



# **Safeguarding and Child Protection Policy and Procedure**

## **SPAIN**

## **ELIS MURCIA**

## **September 2022**

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# 1 Safeguarding in our school

## 1.1 Our aims and responsibilities

Our commitment is to safeguard and promote the welfare, physical and mental health and safety of our pupils by creating and maintaining an open, safe, caring and supportive atmosphere. This includes:

- Proactively teaching pupils about safeguarding
- Ensuring that systems and procedures are in place to protect pupils
- Acting in the best interests of the child

All staff have the following responsibilities:

- Contribute to providing a safe environment in which all children can learn and flourish
- Know what to do if a child tells them that they are being abused or neglected
- Know what to do if they are concerned about the behaviour or conduct of an adult in the school
- Manage the requirement to maintain an appropriate level of confidentiality
- Refer any concern to the Child Protection and Wellbeing Coordinator or the Child Protection and Wellbeing Deputy
- Be aware of the local Early Intervention process and their role in it
- Be aware of the process for making a referral to Social Services and understand the school's role in working with external agencies.

## 1.2 Definition of safeguarding

Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- Guaranteeing the fundamental rights of children and young people to physical, mental, psychological, and moral integrity, in the face of any form of abuse
- preventing impairment of children's health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care, and
- taking action to enable all children to have the best outcomes

**In our school, safeguarding is everyone's responsibility**

Everyone who comes into contact with children and their families has a role to play. No single professional can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

In order to fulfil this responsibility effectively, all professionals should make sure their approach is child centred. This means that they should consider, at all times, what is in the best interests of the child, taking into consideration the views and wishes of the child.

All staff should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited or neglected and/or they may not recognize their experiences as harmful.

### 1.3 Terminology

- 'Children' includes everyone under the age of 18
- 'LOPIVI' refers to the Spanish national law: *Ley Orgánica 8/2021 4<sup>th</sup> June de Protección Integral a la Infancia y la Adolescencia frente a la Violencia*
- 'Child Protection and Wellbeing Coordinator' (CPC) is the school's appointed safeguarding lead.
- 'Child Protection and Wellbeing Deputy' (Deputy CPC) is the school's appointed deputy safeguarding lead.'
- 'AEPD is the *Agencia Española de Protección de Datos*, the Spanish Data Protection Regulator.
- 'KCSIE' refers to the United Kingdom's statutory guidance Keeping Children Safe in Education
- 'ECMS' refers to Electronic case Management System e.g., CPOMS or MyConcern
- 'Cause for Concern' form refers to the document included in the Safeguarding Toolkit (*internal doc*)
- 'RSL' refers to Regional Safeguarding Lead (Europe) for Cognita
- 'DE' refers to Director of Education – Europe
- ADE refers to Assistant Director of Education Spain
- 'HoHR' refers to Head of Human Resources Spain

### 1.4 Who this policy applies to

This policy applies to all pupils in the school, including those in the Early Years.

This policy applies to all teaching, non-teaching, residential, pastoral, support, peripatetic, contract staff and ancillary staff, volunteers, non-school based Cognita staff and any other adults working at the school. All references in this document to "staff" or "members of staff" should be interpreted as relating to the aforementioned, unless otherwise stated. It applies to adults in the Early Years phase of the school.

This Safeguarding Policy applies to all pupils and adults in the school when they are being educated on site and including when being educated off-site and undertaking an educational visit. It also applies to students who are on an exchange and being hosted by the school.

In accordance with the terms set in the LOPIVI Art. 51, this Safeguarding Policy applies to all children and young people in Spanish territory, regardless of their nationality and administrative residence status, and to all children of Spanish nationality abroad.

### 1.5 Inter-agency working

The school is committed to inter-agency working in order to secure the best levels of safeguarding for all of its pupils. The school contributes to inter-agency working in accordance with the *Ley Orgánica 8/2021 4<sup>th</sup> June de Protección Integral a la Infancia y la Adolescencia frente a la Violencia*. The school works with social care, the police, health services and other services to promote the welfare of children and protect them from harm. The school will also work within the requirements of their local social services.

### 1.6 Related documentation

This policy should be read in relation to the most recent version of the following documents, to the extent they are applicable in Spain:

National documents:

- LO 8/2021 4 June, *protección integral de la infancia y la adolescencia frente a la violencia* (Safeguarding)
- LO 3/2020 29 December, de Educación (Education)
- LO 2/2006, 3 May, de Educación (Education)
- LO 5/2000, 12 January, *Reguladora de la Responsabilidad Penal de los Menores* (minors' criminal liability)
- Ley Orgánica 1/1996, de 15 de enero, de *Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil*.
- LO 3/2018 de 5 de diciembre, de *Protección de Datos Personales y Garantía de los Derechos Digitales*

Related internal documents:

- Anti-Bullying Policy
- Behaviour Policy
- Acceptable Use & Digital Safety Policy
- Exclusion Policy
- Policy on Use of Phones and Devices in the Early Years
- Preventing Extremism and Radicalisation Policy
- Safer Recruitment Policy
- Code of Conduct
- Social Media Policy
- Equality and Diversity Policy

Our school prioritises the embedding of a culture of safer recruitment as part of our strategy for preventing harm to children. Procedures for checking the suitability of staff and volunteers who work with children are contained within Article 32 of the LOPIVI and are reflected in our Safer Recruitment Policy.

### 1.7 Policy review

The school carries out an annual review of this policy. This includes an evaluation of the extent to which these policies have been effectively implemented throughout the school. The school will remedy any deficiencies or weaknesses in child protection arrangements without delay and without waiting for the next policy review date, should any be necessary. Staff are invited to contribute to and shape safeguarding arrangements based on reflection and learning. Staff are invited to contribute to the review of this policy.

### 1.8 Information sharing

Information sharing is vital in identifying and tackling all forms of abuse and neglect. Fears



about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children. School staff should be proactive in sharing information internally within the school, with Cognita, and with local authorities, as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care. This includes the sharing of information without parental consent where there is good reason to do so, i.e., the risk of harm to the child will be increased.

**However, data protection legislation in Spain means that we must consider information sharing with other third parties e.g., with a new school, on a case-by-case basis, in conjunction with the Group Data Protection Team / Group Legal Team.**

## 2 Key safeguarding facts

**The safety and wellbeing of our pupils  
is our number one priority**

*Safeguarding and promoting the welfare of children is everyone's responsibility*

*We operate within a culture of openness and recognise and accept that abuse can happen in any organisation*

*We are a 'sharing organisation'  
All concerns should be reported*

**All concerns about a child (including signs of abuse and neglect) must be reported immediately to the Child Protection & Wellbeing Coordinator or, in their absence, to the Child Protection & Wellbeing Deputy**

**In the event that a child is in immediate danger or at risk of harm a referral should be made to Social Services, the Ministerio Fiscal (Public Prosecutor) and/or the local, regional and/or national Police forces; and if the case involves a breach of personal data, to the AEPD immediately\***

\*Hereinafter, Social Services, Ministerio Fiscal (Public Prosecutor), Police forces and the AEPD will be referred as Authorities.

Cases involving potential data breaches must be reported to the school Data Protection Coordinator who will advise on the procedure to follow.

**An allegation about another adult in school should be referred to the Headteacher**

**An allegation about the Headteacher should be referred to the RSL or Cognita Assistant Director of Education Spain or HoHR**

**Any concern or 'nagging doubt' about an adult or child should be shared with the Child Protection & Wellbeing Coordinator or Headteacher**

### 3 Key people and contacts

<b>School contacts</b>	
Child Protection and Wellbeing Co-Ordinator	Stefania Pimblett stefania.pimblett@ellimonar.es
Child Protection & Wellbeing Deputy	Maria Jose Garcia mariajgarcia@ellimonar.es
Any other staff trained to Advanced Safeguarding level	Jaione Mendoza (Designated Practitioner with responsibility for safeguarding in Early Years) Cat Bell (Deputy Designated Practitioner with responsibility for safeguarding in Early Years) Vanessa Grimward (Principal) Maria Dios (Head of Lower School) Jon Wayth (Head of Upper School) Jose Antonio Garcia (Business Manager) Miranda Hopkins (Head of Sixth Form) Yanalie Stevens (KS2 Coordinator) Pedro Rodriguez (Summer School Coordinator) Marisa Núñez (Spanish Department)
Designated Practitioner with responsibility for safeguarding in Early Years	Jaione Mendoza jaionemendoza@ellimonar.es
LGBTBQI+ Champion (s)	Pending
Mental Health Lead	Stefania Pimblett stefania.pimblett@ellimonar.es
Prevent Lead ( <i>Art 35 LOPIVI this responsibility lies with the Child Protection &amp; Wellbeing Coordinator</i> )	Stefania Pimblett stefania.pimblett@ellimonar.es
School Data Protection Coordinator	José Antonio García jantonio.garcia@ellimonar.es
Child Protection and Wellbeing Coordinator Support Role (Spain)	Carol Coleman carol.coleman@cognita.com
Principal	Vanessa Grimward vanessa@ellimonar.es

<b>Cognita (proprietor) contacts</b>	
Regional Safeguarding Lead (Europe) (See note below)	Alison Barnett <a href="mailto:alison.barnett@cognita.com">alison.barnett@cognita.com</a>
Director of Education Europe	Nikki Lambros nicola.lambros@cognita.com

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Assistant Director of Education Spain	Chris Eversden chris.eversden@cognita.com
Group Legal Counsel	Jayne Pinchbeck jayne.pinchbeck@cognita.com
Cognita (proprietor) board member with responsibility for safeguarding	Simon Camby, Group Director of Education simon.camby@cognita.com

<b>Local Authority Contacts</b>	
Our school follows the safeguarding protocols and procedures of the LOPIVI and our local Social Services/Safeguarding authorities.	Región de Murcia: Secretaría Autonómica de Acción Social, Menor y Familia Avda de La Fama, 3, 3º planta 30003 – MURCIA Telefono: 968 36 20 81 - 36 51 57- Fax: 968 34 86 04 <a href="http://www.carm.es/web/">http://www.carm.es/web/</a> Emergencias 112 Programa de Atención al Maltrato Infantil: 968 36 51 87
Local authority Social Services referral team(s)	Fiscalía de Menores: 968 22 92 74
The officers for child protection in our local social services	Av. De La Fama, nº 15. 3006 Murcia Tlf. 968 27 97 52
Contact for Radicalisation concerns	Grupo de menores (GRUME)-968 35 55 77
Local authority's out of hours social care contact numbers	112

<b>Police</b>	
Local Police Emergency	112 Emergency 112 Policía Local de Murcia 968 35 87 50 EMUME- Equipo Mujer-Menor (Guardia Civil de Murcia) 968 23 45 65 Ext.270
Local Police non-emergency	Grupo de menores (GRUME)-968 35 55 77 SAF- Servicio de atención a la Familia 968 35 55 13

<b>Location of local authority safeguarding and child protection documents in school</b>	
Local authority documents, e.g., thresholds, referral forms and related guidance can be found:	Detailed information about centres, resources and services: <a href="http://www.educarm.es">www.educarm.es</a> <ul style="list-style-type: none"> <li>• Dirección General de Familia y Políticas Sociales:</li> <li>- Servicio del Menor (Sección de Protección y Tutela): 968 27 31 60</li> <li>- Asesoría de Información: 968 27 32 09</li> </ul>

	<ul style="list-style-type: none"> <li>• Fiscalía de Menores: 968 22 91 00</li> <li>• GRUME - Cuerpo Nacional de Policía de Murcia: 968 35 55 77</li> <li>SAF - Servicio de Atención a la Familia: 968 35 55 13</li> <li>• EMUME: Policía Judicial-Guardia Civil: 968 23 45 65</li> <li>• Policía Local de Murcia: 968 35 87 50 - 092</li> <li>• Emergencias: 112</li> <li>• Servicio de Atención a la Diversidad: Dirección General de Promoción Educativa e Innovación, Consejería de Educación, Ciencia e Investigación, Avda. de la Fama, 15. – 30006 Murcia, Teléfono 968 362 043</li> <li>• Proyecto Luz: The aim of this programme is to protect children and adolescent at risk of sexual abuse.</li> </ul> <p>- Consejería de Familia e Igualdad de Oportunidades. Dirección General de Familia y Políticas Sociales, C/ Avenida de la Fama, 3, 1ª planta. 30003 - Murcia, Tlf. 968 273174.</p> <p>- Asociación AIDER Murcia Calle Santa Catalina, nº 8, 2º derecha. 30004 - Murcia Tlf. 868 076122 y 617 083 109</p>
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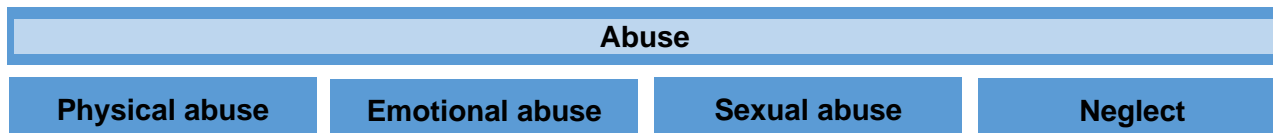
<b>National/Regional Contacts</b>	
Teléfono de la Esperanza	Tel: +34 91 459 00 55 Tel: 717 003 717
ANAR Foundation	Tel: +34 900 20 20 10 Tel: 116111 <a href="https://www.anar.org/">https://www.anar.org/</a>
Gender Violence phone	Tel: 016
Bullying helpline	Tel: + 34 900 018 018
Catalonian Sindic dels Infants i Adolescents (minor ombudsman)	Tel: +34 900 124 124 Email: <a href="mailto:infancia@sindic.cat">infancia@sindic.cat</a>

\*The Regional Safeguarding Lead (Europe) is a role which supports the development of effective safeguarding practice within the Cognita family of schools and is not intended to replace, in any way, the statutory referral and reporting requirements.

## 4 Types of abuse

The term 'abuse' is often used as an umbrella term. All staff should be aware of indicators of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Abuse and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.

The LOPIVI (Article 1.2) defines abuse (*violencia*) as any act, omission, or negligent treatment that deprives children of their rights or wellbeing; that threatens or interferes with their physical, mental or social development, regardless of the form the abuse takes, including via technology and digital means.



### Abuse

Abuse is a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

#### 4.1 Physical abuse

Physical abuse is a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

*Signs of physical abuse can include:*

- *injuries to parts of the body where accidents are unlikely, such as thighs, back, abdomen.*
- *respiratory problems from drowning, suffocation or poisoning.*
- *untreated or inadequately treated injuries.*
- *bruising which looks like hand or finger marks or caused by an implement.*
- *cigarette burns, human bites; or*
- *scarring, scalds and burns.*

#### 4.2 Emotional abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone

#### 4.3 Domestic abuse

Children can be victims of domestic abuse. They may see, hear, or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). The cross-government definition of domestic violence and abuse is that it may be a single incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass but is not limited to psychological; physical; sexual; financial; and emotional. Exposure to domestic abuse and/or violence can have a serious, detrimental and long-term impact on a

child's health, wellbeing, development and ability to learn. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

*Signs of emotional abuse tend to be behavioural rather than physical (see below).*

### 4.4 Sexual abuse

From a broad non-legal perspective, sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not involving violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex), or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education.

*Signs of sexual abuse displayed by children may include:*

- *Pregnancy*
- *sexually transmitted infection/diseases;*
- *pain/itching/bleeding/bruising/discharge to the genital area/anus/mouth;*
- *urinary infections;*
- *difficulty walking or sitting or standing;*
- *persistent sore throats; or*
- *stomachache*

Supporting practice in tackling child sexual abuse - CSA Centre of Expertise on Child

Sexual Abuse <https://www.csacentre.org.uk/> has free evidence-based practice resources to help professionals working with children and young people to identify and respond appropriately to concerns of child sexual abuse.

### 4.5 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy, for example, as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate caregivers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

*Signs of possible neglect include:*

- *the child seems underweight or is very small for their age, or their weight deteriorates;*
- *the child seems very overweight for their age;*
- *they are poorly clothed, with inadequate protection from the weather;*
- *they are often absent from school for no apparent reason; or persistently arrive late; or*
- *they are regularly left alone, or in charge of younger brothers or sisters.*

### 4.6 Child-on-child abuse

All staff must be alert to possible indicators of safeguarding concerns which may indicate child-on-child abuse. This is most likely to include, but may not be limited to:

- bullying (including cyberbullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment;

- sharing or nudes or semi-nudes (also known as sexting or youth produced sexual imagery);
- initiation/hazing type violence and rituals; and
- upskirting

See separate section of this document on child-on-child abuse below.

### 4.7 Honour Based Abuse (HBA) (including Female Genital Mutilation (FGM), Forced Marriage (FM) and breast flattening)

HBA includes all incidents or crimes which have been committed to protect or defend the honour of the community and/or the family, and commonly involve practices such as FGM, forced marriage and/or breast ironing; however, they are still abuse and should be treated as such. Abuse often involves a wider network of family or community pressure and therefore it is important to be aware of this dynamic and consider risk factors when deciding on action. If staff have a concern that a child may be at risk of Honour Based Abuse, they should alert their Child Protection and Wellbeing Coordinator immediately.

#### FGM

FGM is abuse that encompasses all procedures involved in the partial or total removal of female external genitalia and is illegal in Spain. Whilst all staff should speak to the Child Protection and Wellbeing Coordinator or Deputy with regard to any concerns about FGM, there is a duty on teachers to report FGM. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the teacher **must** report this to the public prosecutor, the criminal courts and/or the police.

#### Forced Marriage

Forced marriage is a marriage where violence, threats and/or any forms of coercion are used and where one or both parties do not or cannot consent to the marriage. This is a crime in Spain.

#### Breast flattening

Breast flattening, also known as breast ironing, is the pounding and massaging of a pubescent girl's breasts, using hard or heated objects, to try to make them stop developing or disappear. It is typically carried out by the girl's mother, who will say she is trying to protect the girl from sexual harassment and rape to prevent early pregnancy that would tarnish the family name, or to allow the girl to pursue education, rather than be forced into early marriage.

### 4.8 Behavioural signs of abuse and neglect

If a child is being abused, their behaviour may change in a number of ways. For example, they may:

- behave aggressively or be disruptive, act out, demand attention and require more discipline than other children
- become angry or disinterested and/or show little creativity
- seem frightened of certain adults
- become sad, withdrawn or depressed
- have trouble sleeping
- become sexually active at a young age
- exhibit inappropriate sexual knowledge for their age or sexualised behaviour in their play with other children
- refuse to change for gym or participate in physical activities
- develop eating disorders

- self-harm
- refuse to attend school or run away from home
- lack confidence or have low self-esteem; or
- use drugs or alcohol.

### 4.9 Emotional Wellbeing and Mental Health

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences, can impact on their mental health, behaviour and education.

All staff should also be aware that deteriorating emotional wellbeing and escalation of mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Please note, however, only appropriately trained health professionals should attempt to make a diagnosis of a mental health problem.

Staff, however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following their Safeguarding and Child Protection Policy and speaking to the Child Protection and Wellbeing Coordinator

### 4.10 Children with Special Educational Needs and/or Disabilities

Children with special educational needs (SEN) and/or disabilities are statistically more vulnerable to child abuse, including child-on-child abuse. Additional barriers can exist when recognising abuse and neglect in this group of children. These include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration
- assumptions that children with SEN and disabilities can be disproportionately impacted by things like bullying without outwardly showing any signs, and
- communication barriers and difficulties in overcoming these challenges.

### 4.11 Signs of abuse or neglect manifested by the parents or other responsible adult

- places unrealistic expectations on the child i.e., demand a level of academic or physical performance of which they are not capable
- offers conflicting or unconvincing explanation of any injuries to the child
- appears indifferent to or overtly rejects the child
- denies existence of or blames the child for the child's problems at home or at school
- sees and describes the child as entirely worthless, burdensome or in another negative light
- refuses offers of help for the child's needs; or
- refuses to consent to referrals to external agencies to meet their child's needs/does not engage as expected

### 4.12 Grooming

Grooming is the process by which an individual prepares a child, significant adults and the environment for abuse of this child. Children and young people can be groomed online or in the real world, by a stranger or by someone they know. Groomers may be male or female, of any gender identity. 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. The signs of grooming are not always obvious. Groomers will also go to great lengths not to be identified.

Children may:

- be very secretive, including about what they are doing online
- have older boyfriends or girlfriends
- go to unusual places to meet friends
- have new things such as clothes or mobile phones that they can't or won't explain
- have access to drugs and alcohol
- go missing from home or school
- display behavioural changes
- have sexual health issues; or
- present as suicidal, self/harming, feeling depressed and/or unworthy.

In older children, signs of grooming can easily be mistaken for 'normal' teenage behaviour, but you may notice unexplained changes in behaviour or personality, or inappropriate sexual behaviour for their age. See the [Internet Segura for Kids](#) website for further guidance and information about grooming.

#### 4.13 Signs of grooming and/or online abuse

A child may be experiencing abuse online if they:

- spend lots, much more, or much less time online, texting, gaming or using social media
- are withdrawn, upset or outraged after using the internet or texting
- are secretive about who they're talking to and what they're doing online or on their mobile phone; and/or
- have lots of new phone numbers, texts or e-mail addresses on their mobile phone, laptop or tablet.
- have more than one phone.

#### 4.14 Signs of grooming manifested by sex offenders

It is important to remember that not all sex offenders will exhibit the signs listed below and if an individual exhibits some or all of these signs, it does not mean that they are a sex offender:

- overly affectionate behaviour with a child
- affording special attention or preferential treatment to a child
- excessive time spent alone with a child outside of the classroom/school
- frequently spending time with a child in private or isolated areas
- transporting a child to or from the school
- making friends with a child's parents and visiting their home
- acting as a child's confidante
- giving small gifts, money, toys, cards, letters to a child
- using texts, telephone calls, e-mails or social networking sites to inappropriately communicate with a child
- flirtatious behaviour or making suggestive remarks or comments of a sexual nature around a child

#### 4.15 Modus operandi of institutional grooming

- target vulnerable victim: Perpetrators target victims who are vulnerable, isolated, insecure and/or have greater emotional needs.
- gain victim's trust: Offenders may allow a child to do something (e.g., eat ice cream, stay up late, view pornography) which is not normally permitted by the child's parents or the school in order to foster secrecy.

- gain the trust of others: Institutional offenders are often popular with children and parents, successfully grooming not only the victim but also other members of the victim's family and the community at large.
- filling a need/becoming more important to the child: This can involve giving gifts, rewards, additional help or advice, favouritism, special attention and/or opportunities for special trips or outings.
- isolating the child: The perpetrator may encourage dependency and subtly undermine the victim's other relationships with friends or family members.
- sexualising the relationship: This can involve playful touches, tickling and hugs. It may involve adult jokes and innuendo or talking as if adults, for example about marital problems or conflicts.
- maintaining control and secrecy: Offenders may use their professional position to make a child believe that they have no choice but to submit to the offender.

### 4.16 Signs of grooming for radicalisation

There are no known definitive indicators that a young person is vulnerable to radicalisation but there are several signs that together increase their risk of being groomed in this way. Signs of vulnerability include:

- Underachievement
- Being in possession of extremist literature
- Poverty
- Social exclusion
- Traumatic events
- Global or national events
- Religious conversion
- Change in behaviour
- Extremist influences
- Conflict with family over lifestyle
- Confused identity
- Victim or witness to race or hate crimes
- Rejection by peers, family, social groups

Additional information regarding the prevention of radicalisation can be found on the following webpages:

- Website launched by the [Spanish Ministry of Internal Affairs](#) to prevent radicalisation and where complaints can be filed
- [Protocol implemented by the Catalanian government](#) to prevent radicalisation at schools

### 4.17 Child Criminal Exploitation and Serious Violence

CCE is where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. CCE does not always involve physical contact; it can also occur through the use of technology. CCE can include children being forced to work in cannabis factories, forced to shoplift or pickpocket, or to threaten other young people.

It is important to note that the experience of girls who are criminally exploited can be very different to that of boys. The indicators may not be the same, however professionals should

be aware that girls are at risk of criminal exploitation too. It is also important to note that both boys and girls being criminally exploited may be at higher risk of sexual exploitation.

CCE also involves children and young people being coerced into moving drugs or money across the country.

All staff should be aware of indicators which may signal that children are at risk from, or are involved with, serious violent crime. These can include increased absence from school; a change in friendships or relationships with older individuals or groups; a significant decline in performance; signs of self-harm or a significant change in wellbeing; or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs.

### **4.18 Contextual Safeguarding**

Contextual Safeguarding is an approach to understanding, and responding to, young people's experiences of significant harm beyond their families. It recognises that the different relationships that young people form in their neighbourhoods, schools and online can feature violence and abuse. Parents and carers have little influence over these contexts, and young people's experiences of extra-familial abuse can undermine parent-child relationships.

Staff should consider the importance of understanding intra familial harms and any necessary support for siblings following incidents of child-on-child abuse, including sexual harassment and/or violence.

The contextual safeguarding approach says that children's social care practitioners, child protection systems and wider safeguarding partnerships need to engage with individuals and sectors who do have influence over/within extra-familial contexts, and recognise that assessment of, and intervention with, these spaces are a critical part of safeguarding practices. Contextual Safeguarding, therefore, expands the objectives of child protection systems in recognition that young people are vulnerable to abuse beyond their front doors. This also includes the risk of abuse occurring in or outside of school.

### **4.19 Child Sexual Exploitation (CSE)**

CSE is a form of sexual abuse and occurs where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual activity. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources. In some cases, the abuse will be in exchange for something the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator.

The abuse can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time and range from opportunistic to complex organised abuse. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual, and it should be noted exploitation as well as being physical can be facilitated and/or take place online.

CSE can affect any child or young person (male or female) under the age of 18 years, including 16-and 17-year-olds, who can legally consent to have sex. It can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity and may occur without the child or young person's immediate knowledge (e.g., through others copying videos or images they have created and posted on social media).

The above CCE indicators can also be indicators of CSE, as can:

- children who have older boyfriends or girlfriends; and
- children who suffer from sexually transmitted infections or become pregnant.

#### 4.20 Children Missing in Education

All staff should be aware that children going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and can also be a sign of child criminal exploitation. It may indicate mental health difficulties, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future.

#### 4.21 Elective Home Education

Many home-educated children have an overwhelmingly positive learning experience. Most parents decide to home educate with their child's best education at the heart of their decision. However, this is not the case for all, and home education can mean some children are less visible to the services that are there to keep them safe and supported in line with their needs. Where a parent/carer has expressed their intention to remove a child from school with a view to educating at home, the school will coordinate a meeting with parents/carers where possible. Ideally, this would be before a final decision has been made, to ensure the parents/carers have considered what is in the best interests of each child. This is particularly important where a child has SEND, is vulnerable, and/or has a social worker. Should there be safeguarding concerns about any child whose parents state they are planning to educate them at home, a referral to Social Services may be considered.

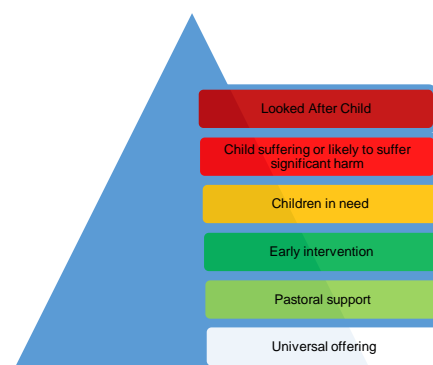
#### 4.22 Children with family members in prison

Should schools become aware they have any children or young people on their roll whose parent or close family member is in prison, they should provide additional support. These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health.

## 5 Stages of child protection

The school can use a range of arrangements depending on the information available. The school will always work cooperatively with external agencies, including the local authority and the police.

The diagram opposite outlines the hierarchy of these approaches.



Where a child is suffering, or is likely to suffer from harm, it is important that a referral to Social Services (and, if appropriate, the Police) is made immediately by the Child Protection and Wellbeing Coordinator, who should follow the local authority's referral process. If the Child Protection and Wellbeing Coordinator is not available, then there should be no delay in the school making a referral.

### **5.1 Early Intervention (low risk)**

If early intervention is appropriate, the Child Protection and Wellbeing Coordinator (or Deputy) will oversee the programme of support provided within the school context. Families and relevant staff would be informed. The school may seek guidance from external agencies or encourage the family to do so. Any such cases should be kept under constant review and consideration given to a referral to Social Services, if the child's situation does not appear to be improving or is getting worse.

Any child may benefit from early intervention, but all school staff should be particularly alert to the potential need for early intervention for a child who:

- is disabled and has specific additional needs
- has special educational needs (whether or not they have a statutory education, health and care plan)
- is a young carer
- is showing signs of being drawn into anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home
- is misusing drugs or alcohol themselves
- is at risk of modern slavery, trafficking or exploitation;
- is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse;
- is showing early signs of abuse and/or neglect;
- is at risk of being radicalised or exploited;
- is a privately fostered child and/or
- has already been identified as being LGBTQI+ or is beginning to identify as LGBTQI+

### **5.2 Children in Need (moderate risk)**

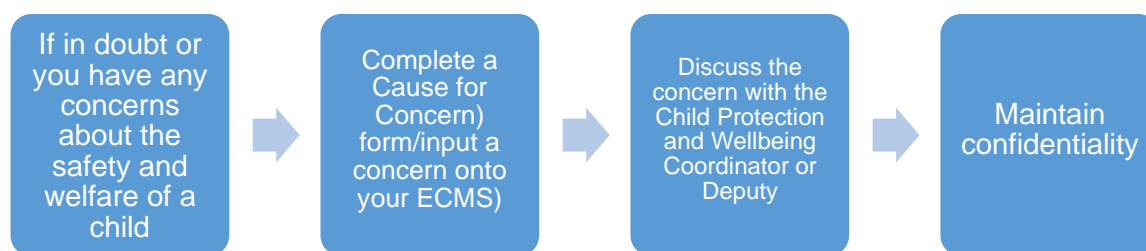
As guidance, a Child in Need is defined under the LO 1/1996, 15 January, regarding minors' legal protection as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.

The school will seek support from external agencies such as Social Services, health services, mental health support services for the purposes of safeguarding and promoting their welfare.

### **5.3. Children suffering or likely to suffer significant harm (high risk)**

Authorities, with the help of other organisations as appropriate have a duty to make enquires under section 18 of the LO 1/1996, 15 January, regarding minors' legal protection if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child's welfare and must be initiated where there are concerns about maltreatment, including all forms of abuse and neglect, female genital mutilation or other so-called honour-based abuse, and extra-familial threats like radicalisation and sexual exploitation. Should an investigation occur, then the school's involvement and any action may be determined on the advice given by the investigating agency.

### 5.4 What to do if you have a concern about a child



Safeguarding and promoting the welfare of children is everyone's responsibility. All staff should know what to do when a child discloses abuse to them, they have concerns about a child's welfare, or when children or staff raise concerns about a pupil to them.

If a child tells a member of staff that they know about or have been a victim of abuse or neglect, the member of staff should:

- Listen carefully and allow the child to speak freely and remain calm. Do not interrupt the child or be afraid of silences. Recognise that there are many barriers to a child making a disclosure.
- Provide reassuring nods and words such as, "I am so sorry this has happened", "You are doing the right thing in talking to me". Avoid saying things like, "I wish you had told me about this earlier" or "I cannot believe what I am hearing". Questioning of the child about what they are saying should not be extensive as partner agencies will lead any investigation. However, a context around what the child has said should always be sought prior to any referral being made to partner agencies. This should be done by the Child Protection and Wellbeing Coordinator or Deputy depending on who obtained the initial disclosure i.e., if a member of teaching staff receives a disclosure or has a concern, the Child Protection and Wellbeing Coordinator should then also speak to the child, either to corroborate the child's account or to gain further context. Limit questioning to the minimum necessary for clarification using *What, When, How and Where* but avoid leading questions such as, "Has this happened to your siblings?" Do *not* use questions beginning with *Why* as this can apportion feelings of guilt within a child.
- If the child discloses abuse, then it is appropriate to ask whether any other adults were present and observed the abuse and ask what those adults did.
- At an appropriate time tell the child that the matter will be referred in confidence, always using language that is appropriate to the age and stage of development of the child, allowing for their individual need.
- Tell the child what will happen next. The child may want to accompany you to see the Child Protection and Wellbeing Coordinator, otherwise let the child know that someone will come to see them before the end of the day.

Staff should understand the difficulties children may have in approaching them and the need to build trusted relationships. Staff should be aware that the first approach/disclosure from a child may not be the only incident that has happened. It is appropriate therefore, to ask the child whether something like this has ever happened to them before. **All staff** should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful.

#### Recording

Staff should make a written record of the conversation with the child as soon as possible, using a 'Cause for Concern Form' or the school's electronic case management system. All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing by the Child Protection and Wellbeing Coordinator. Records should include:

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- a clear and comprehensive summary of the concern
- details of how the concern was followed up and resolved
- a note of any action taken, decisions reached and the outcome

Staff recording disclosures should use the specific words that the child used (e.g., if referring to parts of their body), indicating these by using “speech marks/inverted commas”.

If a **disclosure of abuse** has been made by the child, staff should immediately discuss the concerns verbally with the Child Protection and Wellbeing Coordinator, Deputy or Headteacher prior to writing up the record **so that immediate action can be considered**.

If the Child Protection and Wellbeing Coordinator is not available then this should not delay appropriate action being taken and staff should speak to the Deputy CPC, the Headteacher or, failing that, a member of the SLT/RSL. Headteachers should be made aware of any referral that is made to Social Services or the Police, but staff must not delay if they are unavailable before making the referral. All documents should be kept in a secure location with restricted access.

### Photos

If a child discloses physical abuse, self-harms or attempts to take their life, staff should **never** take photos of children’s injuries. On very rare occasions, Social Services or the Police will direct the school to take a photo of a child’s injury and send it to them for their assessment of risk. The school must record who has asked this to be done and note their role and contact. Any photo subsequently taken by staff must have a witness present.

### Making referrals to statutory agencies

#### *If a child is thought to be at risk of harm*

When a child is thought to be at risk of harm or is likely to be at risk of harm (see above), then a referral should be made **immediately** to Social Services, Ministerio Fiscal (Public Prosecutor), Police forces and/or AEPD if a criminal act is thought to have occurred. Whilst it is the role of the Child Protection and Wellbeing Coordinator, any member of staff can make a referral to the authorities and there should be no delay. *The school does not require parental consent for referrals to be made to these authorities. (LOPIVI Art 15)*. Consent to do this must **not** be obtained from the parents if to do so would put the child’s safety at risk or could jeopardise any investigation.

#### *If a child has unmet needs*

When a child is not considered at risk of significant harm, but still has unmet needs that could mean that they are a Child in Need (moderate risk), the school will seek support from external agencies such as Social Services, health services, mental health support services for the purposes of safeguarding and promoting their welfare. The school does not require parental consent for referrals to be made, however, it is best practice that these concerns are discussed with the parents and any subsequent referral made transparently with the parents’ knowledge.

### Confidentiality



Whilst it is always important to take into consideration the wishes and feelings of a child, staff should never guarantee confidentiality to pupils or adults wishing to tell them about something serious as this may ultimately not be in the best interests of the child. Staff should guarantee that they will not tell anyone who does not have a clear need to know and that they will pass on information in confidence only to the people who must be told in order to ensure the child's safety.

### 5.5 Passing on safeguarding records when a child leaves the school

Information sharing is vital in identifying and tackling all forms of abuse and neglect. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children. School staff should be proactive in sharing information internally within the school, with Cognita, and with local authorities, as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care. This includes the sharing of information without parental consent where there is good reason to do so, i.e., the risk of harm to the child will be increased.

**However, data protection legislation in Spain means that we must consider information sharing with other third parties e.g., with a new school, on a case-by-case basis, in conjunction with the Group Data Protection Team / Group Legal Team.**

## **6 The role of the Child Protection and Wellbeing Coordinator and Child Protection and Wellbeing Coordinator Deputy.**

The Child Protection and Wellbeing Coordinator is the senior member of staff responsible for leading safeguarding in the school (including online safety). The Child Protection and Wellbeing Coordinator **must** be a member of the school leadership team. The Child Protection and Wellbeing Coordinator takes the lead responsibility for safeguarding and child protection in the school, in accordance with the LOPIVI Art. 35, and their job description explicitly reflects this, including the requirements of the LOPIVI.

### 6.1 Child Protection and Wellbeing Deputy

The school can appoint a number of Child Protection and Wellbeing Deputies. Their role is to support the Child Protection and Wellbeing Coordinator in their safeguarding role. Whilst the *activities* of the Child Protection and Wellbeing Coordinator can be delegated to Deputies, the ultimate lead responsibility for child protection must remain with the Child Protection and Wellbeing Coordinator, and this lead responsibility must not be delegated. The Deputies are trained to the same level as the Child Protection and Wellbeing Coordinator and the duties of the Deputies are reflected explicitly in their job descriptions.

### 6.2 Inter-agency working

The Child Protection and Wellbeing Coordinator and Deputies liaise with the authorities and work in partnership with other agencies in the best interests of children in the school.

### 6.3 Support for Child Protection and Wellbeing Coordinator

The Child Protection and Wellbeing Coordinator is given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters, to take part in strategy discussions and inter-agency meetings, and/or to support other staff to do so, and to contribute to the assessment of children.



There are 4 key elements to the Child Protection and Wellbeing Coordinator role. They will:

- Manage referrals
- Work with others
- Train staff
- Raise awareness

### 6.4 Manage referrals

The Child Protection and Wellbeing Co-Ordinator is expected to:

- refer cases of suspected abuse to the local authority children's social services as required
- support staff who make referrals to local authority children's social services
- refer cases where there is a radicalisation concern as required
- support staff who make referrals regarding a radicalisation concern
- refer cases where a crime may have been committed to the police as required
- refer children to external mental health agencies/signpost parents when there are concerns about a child's emotional wellbeing and/or mental health
- follow up and escalate referrals as needed, and make re-referrals if the child's situation does not improve

### 6.5 Work with others

The Child Protection and Wellbeing Coordinator is expected to:

- liaise with the Headteacher to inform them of issues, especially ongoing enquiries and Police investigations;
- as required, liaise with the "case manager" (in relation to allegations against adults) and the Authorities for child protection concerns in cases which concern a staff member;
- liaise with staff (especially pastoral support staff, school nurses, IT technicians, and SENCOs) on matters of safety and safeguarding (including online and digital safety) and when deciding whether to make a referral by liaising with relevant agencies; and
- act as a source of support, advice and expertise for all staff.
- promote supportive engagement with parents and/or carers in safeguarding and the welfare of children, including where families may be facing challenging circumstances.

### 6.6 Training

The Child Protection and Wellbeing Coordinator and Deputies should undergo training to provide them with the knowledge and skills required to carry out their role, including inter-agency working. This training must be first completed on induction into the role and then updated every three years.

In addition to the formal training set out above, the Child Protection and Wellbeing Coordinator's knowledge and skills should be refreshed via informal updates (this might be via e-bulletins, meeting other designated safeguarding leads, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, and at least annually, to allow them to understand and keep up with any developments relevant to their role so they:

- understand the assessment process for providing early intervention, including local authority referral arrangements and procedures
- have a working knowledge of how local authorities conduct child protection case management meetings
- ensure each member of staff has access to, and understands, the school's Safeguarding and Child Protection policy and procedures, including new and part time staff

- are alert to the specific needs of children in need, those with special educational needs and young carers
- learn how to maintain high aspirations for vulnerable children, promoting their educational outcomes by knowing the welfare, safeguarding and child protection issues experienced by them and the potential impact on their attendance, engagement and achievement
- understand how to support teaching staff to feel confident to provide additional academic support/reasonable adjustments for vulnerable children who need or have needed a Social Worker, recognising the lasting impact on educational outcomes, even when statutory agencies have ceased involvement
- understand relevant data protection legislation and regulations, especially the Data Protection Act 2018 and the General Data Protection Regulation
- are able to keep detailed, accurate, secure written records of concerns and referral
- understand and support the school with regards to the reporting of radicalization concerns and can provide advice and support to staff on protecting children from the risk of radicalisation
- can understand the unique risks associated with online safety and be confident that they have the relevant knowledge and up to date capability required to keep children safe whilst they are online at school
- can recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online;
- can recognise the additional risks that those children who identify as LGBTQI+ or are exploring gender identity (or perceived to be by others) face online, for example, from online bullying, grooming and radicalization; and are confident they have the capability to support these children to stay safe online;
- obtain access to resources and attend any relevant or refresher training courses; and
- encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the school may put in place to protect them.

### 6.7 Raise awareness

The Child Protection and Wellbeing Coordinator should:

- ensure the school's Safeguarding and Child Protection policy and procedures are known, understood and used appropriately
- ensure the school's Safeguarding and Child Protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with the proprietor regarding this
- ensure the Safeguarding and Child Protection policy is available publicly and parents are aware of the fact that referrals to children's social care or the police about suspected abuse or neglect may be made and the role of the school in this; and
- link with the local Social Services and public administration of the *Comunidad Autónoma* to make sure staff are aware of any training opportunities and the latest policies on local safeguarding arrangements.

### 6.8 Safeguarding Files

As stated above, data protection legislation in Spain means that we must consider information sharing with other third parties e.g., with a new school, on a case-by-case basis, in conjunction with the Group Data Protection Team / Group Legal Team.

If it is agreed, where children leave the school, Child Protection and Wellbeing Coordinators should ensure a copy of their Safeguarding File is transferred to the new school or college as soon as possible. This file should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained. Receiving schools should ensure key staff, such as Child Protection and Wellbeing Coordinators and SENCOs, are aware as required.

In addition to the Safeguarding File, the Child Protection and Wellbeing Coordinator should also consider if it would be appropriate to share any information with the new school in advance of a child leaving. For example, information that would allow the new school to continue supporting victims of abuse and have that support in place for when the child arrives. This should be done with the parent's knowledge unless to do so would place a child or parent at heightened risk.

### 6.9 Availability

During term time the Child Protection and Wellbeing Coordinator (or a Deputy) will always be available (during school hours) for staff in the school to discuss any safeguarding concerns. Whilst generally speaking, the Child Protection and Wellbeing Coordinator (or Deputy) will be available in person, the Headteacher will define what "available" means and whether in exceptional circumstances availability via phone and/or Teams or other such media is acceptable.

**It is the responsibility of the Headteacher and to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.**

### 6.10 Plan de Convivencia

The LOPIVI Article 31 requires that all schools implement a *Plan de Convivencia*: a toolkit which establishes and regulates how the school promotes the awareness, development and use of socialization skills and conflict resolution strategies across all aspects of school life, in order to foster an environment of mutual respect and collaboration.

The *Plan de Convivencia* must include information on how the school will promote awareness and the development of skills in regard to behaviour expectations and conflict resolution.

This information is contained within the following school policies and guidance:

- Anti Bullying Policy
- Behaviour Policy
- Exclusion Policy
- The PSHE curriculum

## 7 Responsibilities of the proprietor

Cognita is the proprietor of the school. As proprietor, Cognita will comply with all duties under legislation and will always take into account statutory guidance, ensuring that all policies, procedures and training are effective and comply with the law at the time.

It is the responsibility of the proprietor to:

- Ensure all staff are aware of the LOPIVI
- Ensure that all staff follow the requirements of this Safeguarding and Child Protection Policy and Procedure

- Ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities, as set out in the LOPIVI
- Designate a senior board member to take leadership responsibility for safeguarding arrangements
- Ensure that all safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency procedures set up by the Social Services
- Ensure that policies and procedures are in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare
- Ensure that each school works in line with local inter-agency procedures
- Ensure that the Safeguarding and Child Protection Policy is updated annually and made available via the school website
- Provide a Staff Code of Conduct
- Instruct schools to hold more than one contact number for each child, where possible
- Ensure that schools report to their local authority the removal of a child from the school roll in line with statutory and local authority guidance
- Ensure that all staff undergo safeguarding and child protection training (including online safety) at induction – this must be in line with advice from local Social Services
- Recognise the expertise staff build by undertaking safeguarding training and managing concerns on a daily basis
- Ensure that appropriate filters and monitoring systems are in place to keep children safe online; and
- Ensure that children are taught about safeguarding, including online safety

The proprietor ensures that an annual review of safeguarding arrangements is conducted. This includes a written report which is presented to the Cognita Board.

Members of the proprietorial team working in a governance and oversight role (e.g. the Director of Education- Europe, ADE) will undertake a safeguarding induction when new to role and Advanced Safeguarding training every 3 years. This training should equip them with the knowledge to provide strategic challenge to test and ensure that the school's safeguarding policies and procedures are effective and support the delivery of a robust whole school approach to safeguarding.

Those with governance oversight e.g. the Board member, Managing Director Spain and ADE should also be aware of their obligations under the Human Rights Act 1998 and the Equality Act 2010 (including the Public Sector Equality Duty) and the local multi-agency safeguarding arrangements for the schools they support.

## 8 Induction

At the point of induction, **all** staff must be provided with, should read and should be trained in:

- The Safeguarding and Child Protection Policy and Procedure, including whistleblowing
- Code of Conduct (including staff/pupil relationships and communications)
- Acceptable Use and Digital Safety Policy
- Social Media Policy
- Children Missing from Education Policy
- Anti Bullying Policy
- Behaviour Policy; and

- Preventing Extremism and Radicalisation Policy.

At the point of induction, new staff must be informed of the names and role of the Child Protection and Wellbeing Coordinator and Deputies.

Likewise, all agency/supply staff must be informed of those with these roles, and of the school processes for raising concerns about children or adults in the school.

## 9 Training and Teaching

### 9.1 All School staff training

**All staff employed in school** must complete the annual Safeguarding Refresher training delivered by the CPC.

**This is in addition** to their basic Safeguarding Children Training which must be renewed every three years.

All staff will also receive safeguarding and child protection updates, including online safety, regularly throughout the year, provided by the CPC, in order to provide them with relevant skills and knowledge to safeguard children effectively.

**Headteachers** must complete Advanced Safeguarding & Child Protection training on induction and every 3 years. The school must assess its needs for Safer Recruitment training.

**Any other teaching staff or adults who will come into contact with children at any time will** receive a Safeguarding Induction **prior to first contact** with children which includes the school's approach to online safety and managing incidents of sexual violence /harassment.

#### 9.1 Third-party contractors

It is good practice for those employed as third-party contractors who work regularly in school with opportunity for contact with pupils to have basic safeguarding training at a level appropriate to their role.

#### 9.2 Teaching children about safeguarding

The school is committed to proactively teaching children about safeguarding, including online safety, as part of our approach to offering a broad and balanced curriculum. Through ongoing work with the children, we aim to build resilience so that every child knows that we are a 'telling school' and that speaking up about any concern is valued and actively promoted. This includes raising a concern about themselves or about another.

Safeguarding is taught in the following way:

- P.S.H.E lessons
- Science and IT lessons
- DSL presentations
- Tutor times
- Assemblies
- Visiting speakers
- Displays

Relationships education is taught in all primary schools. Our approach to this is through building a nurturing environment that promotes positive social interaction.

Relationships and sex education (RSE) is taught in all senior schools. Our approach to this is using the PSHE & Science curriculum to ensure the knowledge and understanding of key themes related to this topic.

We actively promote the view that children should feel able to raise any concerns that they may have. This includes when they have a concern about another child. We take the following measures to ensure that children know how to raise a concern. We encourage dialogue through

- Assemblies
- Dialogue about key people to contact if a concern arises (poster of DSL team and Help cards)
- Tutor time

Following the guidance established in the LOPIVI (Article 18), at the beginning of the school year the school will provide students with information regarding how to report situations of abuse according to procedures established by the local administration and will ensure that this information is visible and easily accessed at all times.

## 10 Online Safety

### 10.1 Technology

Technology often provides the platform that may facilitate harm. All staff should be aware of the unique risks associated with online safety, and that technology is a significant component in many safeguarding and wellbeing issues. The Child Protection and Wellbeing Coordinator is responsible for overseeing online safety in schools and should raise awareness in the staff group accordingly, including but not limited to, cyber-bullying, child sexual exploitation, radicalisation and sexual predation.

### 10.2 Areas of risk

There are four main areas of risk:

**Content:** being exposed to illegal, inappropriate or harmful material.

**Contact:** being subjected to harmful online interaction with other users.

**Conduct:** personal online behaviour that increases the likelihood of (or causes) harm; for example, the making, sending and receiving of explicit images, or online bullying.

**Commercial:** risks such as online gambling, inappropriate advertising, phishing and or financial scams.

Whilst considering their responsibility to safeguard and promote the welfare of children and provide them with a safe environment in which to learn, those with governance oversight and the school will be doing all that they reasonably can to limit children's exposure to the above risks from the school's IT system. As part of this process, the school has appropriate filters and monitoring systems in place and regularly reviews their effectiveness. Whilst it is essential that schools ensure that appropriate filters and monitoring systems are in place, they should be careful that "over blocking" does not lead to unreasonable restrictions as to what children can be taught with regard to online teaching and safeguarding.

The school will ensure that the leadership team and relevant staff have an awareness and understanding of the provisions in place and manage them effectively and know how to escalate concerns when identified. All staff should understand their role in preventing, identifying and responding to harm caused by its use.

The school will use parental communications to reinforce the importance of children being safe online. Parents may be supported to understand what systems the school uses to filter and monitor online use. The school will update parents regularly about what their children are being asked to do online in school, including the sites they will be asked to access, and with whom they may be interacting with online.

Many children have unlimited and unrestricted access to the internet via mobile phone networks (i.e. 3G, 4G and 5G). This access means some children, whilst at school, sexually harass their peers via their mobile and smart technology, share indecent images: consensually and non-consensually (often via large chat groups), and view and share pornography and other harmful content. Schools will always work with parents to support them to address their child's online activity as needed.

All staff should also be familiar with the school's Acceptable Use & Digital Safety Policy, which sets out the school's approach to online safety in further detail. Technology, and risks and harms related to it evolve and changes rapidly. The school will carry out an annual review of their approach to online safety, supported by an annual risk assessment that considers and reflects the risks their children face.

### 10.3 Sharing of nudes/semi nudes imagery/videos (previously referred to as Youth Produced Sexual Imagery and/or 'sexting');

Whilst many professionals refer to the issue as 'sexting', there is no clear definition of 'sexting'. According to research, many professionals consider sexting to be 'sending or posting sexually suggestive images, including nude or semi nude photographs, via mobiles or over the internet.'

This policy only covers the sharing of sexual imagery by children. Possessing, creating, sharing and distributing sexual photos and videos of under-18s is illegal, and therefore causes the greatest complexity for schools (amongst other agencies) when responding. It also presents a range of risks which need careful management.

### 10.4 What types of incidents are covered by this policy?

Yes:

- A child creates and shares sexual imagery of themselves with a peer (also under the age of 18).
- A child shares sexual imagery created by another child with a peer (also under the age of 18) or an adult.
- A child is in possession of sexual imagery created by another child.

No:

- The sharing of sexual imagery of children by adults as this constitutes child sexual abuse and schools should always inform the Police. Images of this kind should not be deleted from a child or adult's phone.

- Children sharing adult pornography or exchanging sexual texts which do not contain imagery<sup>1</sup>.
- Sexual imagery downloaded from the internet by a child<sup>2</sup>.
- Sexual imagery downloaded from the internet by a child and shared with a peer (also under the age of 18) or an adult<sup>3</sup>.

### 10.5 Disclosure

All staff should understand, that even if there are no reports in their school it does not mean it is not happening, it may be the case that it is just not being reported. All members of staff (including non-teaching staff) should be aware of how to recognise and refer any disclosure of incidents involving the sharing of nudes/semi nudes imagery/videos. This will be covered within staff training. Disclosure can happen in a variety of ways. The child affected may inform a class teacher, the Child Protection and Wellbeing Coordinator in school, or any member of the school staff. They may report through an existing reporting structure, or a friend or parent may inform someone in school or a colleague or inform the Police directly. Any direct disclosure by a child should be taken very seriously. A child who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences. It is likely that disclosure in school is a last resort, and they may have already tried to resolve the issue themselves.

### 10.6 Handling incidents

All incidents involving the sharing of nudes/semi nude imagery/videos should be responded to in line with this policy. When an incident comes to a member of staff's attention:

- The incident should be referred to the Child Protection and Wellbeing Coordinator as soon as possible
- The Child Protection and Wellbeing Coordinator should hold an initial review meeting with appropriate school staff
- There should be interviews with the children involved (if appropriate, seek advice)
- Parents of each child should be informed at an early stage and involved in the process unless there is good reason to believe that involving parents would put the child at greater risk of harm and jeopardise any police/social care investigation; and
- At any point in the process, if there is a concern that a child has been harmed or is at risk of harm, a referral should be made to Social Services and/or the Police immediately.

## 11 **Looked After Children**

A child who is being 'looked after' by the authorities is usually known as a 'Child in Care' or a 'Looked After Child'. They might be living with foster parents or at home with their parents under an order granted to Social Services, or in residential children's homes, or other residential settings like schools or secure units.

A child who is adopted is **not** a Looked After Child. Occasionally, children are placed into foster care under an order when an adoption breaks down and the adoptive parents relinquish the child. Once a definitive order is agreed, the child remains on long term foster care. The adoptive parents may or may not have continued contact with the child, depending on the situation and the emotional impact on the child.

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<sup>1</sup> All such incidents should be responded to with reference to the school's Online Safety Policy, and in line with the school's Safeguarding Policy

<sup>2</sup> As above

<sup>3</sup> As above



As a result of their experiences both before and during care, Looked After Children are at greater risk than their peers; they are, for example, four times more likely than their peers to have a mental health difficulty. Providing a secure, caring environment and enabling such children to develop strong, trusting and stable relationships with professionals is critical to their safety and wellbeing.

Cognita ensures that the necessary staff receive appropriate and proportionate training relating to specific cases of Looked After Children, including on the reasons children become looked after, their legal status, the support that staff can provide to keep such children safe and the ways in which they can maximise educational stability for Looked After Children.

The Child Protection and Wellbeing Coordinator (a) is responsible for ensuring that any looked after children are adequately supported by staff in school; (b) has contact details of the child's social worker; (c) ensures that relevant staff members have sufficient information about the child's looked after legal status and care arrangements; (d) works with the relevant authorities to discuss how staff can best support the progress of Looked After Children in the school and meet the child's educational needs; and (e) attends any meetings they are required to attend.

## 12 Child-on-child abuse

All staff should be alert to the risk of child-on-child abuse and understand their role in preventing, identifying, and responding to it. All staff should understand, that even if there are no reports in their school, it does not mean child-on-child abuse is not happening, it may be the case that it is just not being reported. Staff should know that children are capable of abusing their peers, and that *abuse can occur in intimate personal relationships between peers*. They should never dismiss abusive behaviour as a normal part of growing up, 'banter' or 'just having a laugh' and should not develop high thresholds before taking action. Abuse is abuse and child-on-child abuse must be taken as seriously as abuse by adults.

### 12.1 What is child-on-child abuse?

child-on-child abuse is any form of abuse perpetrated by a child towards another child. It can take many different forms, including, but not limited to:

- serious bullying (including cyber-bullying)<sup>4</sup>
- relationship abuse
- domestic violence<sup>5</sup>
- child sexual exploitation<sup>6</sup>
- youth and serious youth violence<sup>7</sup>
- 'upskirting' (see below), harmful sexual behaviour<sup>8</sup> (see below)

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<sup>4</sup> Please see the school's Anti-Bullying Policy.

<sup>5</sup> This type of abuse relates to abuse between children aged 16 and 17 who are or have been intimate partners or family members. The abuse includes but is not limited to psychological, physical, sexual, financial and emotional.

<sup>6</sup> This is a form of sexual abuse where children are sexually exploited for money, power or status. This abuse can be perpetrated by other children or by adults. It can involve violent, humiliating and degrading sexual assaults. In some cases, children are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation does not always involve physical contact and can happen online.

<sup>7</sup> Serious youth violence is any of the most serious offences where the victim is aged 19 or below, including murder, manslaughter, rape, wounding with intent and causing grievous bodily harm. Youth violence also includes assault with injury offences.

<sup>8</sup> This is any sexual behaviour by a child or young person which is outside of developmentally "normative" parameters. This can (but does not always) include abusive behaviour such as sexual assaults.

- gender-based violence<sup>9</sup>
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party
- sexual violence (such as rape, assault by penetration and sexual assault; this may include an online element which facilitates, threatens and/or encourages sexual violence)
- sexual harassment (including sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse)
- consensual and non-consensual sharing of nude and semi nude images and or videos (previously known as sexting or youth produced sexual imagery)

These categories of abuse rarely take place in isolation and often indicate wider safeguarding concerns. For example, a teenage girl may be in a sexually exploitative relationship with a teenage boy who is himself being physically abused by a family member or by older boys. Equally, while children who abuse may have power over those who they are abusing, they may be simultaneously powerless to others. Staff should be aware that there may be multiple perpetrators and/or victims, and not consider that only one child abuses another in isolation.

Sharing nudes/semi nudes via imagery/videos can, but does not always, constitute abusive behaviour (see above). All incidents should be responded to in accordance with this policy.

### 12.2 What role do gender and sexual orientation play?

Children of all gender identities can both perpetrate and be the victim of child-on-child abuse, but this often manifests itself differently. Girls seem to be at greater risk of sexual assault and/or exploitation, whereas boys seem to be at greater risk of physical gang-related violence and serious youth violence.

The fact that a child or a young person may be LGBTQI+ or having/perceived as having gender identity issues is not in itself an inherent risk factor for harm. However, these children can be targeted by other children. In some cases, a child who is perceived by other children to be LGBTQI+ (whether they are or not) can be just as vulnerable as children who identify as LGBTQI+. Risks can be compounded where children lack a trusted adult with whom they can be open. The school will endeavour to reduce the additional barriers faced and provide a safe space for this group of vulnerable children to speak out or share their concerns with trusted members of staff.

### 12.3 When does behaviour become abusive?

It can be difficult to distinguish between abusive behaviour, which should be dealt with in accordance with the procedure set out below, and behaviour which does not constitute abuse, such as low-level bullying (where the school's Anti-Bullying Policy should be followed) or age-appropriate sexual experimentation.

Among the factors which may indicate that behaviour is abusive include:

- a) where it is repeated over time and/or where the perpetrator intended to cause serious harm:
- b) where there is an element of coercion or pre planning and
- c) where there is an imbalance of power, for example, as a result of age, size, social status or wealth.

This list is not exhaustive, and staff should always use their professional judgment and discuss any concerns with the Child Protection and Wellbeing Coordinator, who in turn should seek support from the RSL.

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<sup>9</sup> This is violence that is directed against one gender as a result of their gender.

### 12.4 How can I identify victims of child-on-child abuse?

Identifying child-on-child abuse can be achieved by being alert to children's well-being and to general signs of abuse. Signs that a child may be suffering from child-on-child abuse overlap with those relating to other types of abuse – see indicators of abuse, earlier in this document.

Signs can include:

- a) failing to attend school, disengaging from classes or struggling to carry out school related tasks to the standard you would ordinarily expect.
- b) physical injuries.
- c) having difficulties with mental health and/or emotional wellbeing.
- d) becoming withdrawn, shy, experiencing headaches, stomach aches, anxiety, panic attacks, suffering from nightmares or lack of sleep or sleeping too much.
- e) drugs and/or alcohol use.
- f) changes in appearance and/or starting to act in a way that is not appropriate for the child's age including sexualised behaviours
- g) change in health needs, including sexually transmitted infections and unwanted pregnancy.

This list is not exhaustive and the presence of one or more of these signs does not necessarily indicate abuse.

### 12.5 Are some children particularly vulnerable to abusing or being abused by another child?

Any child can be affected by child-on-child abuse and staff should be alert to signs of such abuse amongst all children. Research suggests that:

- a) peer on peer abuse is more prevalent amongst children aged 10 and older, although it also affects younger children, including by way of harmful sexual behaviour.
- b) children who are particularly vulnerable to abuse or to abusing others include those who have (i) witnessed or experienced abuse or violence themselves; (ii) suffered from the loss of a close family member or friend; or (iii) experienced considerable disruption in their lives.
- c) As stated above, children with SEN/D and those who identify as LGBTQI+ or are exploring their gender identity are particularly vulnerable to both abuse and child-on-child abuse.

### 12.6 How prevalent is child-on-child abuse?

By way of reference, recent research suggests that child-on-child abuse is one of the most common forms of abuse affecting children. All staff should understand, that even if there are no reports in their school it does not mean it is not happening, it may be the case that it is just not being reported. Staff should therefore assume that child-on-child abuse is occurring and act accordingly.

#### 12.6.1 What should I do if I suspect either that a child may be being abused, or that a child may be abusing others?

If a member of staff thinks for whatever reason that a child may be at risk of abuse from another child or young person, or that a child may be abusing others, the member of staff should report their concern **verbally** to the Child Protection and Wellbeing Coordinator without delay in accordance with this policy. If a child is in immediate danger, or at risk of harm, a referral to Authorities and the *Ministerio Fiscal* should be made immediately. Both perpetrators and victims should have a referral.

### 12.7 Responding to concerns of child-on-child abuse?

In some situations, a child will make a direct disclosure of child-on-child abuse, or their peers may report something has occurred. Alternatively, a staff member may raise a concern having witnessed or been told about an incident. The Child Protection and Wellbeing Coordinator will discuss the behaviour with the member of staff and will, in **all** situations, take any immediate steps to ensure the safety of the victim(s) or any other child (ren) including the perpetrator. Where the Child Protection and Wellbeing Coordinator suspects that the behaviour might constitute abuse, the authorities and the *Ministerio Fiscal* will be contacted immediately and, in any event, within 24 hours of the Child Protection and Wellbeing Coordinator becoming aware of it. The Child Protection and Wellbeing Coordinator will discuss the incident with Social Services and agree on a course of action, which may include (a) taking any steps to ensure the safety and wellbeing of any children affected; (b) further investigation; (c) referral to other agencies such as the police and the *Ministerio Fiscal* (where a crime may have been committed), a specialist harmful sexual behaviour team.

Any response should be decided in conjunction with Social Services and other relevant agencies and should:

- investigate the incident and the wider context and assess and mitigate the risk posed by the perpetrator(s) to the victim(s) and to other children
- whilst the school establishes the facts of the case and starts the process of liaising with children's social services and the Police, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school should also carefully consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school premises (including during any before or after school-based activities) and on transport to and from the school, where appropriate. These actions are in the best interests of all children involved and should not be perceived to be a judgment on the guilt of the alleged perpetrator(s).
- consider that the abuse may indicate wider safeguarding concerns for any of the children involved
- treat all children (whether perpetrator or victim) as being at risk - while the perpetrator may pose a significant risk of harm to other children, they may also have considerable unmet needs and be at risk of harm themselves
- take into account the complexity of child-on-child abuse and of children's experiences and consider the interplay between power, choice and consent. While children may appear to be making choices, if those choices are limited, they are not consenting
- take appropriate action in respect of the perpetrator – any action should address the abuse, the causes of it, attitudes underlying it and the support that may be needed if the perpetrator is at risk. Factors to consider include: the risk the perpetrator(s) poses and will continue to pose to other children, their own unmet needs, the severity of the abuse and the causes of it. Disciplinary action, i.e. sanctions in line with the Behaviour Policy, may be appropriate, including (a) to ensure that the perpetrator takes responsibility for and realises the seriousness of his or her behaviour; (b) to demonstrate to the perpetrator and others that abuse can never be tolerated; and (c) to ensure the safety and wellbeing of the victim and other children in the school. Permanent exclusion will only be considered as a last resort and only where necessary to ensure the safety and wellbeing of the victim(s) and other children in the school
- provide on-going support to victim(s) including by (a) ensuring their immediate safety; (b) responding promptly and appropriately to the abuse; (c) assessing and addressing any unmet needs; (d) following the procedures set out in this Safeguarding Policy (including where the child is in need of early help or statutory intervention); (e) monitoring the child's wellbeing closely and ensuring that s/he receives on-going support from all relevant staff members within the school; (f) engaging with the child's parents and any external agencies to ensure that the child's needs are met in the long-term

- consider the lessons that can be learnt from the abuse and put in place measures to reduce the risk of such abuse recurring. This may include, for example: gender and equalities work, work around school safety, security and supervision, awareness raising for staff, students and parents about a particular form of abuse, training for staff on handling certain types of incidents or abuse.

### 12.8 How does the school raise awareness of, and reduce the risk, of child-on-child abuse?

Staff are trained on the nature, prevalence and effect of child-on-child abuse, and how to prevent, identify and respond to it. The school actively seeks to prevent all forms of child-on-child abuse by educating students and staff, challenging the attitudes that underlie such abuse, encouraging a culture of tolerance and respect amongst all members of the school community, and responding to all cases of child-on-child abuse and any cases of bullying and cyber bullying promptly and appropriately.

Children are educated about the nature and prevalence of child-on-child abuse via PSHE, they are told what to do if they witness or are victims of such abuse, the effect that it can have on the victims and the possible reasons for it, including vulnerability of the perpetrator. They are regularly informed about the school's approach to such issues, including its zero-tolerance policy towards all forms of bullying and child-on-child abuse, including sexual violence and harassment.

## 13 Sexual Violence and Sexual Harassment between Children

Child-on-child abuse can include two specific forms, known as Sexual Violence and Sexual Harassment. Any response to these should fall within, and be consistent with, the school's wider approach to child-on-child abuse (see above) whether the concerns of child-on-child sexual violence and sexual harassment, including those that have happened outside of the school premises, and or online.

13.1 Sexual Violence includes sexual offences which fall under *the Ley Orgánica 1/2004, de 28 de diciembre, de medidas de Protección Integral contra la Violencia de Género* on comprehensive measures to protect against gender-based violence and the Spanish Criminal Code.

13.2 Sexual Harassment refers to 'unwanted conduct of a sexual nature'. This can occur *online* (including, but not limited to non-consensual sharing of images, making sexual comments on social media) and *offline* (including but not limited to making sexual comments, sexual taunting or 'jokes', and physical contact, for example, brushing against someone deliberately or interfering with their clothes).

### 13.3 Who perpetrates sexual violence and/or sexual harassment?

Sexual Violence and Sexual Harassment can:

- occur between any two children, or a group of children against one individual or group
- be perpetrated by a child of any age against a child of any age
- be perpetrated by a child of any sexual orientation against a child of any sexual orientation
- include behaviours that exist on an often progressive continuum and may overlap
- be online and offline (physical or verbal)
- can take place within intimate personal relationships between children

Any report of sexual violence or sexual harassment must be taken seriously, and staff should be aware that it is more likely that girls will be the victims of sexual violence or sexual harassment and more likely it will be perpetrated by boys. Children with Special Educational Needs (SEN) are more vulnerable, and there may be barriers in recognising abuse in this group of children. In addition, children who are perceived by their peers to be LGBTQI+ or identify themselves as LGBTQI+ or are exploring gender identity may be more vulnerable. Staff should consider the importance of understanding intra familial harms and any necessary support for siblings following incidents involving sexual harassment and/or violence.

### **13.4 Signs and indicators**

All staff should be aware of the indicators which may signal children are at risk from or are involved with serious violent crime. These may include:

- increased absence from school
- a change in friendships or relationships with older individuals or groups
- a significant decline in performance
- signs of self-harm or a significant change in wellbeing, or
- signs of assault or unexplained injuries

Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation

### **13.5 Handling incidents involving sexual violence and/or sexual harassment**

There are four likely scenarios that schools will need to manage:

- internally

For example, for one-off incidents of sexual harassment, the school may take the view that the children concerned are not in need of early help or that referrals need to be made to statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their Behaviour Policy and by providing pastoral support. Whatever the response, it should be underpinned by the principle that there is a zero-tolerance approach to sexual violence and sexual harassment, and it is never acceptable and will not be tolerated. All concerns, discussions, decisions and reasons for decisions must be recorded.

- those requiring Early Intervention

In line with the above, the school may decide that the children involved do not require referral to statutory services but may benefit from early intervention. Early intervention means providing support as soon as a problem emerges, at any point in a child's life. Providing early intervention is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent Harmful Sexual Behaviours and may prevent escalation of sexual violence.

- those where Social Services will need to be informed and involved

Where a child has been harmed, is at risk of harm, or is in immediate danger, schools should make a referral to local children's Social Services. At the point of referral schools will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision should be made with the support of children's Social Services. If a referral is made, Social Services will then make

enquiries to determine whether any of the children involved are in need of protection or other services. Schools should not wait for the outcome (or even the start) of a Social Services investigation before protecting the victim and other children in the school.

- those where a criminal offence is likely to have occurred and the Police will be needed

Any report to the Police will generally be in parallel with a referral to children's Social Services (as above). Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the Police. Whilst the age of criminal responsibility is 14, if the alleged perpetrator(s) is under 14, the starting principle of reporting to the Police remains.

### 13.6 Our approach to Sexual Violence and Sexual Harassment

The school will apply the principles set out in the above document when considering their approach to sexual violence and sexual harassment between children. In this school we will:

- not accept or tolerate sexual violence and sexual harassment
- not downplay or consider that these types of behaviours are 'banter', an 'inevitable part of growing up' or hold the view that 'boys will be boys', knowing that to do so may normalise inappropriate behaviours and may create an unsafe culture where children feel less able to come forward with concerns
- encourage early intervention to avoid potential escalation
- challenge inappropriate physical behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts
- challenge inappropriate verbal behaviour, such as making sexist comments, innuendo or taunting
- align with the Behaviour Policy with regards to imposing sanctions for inappropriate behaviour
- embed training and education on these issues within a strong pastoral system
- adopt a planned and sequenced RSE programme across the whole curriculum including age-appropriate content around: consent, gender roles, stereotyping and equality, healthy relationships, and power imbalances in relationships
- develop and encourage forums that enable children to talk about issues openly
- have clear and accessible systems in place for children to confidently report abuse, knowing their concerns will be treated seriously
- act in the best interests of all children involved, reassure victims that they are being taken seriously and that they will be supported and kept safe. A victim will never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment.
- manage any disclosure, either from the child who has suffered abuse or from other children, giving the victim(s) as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the school's duty and responsibilities to protect them and other children
- carry out a risk and needs assessment for children affected by sexual violence or sexual harassment, including both the victim and alleged perpetrator- this may be informed by risk assessments completed by external services
- engage with both the victim's and the alleged perpetrator's parents or carers when there has been a report of sexual violence (in the case of sexual harassment this might not be necessary or proportional and should be considered on a case-by-case basis). The exception to this rule is if there is a reason to believe informing a parent or carer will put a child at additional risk.

13.7 'Upskirting' is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender, can be a victim.

## 14 Safeguarding concerns and allegations made about staff, including supply teachers, volunteers and contractors

### Part One - Low Level Concern Policy (including self-reporting)

The safety and wellbeing of children in our school is dependent on the vigilance of all our staff and their prompt communication to the Child Protection and Wellbeing Coordinator or Headteacher of any concerns, no matter how small, about any conduct by an adult which causes them to doubt that adult's suitability to work with or have access to children. All references in this section to "adult" should be interpreted as meaning any adult (defined above), staff members, agency/supply staff, peripatetic staff, contractors, and visitors, unless otherwise stated. The school is conscious of its duty of care to pupils and will always act, including if alerted to the possibility of abuse arising from situations or persons outside the school setting.

The notification and prompt handling of all concerns about adults, including those raised by individuals about themselves, is fundamental to safeguarding children. It helps to identify and prevent abuse and to protect adults against misunderstandings or misinterpretations. It also encourages openness, trust and transparency and it clarifies expected behaviours. Those raising concerns or reporting allegations in good faith will always be supported, and adults in respect of whom concerns or allegations have been raised will not suffer any detriment unless the concern or allegation is found to be substantiated.

#### **We are a 'telling' organisation**

If you are concerned about the behaviours or actions of any adult,  
speak to the Child Protection and Wellbeing Coordinator or Headteacher  
You can also talk to your Regional Safeguarding Lead, your Director of  
Education, Assistant Director of Education or Head of HR

#### 14.1 Code of Conduct

All staff must behave responsibly and professionally in all dealings with children and specifically with pupils for whom they have a duty of care. All staff must follow the procedures set out in our 'Staff Code of Conduct. Staff should always avoid behaviour which might be misinterpreted by others. As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and all members of staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Staff should note that it is an offence for a person aged 18 or over and in a position of trust to touch a child in a sexual way or have a sexual relationship with a child, even if the relationship is consensual. A position of trust could arise even if the member of staff does not teach the child.



Cognita does not permit the use of personal mobile phones and cameras, including the wearing of Smartwatches by staff where children are present. The school has a specific Early Years Policy for The Use of Mobile Phones and Devices that recognises and manages the risks by a means appropriate to the setting.

### 14.2 Low Level Concerns (including self-reporting)

The overarching aim of the school's Low Level Concern Policy is to facilitate a culture in which the clear values and expected behaviours which are set out in our Code of Conduct are lived, constantly monitored, and reinforced by all staff. In particular, the intention of this policy is to:

- maintain a culture of openness, trust and transparency in which staff are confident and clear about expected behaviours of themselves and their colleagues, the delineation of boundaries and reporting lines
- ensure staff feel empowered to raise any low-level concern, whether about their own or a colleague's behaviour, where that behaviour might be construed as falling short of the standards set out in our Code of Conduct or other Cognita policy; and
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised – maintaining on the one hand confidence that concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from false allegations or misunderstandings.

### 14.3 What is a low-level concern, including those that are self-reports?

#### Self-reporting

From time to time an individual may find him/herself in a situation which might appear compromising to others, or which could be misconstrued. Equally, an individual may for whatever reason have behaved in a manner which on reflection he/she considers falls below the standard set out in the Code of Conduct/other Cognita policy falls below the expected professional standards or breaches this policy.

Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived. As such, the school sees self-reporting as an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

#### Low level concerns about an adult

From time to time an individual may notice behaviour, statements, or actions in others which leave them concerned. These are behaviour or actions which fall short of a formal allegation of abuse. These tend to be behaviours which indicate that our Code of Conduct has not been met. Any such concerns can be dealt with as a low-level concern.

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

- is inconsistent with the staff Code of Conduct/other Cognita policy, including inappropriate conduct outside of work, and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the appropriate authorities.

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

- being over friendly with children;
- having favourites;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or
- using inappropriate sexualised, intimidating (including shouting or being verbally aggressive) or offensive language (including the belittling of children).

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

A Self-Report also falls under our Low-Level Concerns Policy and can be as described above.

Where a staff member wishes to work outside out of their contract with Cognita, they must first seek agreement with their Headteacher, and a written confirmation placed in their employee file.

#### 14.4 What should I do if I have one?

Where a low-level concern (including self-reports) exists, it should be reported to the Child Protection and Wellbeing Coordinator or to the Headteacher as soon as reasonably possible in the same day as the incident (where the concern relates to a particular incident). If the CPC receives the report, they must inform the Headteacher/Principal within a day. If the CPC and the Headteacher are unavailable, the staff member with the concern should contact their HoHR/ the RSL. There must be no delay.

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school, that concern should be shared with the Child protection and Wellbeing Coordinator and/or Headteacher. Their employer will be notified about the concern by the CPC/Headteacher, so that any potential patterns of inappropriate behaviour can be identified.

#### 14.5 How will my low-level concern be handled (including a self-report)?

The Child Protection and Wellbeing Coordinator will discuss all low-level concerns they receive with the Headteacher on the same day as the concern was raised. The Headteacher will, in the first instance, satisfy themselves that it is a low-level concern and should not be reclassified as an *allegation* and dealt with under the appropriate 'allegations' procedure (outlined later in this document). The circumstances in which a low-level concern might be reclassified as an allegation are where:

- a) the threshold is met for an allegation (see below);
- b) there is a pattern of low-level concerns which collectively amount to an allegation; or
- c) there is other information which, when taken into account, leads to an allegation.

The Headteacher/Principal is the ultimate decision maker in respect of all low-level concerns; however, it is safe and best practice that they consult with the CPC and take a more collaborative decision-making approach. The Headteacher can also seek advice from the RSL and/or their HoHR.

Having established that the concern is low level, the Child Protection and Wellbeing Coordinator or Headteacher as appropriate will first discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training, etc. The person to which the low-level concern relates must be informed of any concern raised about them once all risk has been identified and assessed. The person who has raised the low-level concern about their colleague will remain anonymous.

### 14.6 What records will be kept?

Where a low-level concern has been communicated, or a Self-Report raised by an individual about themselves, a confidential record will be kept in a school central file which logs all low-level concerns.

When staff leave the school, any record of low-level concerns which are stored about them will be kept for a period of 10 years, and following this, reviewed as to whether or not that information needs to be kept. Consideration will be given to:

(a) whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or

(b) if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.

Retention is necessary to see whether any patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the appropriate authorities.

No record will be made of the concern on the individual's personnel file unless either:

a) the concern (or group of concerns) has been reclassified as an allegation; or

b) the concern (or group of concerns) is sufficiently serious to result in formal action under the school's grievance, capability or disciplinary procedure.

### 14.7 References

Low Level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a Low-Level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the allegations threshold for referral to the Designated Officer and found to be substantiated, it should be referred to in a reference (see below).

## 15 **Safeguarding concerns and allegations made about staff, including supply teachers, volunteers and contractors**

### **Part Two- Allegations Policy**

The purpose of this section of the policy is to outline how allegations against adults will be handled.

#### 15.1 What is an allegation?

Allegations represent situations that indicate a person may/would pose a risk of harm to children if they continue to work in regular or close contact with children in their present position, or in any capacity. This policy applies to all adults in the school if it is alleged that they have met one of the following four statements, often referred to as harm tests

- behaved in a way that has harmed a child, or may have harmed a child

- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children (potential transfer of risk)

An allegation may be triggered by one specific incident or by a pattern of behaviour by the adult, or Low-Level concerns which when considered *collectively* amount to an allegation.

### 15.2 What should I do if I have an allegation?

Allegations about staff, agency staff, contractors, visitors, or volunteers should be reported to the Headteacher **immediately**.

The Headteacher will liaise with the appropriate authorities as set out below and inform the Director of Education Europe, Assistant Director of Education Spain; the HoHR and RSL.

The adult to whom the concern or allegation relates **must not be informed at this early stage**.

If the allegation is about the Headteacher, it must be referred to the Director of Education Europe; the ADE; the Director of HR Europe and the Regional Safeguarding Lead immediately, without informing the Headteacher. They will then liaise with the appropriate authorities as set out below.

### 15.3 Duties as an employer and an employee

This policy relates to members of staff, contractors, visitors and volunteers who are currently working in any school, regardless of whether the school is where the alleged abuse took place. This policy also refers to agency staff/supply staff (see below). In some circumstances, schools will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business. Whilst schools are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the appropriate authorities to determine a suitable outcome.

Decisions will need to be made in discussion with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation. Agencies should be fully involved and co-operate in any enquiries from the Police and/or children's social services. The school will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the appropriate authorities as part of the referral process.

Supply teachers, whilst not employed by the school, are under the supervision, direction and control of the school when working in the school. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the authorities should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the school during the investigation. When using an agency,

schools should inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Allegations against a teacher who is no longer teaching should be referred to the Police. Historical allegations of abuse should also be referred to the Police.

Cognita has a duty of care to all employees. Cognita will provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time, supports the person who is the subject of the allegation.

### 15.4 Dealing with an allegation

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above or may do so without warranting consideration of either a Police investigation or enquiries by Social Services. Some rare allegations will be so serious they require immediate intervention by Social services and/or the Police.

#### Initial discussion

Headteachers, after first liaising with the Regional Safeguarding Lead, HR and their DE, may need to gather some initial information to help them determine whether there is any foundation to the allegation. Unless agreed, the person to which the allegation has been made will not be informed or interviewed at this stage, so as not to jeopardise potential evidence gathering by external agencies. If, after the initial gathering of information it is decided by the above group of colleagues that the concerns do not meet threshold for an allegation, the Headteacher will manage the situation under the Low-Level Concerns policy

The Headteacher (or Director of Education Europe if there is an allegation against the Headteacher) ['case manager'] will inform the Authorities of all allegations that come to the school's attention **and** appear to meet the criteria providing them with the basic information they have gathered thus far.

The purpose of an initial discussion is for the Authorities and the case manager (school initially) to consider the nature, content and context of the allegation and agree a course of action. The Authorities may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and about the individual's current contact with children. There may be situations when the case manager will want to involve the Police and/or the *Ministerio Fiscal* immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with Authorities in order to help determine whether specific involvement from Authorities is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the case manager and the Authorities, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the

Authorities what action should follow both in respect of the individual and those who made the initial allegation.

### *Inter-agency Strategy Discussion*

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion or initial evaluation will be convened by the Authorities. If the allegation is about physical contact, the strategy discussion or initial evaluation with the Authorities will take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where a strategy discussion is needed, or Authorities need to be involved, the case manager (school) will **not** inform the accused person until those agencies have been consulted and have agreed what information can be disclosed to the accused. The case manager should only inform the accused person about the allegation after consulting the Authorities and actions have been decided. It is extremely important that the case manager provides the accused with as much information as possible at that time.

Where it is clear that an investigation by the Authorities is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the Authorities will discuss the next steps with the case manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative (see guidance on suspension, below).

According to the Public Prosecution order L.O. 10/2005 of 6 October 2005 regarding how to deal with school abuse, the intervention of the *Ministerio Fiscal* should be on a subsidiary basis understanding that if the application of the school measures is enough to deal with the case, the *Ministerio Fiscal* should not intervene. Notwithstanding, and as a general rule, the *Ministerio Fiscal* has to intervene in cases of severe abuse and/or minor abuse but repeated over time.

### *Internal investigations*

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the Authorities will discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, an internal investigation will be agreed upon and should normally be undertaken by a senior member of school staff. Where necessary, due to lack of resource or the nature or complexity of the allegation, the allegation will require an independent investigator. An independent investigator will be appointed by the Director of HR in conjunction with the Group Director of Education. The independent investigator may be an employee at another Cognita school, the RSL, or an appointed individual external to Cognita.

Where a safeguarding concern or allegation triggers another procedure, such as grievance or disciplinary, that procedure shall only be followed once the immediate safeguarding concern or allegation has been fully investigated.

## 15.5 Suspension of an employee

Cognita will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension will be considered prior to taking that step.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases, this will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the Authorities as required. However, suspension is highly unlikely to be justified on the basis of such concerns alone.

Within Cognita, suspension requires the authorisation of the Director of Education Europe. Our group policy is for the Director of Education Europe to hold a conversation with the case manager, Director of HR and RSL to reach a rounded decision about whether suspension is the correct course of action.

Suspension will be considered only in a case where there is cause to suspect a child or other children at the school are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager will consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved.

The case manager will also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the Authorities have no objections to the member of staff continuing to work during the investigation, the case manager will aim to be as inventive as possible to avoid suspension.

Based on assessment of risk, the following alternatives will be considered by the case manager before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned
- providing an assistant to be present when the individual has contact with children
- redeploying to alternative work in the school so the individual does not have unsupervised access to children
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager will consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the competent Authorities. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. Cognita will make clear to the suspended employee where they can obtain

support. The person will be informed at the point of their suspension who their named contact is within the organisation and will be given their contact details.

Social Services or the Police cannot require the case manager to suspend a member of staff or a volunteer, although the case manager will give appropriate weight to their advice. The power to suspend is vested in Cognita as proprietor of the school.

Where a strategy discussion or initial evaluation concludes that there should be enquiries by Authorities, they should coordinate and decide whether the accused member of staff needs to be suspended from contact with children in order to inform the school consideration of suspension. The Authorities involvement does not make it mandatory to suspend a member of staff; this decision will be taken on a case-by-case basis having undertaken a risk assessment.

### **15.6 Support for employees**

Cognita has a duty of care to their employees. Cognita will act to manage and minimise the stress inherent in the allegations process. Support for the accused individual is vital to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the Authorities. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to an employee support service provided by Cognita.

The case manager will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of the child or children involved will be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or Authorities need to be involved, the case manager will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers will also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed but the parents or carers of the child will be told the outcome in confidence.

Parents and carers will also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing. If parents or carers wish to apply to the court to have reporting restrictions removed, they will be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Authorities as appropriate, will consider what support the child or children involved may need.

### **15.7 Timescales**

It is in everyone's interest to resolve cases as quickly as possible and ensure consistency with a fair and thorough investigation. All allegations will be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegation.



For cases where it is clear immediately that the allegation is unsubstantiated or malicious, it is aimed that they will be resolved within one week. Any concerns about safeguarding will always be discussed with the Authorities.

### 15.8 Confidentiality

When an allegation is made, the school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. It is not possible to publish any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). These restrictions apply until the point that the accused person is charged with an offence, and it is publicly disclosed by the Judge whether the Authorities authorised the disclosure of information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied with regard to adults if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so, or if a judge lifts restriction in response to a request to do so.

As for the above purposes, “publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site, would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher and/or the pupil by members of the public).

Authorities will not normally provide any information to the press or media that might identify an individual who is under investigation.

The case manager will take advice from the Authorities to agree the following:

- who needs to know and, importantly, exactly what information can be shared
- how to manage speculation, leaks and gossip
- what, if any, information can be reasonably given to the wider community to reduce speculation and
- how to manage press interest if, and when, it should arise.

### 15.9 Oversight and monitoring

The Authorities have overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues. Authorities will provide advice and guidance to the case manager and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for:

- liaising with the specific Authorities (e.g., *Ministerio Fiscal*, Social Services, etc.);
- taking part in the strategy discussion or initial evaluation
- subsequently reviewing the progress of those cases in which there is a police investigation and
- sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a Police investigation is required, the Police should also set a target date for reviewing the progress of the investigation and consulting the *Ministerio Fiscal* about whether to charge the individual; continue to investigate; or close the investigation. Dates for subsequent reviews, should be set at the meeting if the investigation continues.

### 15.10 Information sharing

In a strategy discussion or the initial evaluation of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the Police are involved, wherever possible, the employer will ask the Police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This will be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

Social Services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation need protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

### 15.11 Following a criminal investigation or a prosecution

The Police and/or Courts should inform the employer when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, Authorities should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the Authorities should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### 15.12 Outcome of an allegation

The following definitions will be used when determining the outcome of allegation investigations:

- Substantiated: there is sufficient evidence to prove the allegation
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- False: there is sufficient evidence to disprove the allegation
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

### 15.13 On conclusion of a case

If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, Cognita will refer the case to the Authorities. In the case of a member of teaching staff at a school, the matter will be referred to the Authorities to consider prohibiting the individual from teaching in relation to their professional misconduct.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the school.

### 15.14 Malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, Authorities will determine whether the child concerned is in need of services or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Headteacher and proprietor will consider whether any disciplinary action is appropriate if it were a pupil who made the allegation, or whether the Police should be asked to consider if action might be appropriate against the person responsible, whether or not they were not a pupil.

### 15.15 Learning lessons

At the conclusion of a case in which an allegation is substantiated, the Authorities may review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school or college's procedures or practice to help prevent similar events in the future. This will include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether suspension was justified. Lessons will also be learnt from the use of suspension when the individual is subsequently reinstated. The Authorities and case manager will consider how future investigations of a similar nature could be carried out without suspending the individual.

### 15.16 Resignations and 'settlement agreements'

If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up in accordance with Spanish Criminal Law.

If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent the proprietor from making a referral to the Authorities even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the proprietor would not be complying with its legal duty to make the referral to the competent Authorities.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused will be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated on the basis of all the information available, will continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

### 15.17 Record keeping

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken, and decisions reached, is kept on the confidential personnel file of the accused.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where Authorities in the future will need to check information about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

### 15.18 References

Cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious will also not be included in any reference.

## 16 Whistleblowing

Whistleblowing refers to when a member of staff has a concern about someone's behaviour or attitude or about a bigger culture issue in the school, relating to safeguarding. All adults have a responsibility to report any concerns about poor or unsafe practice, including in relation to the care and protection of a pupil or pupils. If a member of staff believes that best practice in this area is not being adhered to or that practice may put a pupil or pupils at risk, they should first attempt to resolve their concern at school level.

**Report any concern to the Headteacher**

If the situation is not resolved or the safeguarding concern relates to the Headteacher, staff should:

**Report the concern to the  
Director of Education Europe/Assistant Director of Education  
Spain/Director of HR Europe**

Staff are strongly encouraged to reach out at an early stage.

[Please see the 'key people and contacts' page in this document for the contact details of the above people within Cognita]

Concerns raised under this Whistleblowing Policy are distinct from concerns or allegations about an adult's suitability to work with or have access to children.

No member of staff will suffer a detriment or be disciplined for raising a genuine concern about unsafe practice, if they do so in good faith and follow the whistleblowing procedures. Where an adult feels unable to raise a concern about poor safeguarding practice within Cognita or where they feel that their concern is not being addressed, they can raise their concern externally.

## 17 Letting School premises

Schools have a duty to ensure that appropriate arrangements are in place to keep children safe when allowing outside organisations to use their facilities. If the activity is being run by the school, or overseen by the school, then this policy and the school's procedures apply. If not, then the school should seek assurance that the body concerned has appropriate safeguarding and child protection policies and procedures in place (including inspecting these as needed).

Should the organisation wishing to use the school premises not have any safeguarding policies or procedures in place, then the organisation should not be allowed to let the facilities. The school should also ensure safeguarding requirements are included in any transfer of control agreement (i.e., lease or hire agreement), as a condition of use and occupation of the premises; and that failure to comply with this would lead to termination of the agreement.

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