual pupils may be considered inappropriate and could be misinterpreted.

### **6. Conduct outside of Work**

- 6.1 Staff and volunteers should not engage in conduct outside work which could damage the reputation and standing of the school or the staff/ volunteer's own reputation or the reputation of other members of the school community.
- 6.2 Staff and volunteers may undertake work outside school, either paid or voluntary and should ensure it does not affect their work performance in the school.

Advice should be sought from the Principal when considering work outside the school.

## **7. E-Safety and Internet Use**

7.1 A staff member or volunteer's off duty hours are their personal concern but all staff and volunteers should exercise caution when using information technology and be fully aware of the risks to themselves and others. For school-based activities, advice is contained in the school's Online Safety Policy.

7.2 Staff and volunteers should exercise particular caution in relation to making online associations/friendships with current pupils via social media and using texting/email facilities to communicate with them. It is preferable that any contact with pupils is made via the use of school email accounts or telephone equipment when necessary.

## **8. Confidentiality**

8.1 Staff and volunteers may have access to confidential information about pupils including highly sensitive or private information. It should not be shared with any person other than on a need to know basis. In circumstances where the pupil's identity does not need to be disclosed the information should be used anonymously.

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

8.4 If a member of staff or volunteer 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 senior leadership.

8.5 Staff and volunteers need to be aware that although it is important to listen to and support pupils, they must not promise confidentiality or request pupils to do the same under any circumstances. Additionally concerns and allegations about adults should be treated as confidential and passed to the Principal or a member of the safeguarding team without delay.

8.6 The school's child protection arrangements should include any external candidates studying or sitting examinations in the school.

## Annex D

## Safeguarding and Child Protection in Pre-school and Early Years Settings: A Summary Guide (June 2022)

### Overview

This document has been drafted to assist pre-school education settings and other early years settings to apply the overarching guidance within their respective setting. It should be read in the context of the overarching guidance: “Safeguarding and Child Protection in Schools – A Guide for Schools” which has been developed and published by the Department of Education (DE).

[Safeguarding and Child Protection in Schools - A Guide for Schools](#)

Where appropriate, and in order to illustrate the linkages between the guidance documents, this document may refer to the [Childminding and Day Care for Children Under Age 12 - Minimum Standards](#) published by the Department of Health (DoH), and the [Safeguarding Board for Northern Ireland - Procedures Manual](#) which replaced the Area Child Protection Committees’ Regional Child Protection Policies and Procedures (published in 2005),

Nothing in this document is intended to amend or replace the overarching DE Safeguarding and Child Protection in Schools Guidance, the DoH Minimum Standards for Childminding and Day Care for Children Under Age 12 or, the SBNI Procedures Manual. **In the case of any perceived conflict between the documents, this document gives way to the status of the aforementioned guidance documents.**

Pre-school education provision in Northern Ireland is provided through a mixed model of statutory and non-statutory settings. Non-statutory pre-school education settings should note that they must also comply with any additional guidance provided by the DoH or Health and Social Care Trusts (HSCT) as a requirement of their registration, in particular, the Minimum Standards for Childminding and Day Care for Children Under Age 12 and the SBNI Procedures Manual.

**In all matters relating to safeguarding and child protection procedures or policies, the best interests of the child must be the paramount consideration.**

The contents of this document, and the overarching guidance, do not constitute, or purport to be, an authoritative interpretation of the law; that is exclusively a matter for the courts.

## Interpretation

The DE Safeguarding and Child Protection in Schools guidance has been prepared for all school settings, including pre-schools; however, some terms may be interpreted slightly differently in pre-school education and early years settings.

The terms within the DE guidance may be applied to non-statutory pre-school settings as set out below:

- 'School' includes non-statutory pre-school education settings;
- 'pre-school' refers to all statutory and non-statutory settings providing DE or EA funded education to children aged 0 – 4 years including, Pre-school School Education Programme (PSEP), Sure Start projects, the Developmental Programme for 2-3 year olds in Sure Start and Pathway Fund projects;
- 'Teacher' includes qualified staff in non-statutory pre-school education settings;
- 'Employing Authority' may include the Management Committee or Proprietor of non-statutory settings, as appropriate; and
- 'Board of Governors' may include all management types and governance in voluntary and private pre-school settings including, Management Committees, Proprietor, Board of Directors, as appropriate.

## Roles within Pre-School Settings

There are a range of roles within pre-school education settings that have specific duties or responsibilities in relation to safeguarding and child protection. It is acknowledged that in some settings an individual member of the team may undertake more than one of these roles.

### Management Committee/Proprietor

Not all settings will have a Management Committee, but where they are in place, their roles and responsibilities should be made explicit in writing and audited to ensure adherence to expected standards. The Proprietors of settings without a management setting should ensure they are clear on their roles and responsibilities.

In the event of a safeguarding or child protection complaint being made against the pre-school leader, it is the Chairperson of the Management Committee or the Proprietor who should assume lead responsibility for managing the complaint/allegation in keeping with guidance issued by the Department (and relevant guidance from other Departments), employing authorities, and the setting's own policies and procedures. Where this is not possible, or where the setting has decided that a different Committee Member covers it and will be trained to carry out their role, a clear written procedure should be in place to deal with such complaints.

Management Group and Trustee meetings must take place regularly and ensure that minutes are kept. A safeguarding update should be an agenda item at each meeting.

The Management Committee/Proprietor should ensure that robust child protection records are kept and that the Record of Child Abuse Complaints against staff members is also kept. This is best achieved through the safe and secure maintenance of a hard-backed book containing these records, which is considered annually as an agenda item and signed off by the management group. It should be signed and dated by the Leader and Chairperson even if there are no complaints. The book should be kept locked where only the Designated Child Protection Officer (DCPO) and, where appropriate, other members of the Safeguarding Team can access it (see para. below which outlines the DCPO role). All incidents must be reported to the HSCT Early Years Team, who then hold this information. ETI have a right to see the book, and that it has been signed and dated, but not the content of the book. This is so that ETI can check that the procedures are in place.

### The Registered Person

The PSEP, the Developmental Programme for 2-3 year olds in Sure Start and Pathway funded<sup>19</sup> settings are required to be registered with an HSCT.

A record of the name and telephone number(s) of the Registered Person must be maintained and a contact point should be made available for parents.

The manager/person in charge, with input from the pre-school leader as appropriate, should provide monitoring and safeguarding reports to the Registered Person at least quarterly to facilitate the regular review of the quality of the service at the setting.

The Registered Person should ensure that all job descriptions, personnel specifications and contracts are approved, where appropriate, by the Management Committee/ Board. They should ensure that training and development needs of staff in relation to

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<sup>19</sup> Pathway Fund recipients must be a provider or facilitator of Early Years Education and Care (EYEC). Those which are providers of Early Years provision are required to be registered with a HSCT.

safeguarding and child protection are identified and addressed. A record should be kept of all training including, dates and attending staff.

### The Pre-School Leader

The Leader of the setting should assist the Management Committee/Proprietor to fulfil their safeguarding and child protection duties, ensuring all policies are updated, keeping them informed of any changes to guidance, procedures or legislation relating to safeguarding and child protection. They should ensure that any circulars and guidance from DE or other Departments are shared promptly, and that child protection activities are included on the Committee meeting agenda in a timely fashion. In addition, the Leader should take the lead in managing child protection concerns relating to staff.

The Employing Authority has responsibility to ensure that there is adequate time and support to enable the Leader and any designated staff to carry out their roles in relation to safeguarding and child protection effectively.

The Leader must ensure that parents/carers receive a copy, or summary, of the Child Protection Policy along with other relevant policies at intake and on request, and are kept informed of any changes to the policy, procedures and/or legislation.

### Designated Child Protection Officer

A Designated Child Protection/Safeguarding Officer or deputy must be available at all times **during the hours of service provision** for contact and consultation with staff and to offer instruction, advice and support to staff, and this officer's details should be available to parents and carers. All staff must be able to demonstrate that they know how to contact the designated child protection officer if necessary. A deputy Designated Child Protection/Safeguarding Officer should be appointed to ensure that the setting has full support even in the event of the temporary absence of the DCPO.

### Child Protection Policy

The Child Protection Policy of a pre-school education setting is an important document and must be treated as such. It is a living document which needs to be available, understood and implemented by staff at all times and not regarded as a document that is viewed only by management once each year.

A good way to achieve this is to ensure that the policy is regularly circulated, discussed with the staff and management committee at least annually, and is visible for staff and parents on an ongoing basis.

The process for dealing with a child protection concern is set out in the flowcharts contained within the overarching Guidance and should be personalised for the pre-school setting using this guidance as a reference as necessary. It should clearly indicate: staff who are responsible for child protection and their contact details; Gateway contact details (including the out of hours number); and PSNI contact details. A copy of the Child Protection Flowchart should be on display clearly within the setting for parents.

The “Minimum Standards” guidance states the need for evidence that:

All staff within the setting are aware of the signs and symptoms\* of child abuse, and understand their responsibility to:

- Be aware of the Trust protocol for reporting concerns;
- Report concerns without delay to the appropriate HSCT;
- Maintain a signed and dated record of anything which causes them concern, including any allegations made by the child; and
- Keep concerns confidential to those people who need to know.

\*Examples of signs and symptoms of potential abuse is covered in the training provided to staff.

Settings are expected to do whatever is reasonable, in all circumstances, to safeguard and promote their pupils’ safety and wellbeing. Every pre-school setting should work to create and maintain an ethos which contributes to the care, safety and wellbeing of children and must maintain a child protection policy that reflects both its legal duties and its safeguarding and child protection responsibilities.

As a condition of funding, all pre-school settings **must** have a child protection policy which follows the guidance provided by the Department. For non-statutory settings, this policy should also reflect the SBNI Procedures Manual. The DoH oversees the child protection arrangements in Sure Start and the EA funded non-statutory pre-school settings participating in the PSEP, including assurance that policies are operating effectively. Arrangements for safeguarding children should be reviewed on an annual basis. Settings may find the [ETI Safeguarding Guidance and Proforma](#) helpful.

The policy should clearly state staff roles and responsibilities with regard to the reporting of suspected or actual child abuse or neglect, and include relevant contact names and telephone numbers which are updated regularly.

The Child Protection Policy should be reviewed annually, and at enrolment parents should receive a copy of the policy and be made aware of the setting's procedures for safeguarding and child protection. This includes the need to pass on information without parental consent if staff have a reasonable concern that a child may be at risk of, or is suffering abuse or neglect. It is good practice for settings to request a written confirmation from parents that they have received the document.

Parents should also be made aware at enrolment of the setting's written policies and procedures for intimate/personal care. Intimate care arrangements<sup>20</sup> must be recorded in the child's personal file and consent forms signed by the parents/carers and child (if appropriate).

Settings must also have a system in place in relation to collection of children to ensure that children are collected from the setting only by parents, or those with parental responsibility, or persons authorised by them to do so. Unless they are the parents, persons authorised to collect children must be aged 18 or over.

### **Recruitment and Vetting of Staff and Volunteers**

The Registered person should ensure that all appropriate checks have been carried out and all those working with children in the setting have:

- An Access NI Enhanced Disclosure Certificate;
- A letter confirming HSCT clearance;
- Pre-employment health assessment;
- Ability to provide warm and consistent care which promotes children's development;
- Integrity and ability to be flexible in their work;
- Knowledge, understanding and commitment to treat all children as individuals and with equal concern;
- Appropriate knowledge, skills, experience and qualifications; and
- Pre-employment references confirming relevant experience.

### **Child Protection Training**

All staff must receive relevant training at regular intervals and understand their responsibilities and duties in respect of safeguarding and child protection.

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20 As per CPSS Intimate Care Policy and Guidelines regarding Children

Child Protection training should be provided by the DCPO and the Deputy DCPO to the whole staff at a minimum of every two years.

All new DCPOs and Deputy DCPOs should attend CP training organised by the local HSCT at the earliest opportunity in the term in which they are appointed to the post, and refresher training within three years of their initial training date and thereafter. All new staff are to receive this training as part of their induction programme.

Child Protection awareness training for the Management Committee and Chair should take place regularly, as part of induction and regularly thereafter at least every four years. This training can be delivered by the Leader and Early Years Specialist, who is required to have an appropriate knowledge and understanding of child protection issues and procedures, including the guidance and requirements set out in DE Safeguarding and Child Protection in Schools guidance and the relevant HSCT policy and procedures. The requirement is for the Chair of the Management Committee to have specific safeguarding training at Designated Officer level, particularly in order to manage any allegations against members of staff.

All staff and volunteers working directly with children must complete a minimal three hour face to face formal certificated Safeguarding/Child Protection course every three years. (It is currently a requirement of the SBNI that training must be face to face). All staff and volunteers must have a valid Safeguarding/Child Protection certificate at all times and it is the responsibility of individual staff to ensure they keep their certificate up to date.

It is good practice for all new Committee members (since they share joint responsibility for the setting) to have Safeguarding/Child Protection training at the outset and that any members remaining after 3 years have passed renew their training like others working in childcare do. Further details regarding this can be found in the [EA - Induction for New Governors](#).

Settings should ensure that staff are familiar with the guidance on Specific Types of Abuse, as set out within the DE Safeguarding and Child Protection in Schools guidance.

Evaluation of safeguarding will be undertaken by ETI on formal inspections of DE funded pre-school settings. This includes reviewing: the completed ETI Safeguarding Proforma; the safe storage of child protection records; and evidence of all training received by staff and the management group. There is also a discussion with staff about their understanding of the safeguarding policies and practice within the setting.

Should any safeguarding concerns arise during a visit by the District Inspector, the ETI will draw these to the attention of the Leader/Proprietor and will formally write to the link Social Worker outlining the concerns.

The EA may require confirmation that relevant policies and training are up to date within the setting as part of the annual PSEP 'Basic information' process.

### **Conduct of Staff**

The Minimum Standards require that a whistle-blowing policy should be in place which encourages staff to report any concern they have regarding the practice of their colleagues, volunteers or trainees relating to the care of children. The Registered Person should ensure that contact persons' names and telephone numbers are readily available to staff.

In addition, settings should familiarise themselves with the Conduct of Staff section of the DE Safeguarding and Child Protection in Schools Guide and an agreed Staff Code of Conduct should be in place.

### **Reporting**

Staff have a clear responsibility to report child protection concerns to the Leader or DCPO, who should follow the safeguarding policy procedures and report the concerns to Gateway Social Services (First Point of Contact). For non-statutory settings the Early Years Registration and Inspection Team should also be advised. Under the Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse (Northern Ireland) established between the PSNI and Social Services, where either Agency receives a report of alleged or suspected child abuse or that a child is at risk, the other should be automatically informed. Although the Leader or DCPO may need to seek discrete preliminary clarification from the person making the complaint or giving the information, or from others who may have relevant information, it is not the responsibility of staff to carry out investigations into cases of suspected abuse, or to make extensive enquiries of members of the child's family or other carers. Under Articles 65 and 66 of the Children (NI) Order, this is the statutory responsibility of the investigating agencies, Children's Social Services and/or the PSNI. Settings should not take action beyond that set out in the procedures in the guidance, and those established by the SBNI and employing authorities, to be followed in handling suspected cases of abuse. They must not delay or decide to engage in further observation of the situation before making a report. This includes situations when parents raise complaints about staff members.

Please note it is generally understood, where there are concerns and the parent is not suspected as being the abuser that the parent needs to be kept informed of the referral to Social Services.

All allegations of a child abuse nature must be recorded and retained securely. A record should be placed on the child's Child Protection File.

### **Further Child Protection Advice**

The EA's Child Protection Support Service (CPSS) is a regional service for schools, based within the EA's Directorate of Children and Young People's Services. For non-statutory pre-school providers that are funded by the EA, advice and support is available via their HSCT Early Years Team (registered social workers). Contact details for each of the relevant areas can be found in the Contacts section of the overarching guidance document.

### **Child Protection: Record Keeping**

Each setting has a responsibility to maintain its records and record keeping and storage systems. The Management Committee/Proprietor should ensure that the arrangements operated by the setting for the retention, management and release of records comply with statutory data protection requirements, including the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR). Further guidance is set out in Chapter 9 of the overarching guidance and in DE Circular 2020/07 – Child Protection: Record Keeping in Schools.

### **ICT and Photography**

Settings should have a written policy on the use of Information and Communication Technology (ICT) equipment and code of conduct for staff in relation to use of mobile phones, particularly those with cameras or video capability, and participation in social networking websites. Settings will also wish to ensure that their policies and procedures take account of their roles and responsibilities in regard to remote learning. Staff must agree and sign up to these policies on recruitment.

There should be a written policy and procedures in place for the taking of children's photographs. Parents should be asked for their written permission for their children to be photographed and the purpose for which these photographs are being used (e.g. displays, child records, promotional material etc) should be clearly explained. There should also be a written policy and procedures on the use of any CCTV.

## Promoting Positive Behaviour

Pre-school settings should strive to create an environment built on Trauma Informed Practice and the principles of nurture which promotes children's social and emotional development.

Settings should have a written policy on positive behaviour, self-regulation and conflict resolution, including a Positive Behaviour Policy and Addressing Bullying Concerns policy<sup>21</sup>, which state the methods used to understand, support and manage the children's behaviour. This should be fully understood and used by all staff and discussed with parents.

Strategies and interventions adopted to respond to all kinds of behaviour presentations should focus on moving from managing behaviour to nurturing and supporting all children, parents and colleagues in an atmosphere of collective care. The cornerstone to any approaches to understanding and supporting positive social, behavioural, emotional and well-being development is strong positive relationships within the whole school community with a sense of belonging for all.

## Other Policies

The pre-school setting has a duty to ensure that safeguarding permeates all activities and functions. The Child Protection Policy should complement and support a range of other policies, which may include:

- a. Attendance Policy
- b. Behaviour Management and Discipline/Positive Behaviour Management Policy
- c. Pastoral Care
- d. Anti-Bullying Policy
- e. Safe Handling
- f. Special Educational Needs
- g. First Aid and Administration of Medicines
- h. Health and Safety Policy
- i. Intimate Care

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21 Referred to as 'Managing Aggression and Challenging Behaviour – including bullying' within the Minimum Standards.

- j. E-Safety Policy
- k. Educational Visits and Visitors to the Setting
- l. Staff Code of Conduct
- m. Partnership with Parents
- n. Confidentiality Policy
- o. Data Protection & GDPR
- p. Whistle blowing

All policies must be kept up to date, with regular risk assessments carried out where required. All policies should be available to parents with hard copies available on request.

