

SAFEGUARDING OUR CHILDREN

Introduction

The legal and cultural environment in which Schools of all kinds now operate is constantly evolving, and maintaining an understanding of what the law requires us to do – and not to do – in relation to the welfare of our pupils is a particularly challenging area.

Setting the Scene

The origins of safeguarding and of statutory duties in respect of the welfare of School pupils can be traced back to the Children Act 1989. This Act, which came into force in 1991, was about the care and upbringing of children and it set up the initial statutory framework for child protection in this country, giving every child the right to protection from abuse and exploitation and the right to have inquiries made to safeguard their welfare.

Section 17 of the Children Act 1989 first gave effect to the statutory concept of the “child in need.” Section 17 was directed purely at Local Authorities (LAs) who have duties to all children irrespective of the arrangements for their education. It provided that it “shall be the duty of every LA to safeguard and provide for the welfare of children in need”. Children in need were defined as those who are unlikely to reach or maintain a satisfactory level of health or development or whose health or development would be significantly impaired without provision of services.

The Children Act 1989 also created more general welfare responsibilities for part of the education sector. Sections 3(5) and 87 required independent boarding Schools to safeguard and promote the welfare of children. Significantly, this statutory welfare duty relates to any child, not just children in need, s.87 (1) stating that “where a School or college provides accommodation for any child, it shall be the duty of the relevant person to safeguard and promote the child’s welfare”.

The Children Act 1989 did not define the specific nature of this duty but it was clear that by requiring boarding Schools to “safeguard” its pupils, staff had to take reasonable steps to protect them from harm to include physical injury, abuse or neglect, emotional harm or neglect and anything that interferes with their general development.

The requirement to “promote the welfare of children” indicated that a boarding School had a statutory duty not just to keep boarders safe but also to provide them with a proactive welfare, as well as educational, service.

The Victoria Climbié Tragedy

The tragic death of Victoria Climbié in 2000 forced the whole area of child protection back into the political limelight. Her death initiated the Laming Inquiry to consider whether it was time to revisit the statutory framework for child protection in this country. Lord Laming’s subsequent report indicated that a lack of accountability and poor coordination across organisational boundaries was a root cause of serious service shortcomings on the ground.

The Lauren Wright Tragedy

However, in the same year as the death of Victoria Climbié, six-year-old Lauren Wright died a violent death at the hands of her stepmother. Social services, education and health managers in Norfolk admitted to a series of crucial mistakes. A particular failing had been that Lauren’s School did not have a teacher trained in child protection procedures when she died and her case also highlighted a clear breakdown of communications between the School and Educational Welfare Service. The Wright case provoked strong criticism and the call for specific procedural and statutory reform of the role of the education service within child protection and safeguarding.

This led in turn to the publication of the government’s Green Paper, “Every Child Matters”, which proposed that services involved with children should work more closely and that the occupations involved should be interconnected. It built on existing plans to strengthen preventative services through four key themes:

- Supporting parents and carers.
- Early intervention and effective protection.
- Improving accountability and integration.
- Workforce reform.

During the same period the Joint Chief Inspectors published their report on “Safeguarding Children”. This report followed the commitment in the 1998 White Paper, “Modernising Social Services” that a review would be carried out every three years by all the relevant Chief Inspectors to ascertain how well children were being safeguarded. The report drew on the findings of a wide range of inspection activity undertaken by eight Inspectorates and a joint inspection to address inter-agency arrangements for safeguarding children. With the child protection agenda as the key driver, “Every Child Matters” and “Safeguarding Children” were the catalyst for what Margaret Hodge, Minister for Children, Young People and Families, described as the “richest and most significant debate on children’s services for over a generation”.

The outcome of that debate was the consensus that the way ahead for children’s services had to be an operational model that did not see child protection as separate from policies to improve children’s lives as a whole but rather placed child protection services as an integral part of the spectrum of services provided to help and support children and families.

The Education Act 2002

The most significant innovation was to extend the duty to safeguard and promote the welfare of pupils to day pupils across the education sector. Whereas in the Children Act 1989 welfare is distinguished from education or academic needs or support, the Education Act 2002 created new statutory welfare duties attached to the delivery of education itself. This was achieved in two ways.

Firstly, the Education Act 2002 made substantial changes to the regime for registration and inspection of independent Schools. A duty was imposed on independent Schools by virtue of Section 157 of the Act and the Education Regulations 2003 (Independent Schools Standards), requiring proprietors of independent Schools to make arrangements to safeguard and promote the welfare of children who are pupils at their School and meet the standards in the following specific areas:

- Quality of education provided by the School.
- Spiritual, moral, social and cultural development of pupils.
- Welfare, health and safety of pupils.
- Suitability of proprietor and staff.
- School’s premises and accommodation.
- Provision of information.
- Procedures for handling complaints.

Secondly, against the backdrop of the Lauren Wright tragedy, the Education Act 2002 was amended at a late stage to include an additional specific duty requiring Schools “make arrangements for ensuring that their functions are exercised with a view to safeguarding and promoting the welfare of children”. It is a measure of the importance placed on safeguarding that the government took care to ensure that all Schools were subject to these duties, contained in the Education Act 2002, which came into force on 1st June 2004.

National Minimum Standards (NMS) for Boarding

The result of three years work by the National Boarding Standards Committee was the National Minimum Requirements for Boarding Schools written by Dr Roger Morgan, then Chief Inspector for Oxfordshire Social Services. The Department for Health published the National Minimum Requirements for Boarding Schools in March 2002.

Compliance with these standards is now taken into account when deciding, where necessary, whether an establishment can be registered or retained on the register of Schools. The National Boarding Standards are designed so that, if followed, a School will in most cases be

adequately safeguarding and promoting its boarders' welfare and therefore discharging its statutory duties. Furthermore, these standards should be taken into account when in any legal proceedings in which it is alleged a School has failed to safeguard and promote the welfare of any child it accommodates.

The common law duty upon professionals is to protect those in their care from risk of harm, not actively "promote" their welfare. The term "promote" underpins a more proactive obligation that goes beyond this common law duty. These duties are the subject of guidance 'Safeguarding Children in Education' issued by the DfES on 6th September 2004. This guidance was given statutory force by the Education Regulations 2004. Giving statutory force to the safeguarding guidance means that boarding Schools will need to ensure that the delivery of their education services, as opposed to accommodation services, is in compliance with the spirit and purpose of the guidance.

Where an inspectorate considers a School has failed to discharge its duty to safeguard and promote the welfare of its pupils, it will send a formal notification of the failure to the Secretary of State for Education, which can lead to enforcement action being taken. The importance of understanding one's legal obligations in respect of safeguarding cannot therefore be overstated.

The Children Act 2004 – Five Key Outcomes

- **Physical and mental health** – so that they enjoy good health and a healthy lifestyle.
- **Protection from harm and neglect** – so that their welfare is safeguarded and that they know how to stay safe.
- **Education and training** – so that they enjoy and make good progress in learning, leisure and personal development.
- **Contribution to society** – so that they can join in, take responsibility and play a productive part in the community.
- **Social and economic well-being** – so that they have a good start in life and are able to achieve their full potential and secure employment.

Every Child Matters

Every Child Matters: Change for Children is a new approach to the well-being of children and young people from birth to age 19. The Government's aim is for every child, whatever their background or their circumstances, to have the support they need to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being. For example, the Chief Inspector of Schools, David Bell, said, "Education is about more than academic standards. It is also about how young people develop their own attitudes and values and grow into responsible members of the community".

This means that the organisations involved with providing services to children - from hospitals and schools, to police and voluntary groups - will be teaming up in new ways, sharing information and working together, to protect children and young people from harm and help them achieve what they want in life. Children and young people will have far more say about issues that affect them as individuals and collectively.

Every Child Matters: Change for Children was published in November 2004. This education service agenda quickly became a part of the wider initiatives started by the Green Paper, "Every Child Matters". It was determined that Schools were to be primary driving force(s) in developing an integrated approach to children's services and there were clear indications that ministers wanted educational institutions to incorporate wider social purposes. Over the next few years, every local authority will be working with its partners, through children's trusts, to find out what works best for children and young people in its area and act on it. They will need to involve children and young people in this process, and when inspectors assess how local

areas are doing, they will listen especially to the views of children and young people themselves.

The Every Child Matters green paper identified the five outcomes that are most important to children and young people:

- 1. Be healthy**
- 2. Stay safe**
- 3. Enjoy and achieve**
- 4. Make a positive contribution**
- 5. Achieve economic well-being**

These five outcomes should be universal ambitions for every child and young person, whatever their background or circumstances. Improving outcomes for all children and young people underpins all of the development and work within children's trusts. The outcomes are mutually reinforcing. For example, children and young people learn and thrive when they are healthy, safe and engaged; and the evidence shows clearly that educational achievement is the most effective route out of poverty.

It is these five outcomes by which the regulatory inspection group Ofsted have shaped their new social care inspection criteria.

The Safeguarding School

Child Protection remains a central element in discharging the duty to safeguard children's welfare. The duties of proprietors of independent Schools are set out at pages 16-18 of the guidance. The main points of which we should take particular note are:

- The legal responsibility for safeguarding and promoting the welfare of children lies with the proprietors (including the governors). Heads and staff are responsible for implementation.
- Child Protection procedures and procedures for dealing with allegations of abuse should be in accordance with locally agreed inter-agency procedures.
- The School should carry out all required checks on staff.
- The designated person with responsibility for child protection need not be a teacher but must have the status and authority within the School management to carry out the duties of the post.
- The designated person must have basic child protection training updated every two years and also training in inter-agency working.
- All other staff working with children, including the Headmaster, must undertake training in welfare and child protection and update it every three years.
- The proprietor must undertake an annual review of the School's policies and procedures and how the School's duties have been discharged.

The guidance emphasises that safeguarding duties upon Schools extend to far more than just child protection. Indeed the guidance draws particular attention to the need for educational establishments to protect children from a much wider range of issues including:

- Pupil health and safety.
- Bullying.
- Meeting medical needs of children with medical conditions.

- Providing first aid.
- School security.
- Drugs and substance misuse.

The guidance provided examples of the types of areas that we are now expected to address when conducting a review of our safeguarding related policies and procedures.

The safeguarding guidance, therefore, offers no route map for Schools to achieve compliance and leaves us to determine what steps are necessary within the particular context of our establishment. However, we can begin to better understand our obligations to safeguard and promote the welfare of our pupils by gaining a sound appreciation of the objectives of the legislative arrangements of the Children Act 2004.

Our Role

On a practical level, it has long been recognised that we as educational professionals are well placed to support external agencies in discharging their child protection duties. We have a unique vantage point derived from our day-to-day contact with our pupils, and we are therefore often able to observe outward signs of abuse, changes of behaviour or failure to thrive at the earliest opportunity.

Child Protection within School should be viewed within the context of our pastoral system – all staff need to recognise their role in identifying when a child is in need and causing concern.

Recognising child abuse is not easy and it is not the responsibility of staff to decide whether child abuse has taken place or if a child is at significant risk. All staff do have a responsibility to act if they have a concern. All staff (teaching and non-teaching) need to be able to recognise the signs of possible abuse and to know how to report these.

The signs of abuse may be physical (appearance of child or marks on the child) or emotional (behaviour of the child). Both can be observed in each of the four types of abuse – physical, emotional, sexual and neglect.

Concerns may be identified through observing the child or through the child making an allegation of abuse.

Stanbridge Earls' Safeguarding Children Organisational Health Check

The School has a statement of aims and values published to all members of the School community.

The School has a child protection policy and procedures in place, which are consistent with the local Area Child Protection Committee (ACPC), with staff briefed to know how to recognise concerns about a child's welfare and provided with step-by-step guidance about what to do. These policies and procedures are regularly monitored and reviewed annually.

The School has an identified Designated Person (DP) for Safeguarding, Rob Bailey, who holds this position as well as being Deputy Headmaster – Pastoral. Both he and Francis Callender (Head of Girls Boarding) are trained DPs and are senior members of staff who will deal with concerns, allegations and disclosures. Pupils taking responsibility for others are briefed on how to recognise concerns about a child's welfare and are provided with step-by-step guidance about what to do.

The School has a rigorous recruitment and selection process for all employed and volunteer staff that work with children, including interview, reference and police check protocols. Eight key staff have undertaken Safer Recruitment training and one of these members of staff always participates in recruitment interviews.

The School has a written professional code of conduct for its staff, which outlines good practice when working with children. It helps to develop a School culture and environment that ensures the ethos of "care and support".

Staff recognise and value their pastoral care roles. Training opportunities including access to Boarding School Association (BSA) courses, annual care staff performance management and personal development plans allow staff regular opportunities to consider child protection, health and safety and child welfare, whilst monitoring support and supervision.

The Pastoral System defines roles for staff and lines of communication and referral.

The School has published policies on anti-bullying, child protection, citizenship, complaints, equal opportunities including harassment, health and safety, privacy and confidentiality, pupil code of conduct, school officers, sex education, special educational needs, staff professional code of conduct, which are all regularly monitored and reviewed annually. In addition, a public interest disclosure policy (whistle-blowing) is open, well publicised and shows how staff, parents and pupils can share their concerns with regards to any abusive or unethical conduct.

The School uses the National Boarding Standards Committee guidance – The National Minimum Requirements for Boarding Schools – when addressing care standards.

Stanbridge Earls Aims to be a Child Centred, Listening and Responsive School

The School aims to adopt a child centred perspective meaning that our pupils are:

- Valued and respected as individuals.
- Respected for their identity and uniqueness.
- Encouraged and praised.
- Listened to and heard.
- Involved in decision making as appropriate.

As a listening and responsive School our pupils have:

- A pastoral system that gives access to identified members of staff.
- A range of support services provided by School and external agencies, including the School doctor, School medical staff, a School counsellor, an occupational therapist, speech and language communication staff, access to independent counselling and other external health and medical services.
- Knowledge of and involvement in the development and monitoring and review of safeguarding policies and practices. Views and opinions are sought in the development of School policy and practice as part of the School's self-evaluation process via the School council (currently chaired by our Head of Citizenship).
- A curriculum that fosters personal, emotional and social development, helping pupils to acquire emotional literacy through the combination of Tutor and citizenship programmes.
- The opportunity to take responsibility for aspects of School life, especially the support for other pupils, through new pupil and/or peer support and the School officer system of prefects and monitors.

Stanbridge Earls aims to be a School that promotes participation by listening to and valuing contributions from all of its members. It has a range of supportive strategies for pupils, for parents and for staff, which enhance the confidence and self-esteem of the whole School community. This reinforces the School theme of building confidence and achieving success.

R J Bailey
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