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CHILD PROTECTION AND SAFEGUARDING POLICY

Date of issue: January 2021

Review date: September 2021

Helpline

Staff are required to contact the following internal Berkshire Maestros hotline to report any Safeguarding concerns: **01189 439 600**

Key Contact list for Safeguarding in Berkshire Maestros

	Name	Telephone contact	Email
DSL	Dawn Wren (CEO)	0118 901 2360 07921 808 889	dawnwren@berkshiremaestros.org.uk
	Anna Lang	07990 762 070	annalang@berkshiremaestros.org.uk
Deputy DSL	Catherine Millar	0118 901 2370	catherinemillar@berkshiremaestros.org.uk
	Margit Christensen	0118 901 2356	margitchristensen@berkshiremaestros.org.uk
Safeguarding Trustee	Joanna Quinn	07960 494832	joanna@carriden.plus.com

Wherever possible all concerns regarding a young person should be reported to the relevant school DSL as well as the Safeguarding hotline 01189 439 600

**Emergency Number
All Berkshire Unitary
Authorities
'Out of Hours' Duty Team
01344 786543**

**Police
08458 505505**

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“Because of their day to day contact with individual children during the school terms, teachers and other staff are particularly well placed to observe the outward signs of abuse, changes in behaviour or failure to develop.”

(Working Together under the Children Act 1989)

1. PURPOSE

- 1.1 This policy is intended to provide clear direction to staff and others about expected behaviour when dealing with child protection and safeguarding issues. It also makes explicit Berkshire Maestros commitment to the development of good practice and sound procedures. This ensures that child protection concerns, referrals and monitoring may be handled sensitively, professionally and in ways which support the needs of the child.
- 1.2 This policy links with the Safeguarding Partnership’ child protection procedures and is also in line with guidance from the West Berkshire Model Policy and national guidelines.

2 INTRODUCTION

- 2.1 Berkshire Maestros takes seriously its responsibility to protect and safeguard the welfare of children and young people in its care. “The welfare of the child is paramount”. (Children Act 1989) ‘Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as: protecting children from maltreatment; 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’,(Keeping Children Safe in Education, Sept 2020). **Keeping Children Safe in Education, Sept 2020**
- 2.2 Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families and carers has a role to play in safeguarding children. 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.
- 2.3 Berkshire Maestros recognizes its responsibility to support schools in complying with Section 175 of the Education Act 2002. Section 175 of the Education Act 2002 places a statutory responsibility on governing boards to have policies and procedures in place that safeguard and promote the welfare of children who are pupils of the school - Working Together to Safeguard Children 2015 - Part 2 of “Keeping Children Safe in Education” Section 175 of the Education Act 2002 places a statutory responsibility on the governing body of a school and in the case of Maestros, the Trustees, to have policies and procedures in place that safeguard and promote the welfare of children who are pupils
- 2.4 Berkshire Maestros recognizes its responsibility to support schools in complying with Section 11 of the Children’s Act 2004. Section 11 of the Children’s Act 2004 sets out the arrangements that education services and schools must make to promote the welfare and safeguarding of

children and young people. Safeguarding is everyone's responsibility and should be a child centred approach". (Working Together, 2015).

2.5 There are five main elements to this child protection and safeguarding policy:

- a) Ensuring we practice Safer Recruitment processes in line with national legislation and our Safer Recruitment Policy.
- b) Establishing a safe environment in which children can learn and develop. This can be achieved by the creation of a positive learning atmosphere and teaching, and the pastoral support offered to pupils.
- c) Protection by following agreed procedures, ensuring staff are trained and supported to respond appropriately and sensitively to child protection concerns.
- d) Implementing procedures for:
 - Identifying and reporting cases, or suspected cases, of abuse
 - Offering support to students who may be at risk of, or vulnerable, to violent and non-violent extremist or terrorist narratives.
- e) Support to pupils who may have been abused.

3 POLICY

3.1 This policy applies to all pupils, staff, trustees, volunteers, contractors and visitors to Berkshire Maestros.

3.2 This organisation recognises it is an agent of referral only and not of investigation and enquiry.

3.3 We recognise that for our students, high self-esteem, confidence, supportive friends and clear lines of communication with a trusted adult helps to prevent abuse.

We will therefore:

- a) Aim to establish and maintain an environment where students feel safe and secure and are encouraged to talk, and are listened to.
- b) Aim to ensure that students know that there are adults within the organisation who they can approach if they are worried or are in difficulty.
- c) Aim to include in our curriculum, activities and/or opportunities which will help students develop realistic attitudes to the responsibilities of adult life.
- d) Ensure that wherever possible every effort will be made to establish effective working relationships with parents and colleagues from schools, UAs and partner agencies.

4. FRAMEWORK

- 4.1 Child protection is the responsibility of all adults and especially those working with children. The development of appropriate procedures and the monitoring of good practice are the responsibilities of the UA Safeguarding Partnerships.

5 ROLES AND RESPONSIBILITIES

- 5.1 All adults working with or on behalf of children have a responsibility to protect them. There are, however, key people within Maestros, schools and the Unitary Authorities who have specific responsibilities under child protection procedures. The names of those people within Berkshire Maestros carrying out these responsibilities are listed at the front of this document together with contact details for Childrens Services Departments for the five UAs served by Maestros.
- 5.2 It is the role of the DSL (DSL)to ensure that all of the child protection procedures are followed within Maestros and make appropriate contact with school DSL officers and LADOs, in accordance with Maestros procedures. If for any reason, the DSL is unavailable, the Deputy DSL will act in their absence. Additionally, it is the role of the DSL to ensure all staff, including temporary staff, freelance self-employed contractors, trustees and volunteers within the organisation are aware of Maestros procedures, to advise staff and to offer support to those requiring this.
- 5.3 The Board of Trustees and Senior Management Team are responsible for ensuring that Maestros follows safer recruitment processes. (See Safer Recruitment Policy). As part of Maestros recruitment and vetting process, enhanced Disclosure and Barring Service (DBS) checks and other statutory lists and local intelligence checks will be sought on all staff that have substantial and unsupervised access to children. **This will include parents, volunteers and helpers that have regular contact with students.**
- 5.4 The role of the Nominated Trustee for Child Protection is to ensure that Maestros has an effective policy, that the Berkshire Safeguarding Partnership Guidelines are complied with and to support Maestros in this aspect. Trustees will not be given details relating to individual child protection cases or situations to ensure confidentiality is not breached.
- 5.5 The DSL and the CEO will provide an annual report for the Board of Trustees detailing any changes to the policy and procedures; training undertaken by all staff and trustees and other relevant issues as appropriate.
- 5.6 A 'Lead Officer in Education for Safeguarding' is available within all UAs to offer advice and support. Specific training is available for the DSL and Deputy DSL and Designated Trustee.
- 5.7 The DSL will deliver initial and/or refresher Child Protection training for staff as appropriate. Refresher training is required for Maestros staff every 3 years in line with DBS renewal procedures and guidelines. Opportunities for training will be provided at regular intervals throughout the year.

5.8 Single Central Record

The Single Central Record details of staff and other volunteers is current, complete and compliant with Maestros procedures

6 PROCEDURES

- 6.1 Staff are kept informed about child protection and Prevent responsibilities and procedures through induction, briefings and ongoing awareness training. There may be other adults in Berkshire Maestros who rarely work unsupervised, more usually working alongside members of the Berkshire Maestros' staff e.g. contractors. The CEO will ensure they are aware of the BM policy and the identity of the DSL
- 6.2 Any member of staff, volunteer or visitor to Berkshire Maestros who receives a disclosure of abuse, an allegation or suspects that abuse or extremism and radicalisation, or female genital mutilation (FGM) may have occurred **must** report it immediately to the DSL or in their absence, the Deputy DSL. In the absence of either of the above, the matter should be brought to the attention of the most senior member of staff. There is a mandatory reporting requirement for teaching professionals to report cases of FGM to the police. The DSL will undertake this action on behalf of Maestros staff. Should an urgent report need to be made out of hours, where the DSL or other senior staff are unavailable, individual staff should themselves contact the police.
- 6.3 The DSL or their Deputy will **immediately** refer cases of suspected or actual abuse or allegations to the appropriate local authority where the child lives and inform the DSL of the child's school. In cases where a student may be vulnerable to or exhibiting, extremist views the Designated Safeguarding Lead or their Deputy will also refer cases to the Prevent Officer at Thames Valley Police, as well as making a 'contact' to CAAS/relevant authority.
- 6.4 Berkshire Maestros will always undertake to share our intention to refer a child to CAAS with the relevant school first, then parents or carers unless to do so could place the child at greater risk of harm or impede a criminal investigation. On these occasions Berkshire Maestros will take advice from CAAS and/or the Police.
- 6.5 A statement on Berkshire Maestros website will inform parents and carers about our duties and responsibilities under child protection procedures. This policy will be made freely available to parents and carers on Berkshire Maestros website and in hardcopy, on request. A copy of our policy can be found on the Maestros website and on [Z:\Staff\Policies & Procedures\Child protection](#)

7 TRAINING AND SUPPORT

- 7.1 The CEO and all other staff who work with children will undertake appropriate child protection awareness training to equip them to carry out their responsibilities for child protection effectively. This training will be kept up to date by refresher training. Berkshire Maestros will ensure that all staff members undergo safeguarding and child protection training at induction. The training will be regularly updated. Induction and training will be in line with advice from the LSCB / government guidance. In addition, all staff members will receive regular

safeguarding and child protection updates (e.g. via email, e-bulletins, staff meetings), as required but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively. This will also include Prevent training, to ensure that staff have the necessary training that gives them the knowledge and confidence to identify children at risk of being drawn into terrorism, and to challenge extremist ideas which can be used to legitimise terrorism. This includes agency and temporary staff. Awareness training in Berkshire Maestros is currently called Universal Safeguarding Training.

- 7.2 The DSL will ensure that all staff complete Universal Safeguarding Training and that this is refreshed either every three years or in line with guidance from the LSCB or statutory guidance. Staff training records will be kept up to date to monitor this. Initial Universal Safeguarding Training will be completed by attending a Universal Safeguarding Training session delivered either by the local authority or Berkshire Maestros DSL (if appropriate training has been completed). After this, refresher training will be completed online using West Berkshire's online training provision.
- 7.3 The DSL and any nominated Deputies will complete local authority DSL Training and this will be refreshed every two years. This will be recorded on staff training records and monitored by the DSL. The Safeguarding Trustee will have oversight of all child protection training records to ensure that this is taking place in a timely manner.
- 7.4 All staff, students, contractors and regular visitors to Berkshire Maestros will be made aware of Maestros arrangements for child protection and their responsibilities. Currently, training is provided through West Berkshire and/or Bracknell Forest UAs.
- 7.5 Where there are concerns and queries about child protection, support will be available for all Berkshire Maestros staff from the DSL, CEO and their Deputies. The DSL will seek support from the CEO, Headteachers of schools, PREVENT Officer and appropriate local authority staff where needed.
- 7.6 All staff will have access to advice and guidance on the boundaries of appropriate behaviour and conduct. These matters form part of staff induction and are referred to in the staff handbook. See Staff behaviour and Conduct Policy.

8 PROFESSIONAL CONFIDENTIALITY

- 8.1 Confidentiality is an issue which needs to be discussed and fully understood by all those working with children, particularly in the context of child protection. It forms part of the Universal Safeguarding Training.. The only purpose of confidentiality in this respect is to benefit the child. A member of staff must never guarantee confidentiality to a pupil nor should they agree with a pupil to keep a secret. Where there is a child protection concern, this must be reported to the DSL and may require further investigation by the appropriate authorities. Children can be reassured that only the people who "need to know" will be informed, that this will be the minimum necessary and that information will not become common knowledge.

- 8.2 Staff will be informed of relevant information in respect of individual cases regarding child protection on a 'need to know basis' only. Where information is shared with appropriate staff, they must maintain the confidentiality

9 RECORDS AND MONITORING

- 9.1 Well-kept records are essential to good child protection practice. Berkshire Maestros is clear about the need to confidentially record any concerns held about a child or children within our organisation, the status of such records and when these records should be passed over to other agencies.
- 9.2 Any member of staff receiving a disclosure of abuse, or noticing signs or indicators of abuse, must make an accurate record as soon as possible, noting what was said or seen, putting the event in context, giving the date, time and location. All records will be dated, signed and will include the action taken. Making the record should not delay referring the disclosure to the Designated Safeguarding Lead or appropriate authority.
- 9.3 These notes are kept confidentially and separate to other files, and stored in a secure place. In the same way, notes must be kept of any pupil who is being monitored for child protection reasons.
- 9.4 The Designated Safeguarding Lead will have oversight of the Berkshire Maestros record management policy to ensure that issues around safeguarding records are addressed appropriately.

10. ATTENDANCE AT CHILD PROTECTION CONFERENCES & CORE GROUPS

It is the responsibility of the DSL to ensure that Maestros is represented if necessary and a report is submitted to any child protection conference called for any pupil (if Maestros has an involvement in the case). Whoever attends should be fully briefed on any issues or concerns that Maestros has.

11. SUPPORTING PUPILS AT RISK

- 11.1 Maestros recognises that children who are abused or who witness violence may find it difficult to develop a sense of self-worth or view the world as a positive place. Maestros recognises the importance of identifying vulnerable pupils that may be at risk of abuse, or children that may have additional support needs. We recognise that a pupil may be classed as vulnerable for a variety of reasons and this may not be permanent.
- 11.2 Maestros recognises it may be the only stable, secure and predictable element in the lives of vulnerable children and that whilst at BM their behaviour may still be challenging and defiant.
- 11.3 All children are at risk. These children however are at a higher risk although not exclusively:
- Children with Special Educational Needs
 - Children with emotional/behavioural/attachment disorders

- Children with caring responsibilities or classified as a young carer
- Looked after children and those subject to private fostering arrangements
- Children missing education/low attendance
- Children dealing with issues around domestic abuse
- Children from Gypsy, Roma, Traveller communities
- Children experiencing bereavement
- Children in receipt of FSM or PPG
- Children at risk from neglect; physical; sexual and emotional abuse
- Disabled children
- Children at risk of exclusion
- Children at risk from bullying, including online bullying and prejudice-based Bullying
- Children at risk of peer on peer abuse
- Children at risk from the impact of new technologies on sexual behaviour, for example sexting
- Girls at risk of female genital mutilation
- Children at risk of being drawn into terrorism and radicalisation
- Children at risk of exploitation, sexual exploitation and trafficking
- Children at risk of honour based violence or forced marriage
- Children affected by substance misuse (drugs, alcohol)
- Children affected by mental health issues
- Children affected by faith abuse
- Children affected by gender based violence or violence against women and girls
- Children affected by fabricated or induced illness
- Children affected by issues around bullying
- Children affected by crime
- Children affected by gang activity
- Children affected by gender reassignment/lesbian, gay, bisexual and transgender (LGBT) abuse.

11.4 Maestros will endeavour to support pupils through:

- a) encouraging self-esteem and self-motivation.
- b) our ethos which promotes a positive, supportive and secure environment and which gives all pupils and adults a sense of being respected and valued.
- c) a consistent approach agreed by all staff which will endeavour to ensure that pupils know that some behaviour is unacceptable but s/he is valued.
- d) liaison, as appropriate, with other professionals and agencies that support the pupils and their families.
- e) a commitment to develop productive, supportive relationships with parents, whenever it is in the child's best interest to do so.
- f) the development and support of a responsive and knowledgeable staff group, trained to respond appropriately in child protection situations.
- g) recognition that statistically, children with behavioural difficulties and disabilities are most vulnerable to abuse so staff who work in any capacity with children with profound

and multiple disabilities, sensory impairment and / or emotional and behavioural problems will need to be particularly sensitive to signs of abuse.

- h) recognition that in a home environment where there is domestic violence, drug or alcohol abuse, children may also be vulnerable and in need of support and / or protection.

11.5 This policy should be considered alongside other related policies. These include our policies on physical intervention, bullying and health and safety.

12. E-Safety

12.1 This organisation believes that the use of information and communication technologies brings great benefits. We recognise that there are e-safety issues that need to be planned for that will help to ensure appropriate, effective and safer use of electronic communications.

12.2 Children and young people may expose themselves to danger, whether knowingly or unknowingly, when using the internet and other technologies. Additionally, some young people may find themselves involved in activities which are inappropriate or possibly illegal.

12.3 Photographs, video and electronic images of pupils and staff are classed as personal data under the Data Protection Act 1998.

13 Types of staff checks:

13.1 Disclosure and Barring Service (DBS) checks

Three types of DBS checks are referred to in this policy.

- Standard: this provides information about convictions, cautions; reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;
- Enhanced: This provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and
- Enhanced with barred list check: where people are working or seeking to work in regulated activity with children, this allows for an additional checks to be made as to whether the person appears on the children's barred list.

13.2 For all Maestros staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate. Further information on contractors can be found in KCSIE paragraphs 134-137.

13.3 All staff working within Berkshire Maestros who have substantial access to children have been checked as to their suitability to work with children, including verification of their identity and qualifications, satisfactory references, a satisfactory barred list check, and an enhanced DBS check and a right to work in the UK check, and additional overseas checks for those who have lived or worked abroad is also completed. For teachers, an additional check has been carried out to ensure they are not prohibited from teaching. A check of any prohibition orders will be carried out using the Teacher Services System to see if there is a prohibition order which would prevent a person from carrying out teacher work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England (see paragraph 99 of KCSIE for the appropriate link).

13.4 Once the DBS checks are complete, the DBS will send a certificate to the applicant. The applicant must show the original DBS certificate to Maestros before they take up post or as soon as practicable afterwards. This will be available for the schools to sight and copy when any BM staff member visits. Clearance numbers are available from the Deputy DSL.

Where a school or college allows an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

13.5 All Maestros staff complete an annual Disqualification Declaration Form.

13.6 A Single Central Record of employment checks will be held by the Deputy DSL in line with the Safer Recruitment Policy.

13.7 The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- An identity check
- A barred list check
- An enhanced DBS check/certificate
- A check of professional qualifications, and
- A check to establish the person's right to work in the United Kingdom.

14 Radicalisation and Extremism

14.1 Berkshire Maestros values freedom of speech and the expression of beliefs/ideology as fundamental rights underpinning our society's values. Both pupils and teachers have the right to speak freely and voice their opinions. However, free speech is not an unqualified privilege; it is subject to laws and policies governing equality, human rights, community safety and community cohesion.

- 14.2 Berkshire Maestros seeks to protect children and young people against the messages of all violent extremism and are expected to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology.
- 14.3 Staff will be made aware at safeguarding training of the characteristics within children and families that may indicate radicalisation or warning indicators of those who may be vulnerable to radicalisation.
- 14.4 Staff will treat any radicalisation/extremism concerns in the same manner as safeguarding concerns and will follow the organisation's child protection and safeguarding procedures

20. Children with special education needs and disabilities

Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. Trustees should ensure their child protection policy reflects the fact that additional barriers can exist when recognising abuse and neglect in this group of children. This can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- 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 barriers.

13. USE OF MAESTROS PREMISES BY OTHER ORGANISATIONS

- 13.1 Where services or activities are provided separately by another body, using Maestros' premises, the Trustees will seek assurance that the body concerned has appropriate policies and procedures in place in regard to safeguarding children and child protection.

15. POLICY REVIEW

The Board of Trustees is responsible for:

- a) ensuring the annual review of this policy
- b) Ensuring that the list of key contacts is kept up to date

Child Protection and Safeguarding Checklist for New Staff and Newly Qualified Teachers

Need to know or action immediately

- 1 Find out who the Designated Safeguarding Lead in Maestros is.**
Name, contact tel. number/email

Name:

Contact details:

- 1.1 What is the name of the member of staff who deputises for the Maestros DSL?

Name:

Contact details:

- 1.2 Do you know the name of the DSL in the schools in which you teach?
This should be one of your first questions in each school you visit. Find out and put these names/contact details in your registers.

2 Information to Staff

All staff need to know that 'it can happen here' and then know what to do.

- 2.1 Have you read the Maestros Safeguarding Policy and procedures and know what to do if you are worried that a child might be being abused?
- 2.2 Have you been given information as part of your induction about training available on Safeguarding and Child Protection?
- 2.3 Have you got your DBS disclosure and carry a copy with you? If not, make a copy and keep with you at all times.

Record your number here: _____

Record your Child Protection training date here: _____

Record your Prevent training date here: _____

3 Record Keeping

Maestros and all schools have systems for monitoring children in relation to child protection and for recording.

Do you know about how the monitoring and confidential recording system for child protection operates within Maestros and within your schools?

4 **Information to Parents**

You need to know what Maestros tells parents about child protection.

Have you read the information for parents about child protection in the staff handbook/website?

5 **Allegations**

Staff need to realise that, however rarely, the abuse of children may involve colleagues

- Are you aware of the procedures Maestros must follow when an allegation of abuse has been made against a member of staff, a parent helper or volunteer?
- Do you feel confident that you know how to conduct yourself in a school in a manner which avoids any possibility of a reasonable person questioning your motivation and intentions? Do you understand how this relates to your dress, language, manner, behaviour etc.?
- Have you read and understood the policies and guidance regarding
 - Professional Conduct, including dress
 - Physical Contact/Intervention
 - Have you read and understood The Berkshire Maestros Teaching Standards?
- Do you know how to raise concerns about the poor or unsafe practice of adults in Maestros and in your schools in relation to children?
- Do you know what to say to a child who seeks to disclose to you and what you have to do subsequently?

Constructive Comments on the policy and procedures in practice:-

Please convey any questions or suggestion for improvement to Head of HR or CEO.

Safeguarding Children & Young People Whistle-blowing Guidelines

Principles

- Adults working with young people are often the first to realise that someone's behaviour is, or is likely to cause harm to a child or young person.
- Research tells us also that adults who target children for abuse will often seek out jobs and positions that bring them into close contact with children.
- Maestros is committed to safeguarding and promoting the welfare of every child and expects the highest possible standards of openness.

- We recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible.
- We will not tolerate harassment or victimisation and will take all possible measures to protect anyone who raises concerns in good faith.
- All concerns will be treated in confidence and we will make every effort not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.
- If you voice suspicion in good faith but it is not confirmed by the investigation, no action will be taken against you.
- If the investigation concludes that you have maliciously fabricated the allegations, disciplinary action may be taken against you.

Reporting Procedure

- The earlier a concern is reported the easier it is to take action.
- As a first step, concerns should normally be raised with the CEO or the Designated Officer for Child Protection.
- If your concerns relate to the CEO, then you should raise your concerns with the Chair of Trustees.
- You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two, or more, of you who have had the same concerns.
- If you feel that you cannot approach any of these, the Safeguarding Manager within one of UAs can offer advice and support - *see policy - Whistleblowing section*
- Concerns are better raised in writing. If you feel this is not possible you can telephone or meet the appropriate person.
- Your report, written or verbal, should set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are concerned about the situation.

PHYSICAL CONTACT/INTERVENTION GUIDANCE

Introduction

Maestros supports the position taken by the Human Rights Act 1998 and seeks to protect the rights of all children and young people. This policy aims to promote positive management strategies in all its establishments providing for children and young people. The safety and well-being of all staff, children and young people is of paramount importance.

Physical intervention is the use of force to control or restrain children.

This raises two major issues:

1. What is reasonable force?
2. What sort of behaviour warrants physical intervention?

There is no legal definition of reasonable force. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it and the degree of force employed is

proportionate to the level of challenging behaviour presented or the consequences it is intended to prevent.

Acceptable physical intervention can take several forms:

- Physically interposing between children
- Blocking a child's path
- Holding
- Pushing/pulling
- Leading a child by the arm or hand
- Shepherding a child away by placing a hand in the centre of the back
- Using more restrictive holds (in extreme circumstances)

In exceptional circumstances where there is immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of reasonable force. For example, to prevent a young child running off a pavement onto a busy road.

Non-acceptable physical intervention:

- Any corporal punishment
- Holding a child around the neck, by the hair or by the ear
- Slapping, punching or kicking a child
- Twisting or forcing limbs against a joint
- Tripping up a child
- Holding a child face down on the ground

Points to remember:

- Staff should always avoid touching or holding a child in a way that might be considered indecent. (Staff should in any case avoid touching a child at all during any lesson or activity, for any reason, on any part of the body.)
- Range of approaches relating to age, gender, level of physical development and any special educational needs
- Children's sensitivities and sensibilities, their likely perception of situations, their emotional state and their levels of understanding should always be carefully considered.
- Physical interventions should only be used when they are in the best interest of a child and of other children.

- Where children have special educational needs any use of physical intervention, except in a crisis, would be incorporated into the child's Individual Education or Behaviour Plan.

Circumstances in which physical interventions may be required

There are three main circumstances in which physical interventions may be necessary:

1. Where action is necessary in self-defence or because there is an imminent risk of injury
 2. Where there is a developing risk of injury or significant damage to property
 3. Where a child is behaving in a way that is compromising good order and discipline.
- Staff should always consider carefully whether physical intervention is appropriate. They should try to deal with a situation through other strategies before using force.
 - All staff need developed strategies and techniques for dealing with difficult children which they should use to defuse and calm the situation, particularly where there is no direct risk to people and property. As the aim is establishing good order, any action which could exacerbate the situation needs to be avoided.
 - The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.
 - Physical intervention should never be used as a substitute for good behavioural management.
 - If restraint or physical intervention is necessary, the member of staff should in the first instance ensure another adult is present (to prevent subsequent false allegations) or send another student for adult assistance immediately. Always try to ensure that there are objective witnesses present.

Protocols and Procedures

- Restraint should be used rarely and only when a child is in personal danger, is threatening the safety of other children or when there is wilful damage or the threat of significant damage to property. There needs to be a clear and agreed definition of what constitutes behaviour prejudicial to maintaining good order and discipline.
- All possible steps should be taken before using restraint in crisis intervention, through dialogue, diversion and clear instructions.
- Physical restraint involves holding, detaining and moving children against their will and the restriction of movement.
- Staff need to exercise professional judgement to ensure that only the minimal force necessary is used. Restraint should last for the shortest time possible to achieve its purpose.
- Children and parents or carers should be helped to understand the situations in which restraint may be used and its purpose. A written record should be made where restraint has been necessary and parents should be routinely informed.
- Restraint may be part of a planned strategy for a specific behaviour for a certain child. This should be recorded and agreed with staff, parents, external professionals and wherever possible with the child also.

Risk Assessment

Risk assessments:

- identify preventative and protective measures which need to be put in place
- should always be undertaken on children with known severe behavioural difficulties

Medical advice should be sought on children's specific conditions and implications for physical intervention.

A child assessed to be at risk of needing physical intervention should be the subject of a formally recorded risk assessment.

This should

- outline the strategies which will be used to defuse situations
- give techniques staff will normally aim to use and those which would be inappropriate
- be reviewed and revised as appropriate, with all relevant staff informed
- wherever practicable, be made known to parents/carers and relevant professionals
- be placed on child's personal file.

Good practice would involve parents/ carers and the children themselves in the proposed strategy

Recording and Monitoring of Incidents

Staff should keep detailed written reports of all incidents where physical interventions have been used. A copy should be handed to the DSL within 24 hours and will be kept securely.

Involvement of children, parents and carers

Incidents involving the use of force can cause the parents of the children involved great concern. It is always advisable to inform parents of an incident involving their child, and give them an opportunity to discuss it. The DSL or CEO, to whom the incident is reported, will need to consider whether that should be done straightaway and whether parents should be told orally or in writing. Staff should **not**, in the first instance, communicate concerns to parents. Discuss all matters with DSL first.

Complaints

Involving parents when an incident occurs with their child, plus a clear policy about physical contact that staff adhere to, should help to avoid complaints from parents.

In the event of a complaint, however, a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or under child protection procedures.

In the unlikely event that a complaint results in a disciplinary hearing or a criminal prosecution or in a civil action brought by the child or the parents the panel or court would have regard to the provisions of law and it would also be likely to take account of the policy on restraint, whether that had been followed, and the need to prevent injury, damage or disruption, in considering all the circumstances of the case.



Safeguarding Guidance for Staff & Volunteers

Berkshire Maestros fully recognises its responsibilities for child protection. Our policy applies to all staff and volunteers working within the organisation and is intended to support the policy of each Unitary Authority in Berkshire.

Below are practical guidelines and procedures which staff and volunteers should adopt in relation to Child Protection. Please also read the Maestros Social Media Policy, Staff Code of Behaviour and Conduct.

FAMILIARITY

- Staff should maintain a professional 'distance' from children
- Avoid 'special' relationships.
- Avoid selecting young people for specific activities or privileges to avoid perceptions of favouritism or unfairness.
- Do not intimidate, bully, humiliate, co-erce, threaten or undermine any child or young person.
- Do not use your professional status to form or promote relationships which are of a sexual nature or may become so.
- Only make contact with children for professional reasons and in accordance with Maestros policy as laid out here.
- Never initiate social contact with children outside of the teaching situation; avoid Facebook etc
- Have no secret contact with children.
- Understand that communications may be called into question and need to be justified
- Be aware that social contact in certain situations can be misconstrued
- Avoid any actions which may be interpreted as 'over familiar'.
- Do not make familiar, personal comments to young people about their appearance, dress etc which may be misconstrued. Do not ever call young people 'love', 'darling', 'sweetheart', etc. (Equally, avoid such language/comments when communicating with colleagues.)
- Approve any planned social contact with children with senior colleagues.
- Advise SMT of any social contact with a child that may give rise to a concern

- Avoid sending birthday cards or similar, gifts etc to children, discuss with line manager/SMT if necessary. The giving of gifts can be misinterpreted.
- Exercise great care in situations where a parent comes to depend on you for support outside of your professional role. Discuss with SMT.
- Report and record any incident which suggests that a child/young person may have developed an infatuation with an adult in the work/teaching environment. Discuss with SMT/line manager/parent at the earliest opportunity so that appropriate action can be taken to avoid distress, embarrassment or repercussions.

DRESS AND APPEARANCE

Staff should dress in ways which are appropriate to their role and this may be different to how they dress when not at work. Adults who work with children/young people should ensure they take care that they are dressed appropriately for the specific tasks and activities they undertake. Those who dress in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations.

This means that all Maestros staff should wear clothing which:

- is appropriate to their role
- can not be regarded as offensive, revealing or sexually provocative
- does not distract, cause embarrassment or give rise to misunderstanding
- is absent of political or contentious slogans
- is not considered to be discriminatory and is culturally sensitive
- It is Maestros expectation that all teaching staff, as professionals working in environments with other professional educators, should dress accordingly. This means smart, (shirt/tie) or smart casual.
- Think carefully about the impression your attire may give to young people, parents and colleagues at all levels.
- Be sensitive when working with adolescent girls and boys in particular and the signals which may inadvertently be given through inappropriate dress.

PHYSICAL CONTACT

- Physical contact should be avoided in the normal course of teaching. It is recommended that even occasional and limited physical contact - which may be deemed necessary in order to guide the pupil in essential elements of technique. e.g. positioning the hand or correcting the posture of a student – be avoided at all costs. Model, demonstrate or use another student to model but avoid making any physical contact with any student yourself.
- In occasional circumstances, where it is necessary for physical contact, then verbal permission must first be sought from the pupil before invading any personal space and this should only occur in the presence of a third party.
- The teacher should be aware of proximity from the pupil and keep a suitable distance. i.e. one where the pupil does not feel that their personal space is being invaded.
- Teachers are advised to avoid standing behind or leaning over students.
- Physical restraint must not be used except in exceptional circumstances where reasonable restraint may be used to avoid personal injury. (see intervention policy). Restrain for the shortest amount of time possible and by 'long bones' not joints or trunk, neck or head.

ACCOMMODATION

- Where tutors are required to teach in a 1:1 situation, then the teaching room should be viewable from the outside. Where this is not the case then the teacher should bring this issue to the attention of a senior member of Maestros staff and a responsible person in the School/Centre concerned. Doors should be left open in these instances.
- Avoid meetings with young people in remote, secluded areas.
- Inform colleagues/parents about lone situations and assess the need to have them present or close by.
- Avoid use of 'engaged' signs or other. This implies/creates an opportunity for secrecy.
- Avoid home tuition, visits by young people to your home. Under no circumstances should adults **engaged in Maestros work** visit a child/young person in their home or invite a child to their own home. (Self employed teachers who offer private tuition should ensure appropriate insurance and risk assessments are in place for their own protection and that of the young person in such circumstances.) Maestros teaching will not take place in teachers' or students homes. On rare occasions where a visit to a child's home may be necessary (eg. to deliver/collect a child), ideally a risk assessment should be in place prior to the visit, the visit should not be made alone, line manager should be consulted, a written record of the visit should be kept etc. unless in the case of an emergency when a record should be made, kept and be available for scrutiny. If one-off arrangements are required, the adult must ensure the visit is justified, have a discussion with a senior manager and the parents/carers and the arrangement is agreed and recorded. Adults must always have access to a mobile telephone and emergency contact person. Ensure that adult is never exposed to unnecessary risk.

CHILDREN AND YOUNG PEOPLE IN DISTRESS

- Offer reassurance and comfort in an age-appropriate way
- Record actions
- Maintain clear professional boundaries
- Never touch, hug or cuddle a child. Refrain from placing an arm around shoulders. Never touch a child in a way which could be misconstrued or considered indecent.
- Do not assume that children seek physical comfort if they are distressed.
- Report any situation where a child becomes distressed or angry

PERSONAL CARE (tours/trips/outings)

- Avoid visually intrusive behaviour
- Avoid contact if children are in a state of undress (tours....)
- Announce intention of entering rooms by knocking loudly, waiting, announcing that you intend to enter if supervising young people on residential trips
- Do not shower or bathe in the same place as children or with them
- Do not assist in any personal task which young people can undertake for themselves.
- Never share beds with young people and avoid sharing bedrooms unless it is a dormitory situation and the arrangements have been discussed with SMT, parents and the young people and all parties agree in writing.
- If administering first aid, ensure another adult is present and aware of the intended action, explain to the child.
- Ensure parental consent is given in writing for all aspects of the proposed activity in accordance with Maestros offsite and educational visits policies.

TRANSPORTING CLIENTS

- Lifts should not be given to pupils in staff cars except in exceptional circumstances with parental written (or CEO) permission. Car EVF forms must be completed and submitted as part of the Risk Assessment. Insurance cover must be appropriate for business use. Cars must be taxed and roadworthy, owner/driver must have business insurance and maximum capacity must not be exceeded.
- Adults must ensure they are fit to drive, free from alcohol, drugs and medication which may impair judgement or ability to drive, free from health issues which may cause problems whilst driving.
- Adults must be aware that they are responsible for the health and safety of the child until they are passed to a parent/carer other responsible adult.
- Record all such journeys in accordance with Maestros policy and ensure impromptu lifts are recorded and can be justified on the grounds of the child's safety and well-being if questioned.
- Ensure that behaviour is appropriate at all times.
- Place all young people in the back of the car only with seat belts fastened.

CONTACTING CLIENTS BY TELEPHONE / EMAIL

- Calls, emails and texts to parents are acceptable providing there is good reason, however staff should always ask to speak to the parent / carer and never the child.
- Ensure all text messages and/or emails relate to professional information re lessons/music activities only and are formal. (No kisses at the end of messages!)
- Calls, emails and texts to children should be avoided in all cases except in the case of a justifiable emergency situation.
- Permission must always be obtained from parents to communicate via email, text etc.
- Do not use internet or web based communication channels to send personal messages to children.
- Avoid having students as friends on Facebook, Messenger, Snapchat, Whatsapp or other similar

PHOTOGRAPHY AND IMAGES

- Maestros staff (including Self Employed colleagues and volunteers) are not permitted to make identifiable visual images of pupils/children during the course of their work. This includes Maestros students in lessons, ensembles, events, exams etc
- The use of mobile phones or mobile devices (tablets) to take images of children/pupils, even if the image is to record teaching/learning issues relating to instrumental technique, posture etc is prohibited
- Any photographic recording of images for public marketing or examination purposes must be undertaken in line with GDPR and Maestros privacy policy
- Report any concerns about inappropriate photography to SMT

WHAT TO DO IF ABUSE IS SUSPECTED

- You have a legal duty to report any suspicion of abuse. In the first instance you should inform the Designated Child Protection Officer of the school (if the teaching is during the school day). You must then report that there has been a child protection issue to the DDSL of Berkshire Maestros who is responsible to the CEO for Child Protection matters. If the suspicion of abuse is raised in an 'out of school' or 'after school' situation you must inform the DDSL, or if unavailable, the Deputy DDSL or CEO who will take the necessary action. See flow chart of 'What to Do if You Are Worried....'
- Report any Safeguarding concerns to the hotline on 01189 439 600

WHAT TO DO IF A CHILD OR VULNERABLE ADULT SPEAKS TO YOU ABOUT ABUSE

- Reassure the child / adult that you will take what is said seriously.
- Keep calm.
- Listen. Do not prejudice anything by making judgements.
- Tell the child that you will need to talk to someone else – do not promise confidentiality.
- Be aware that the child may have been threatened, intimidated or made to promise secrecy
- Never push for more information than has been freely given or ask leading questions.
- Hear the allegations clearly. Write down exactly what was said/told to you in the exact language used by the child, not in your own paraphrased words.
- Refer the case to the correct person immediately. (See above)
- Do not discuss the case with anyone else apart from the school's DSL and the DSL of Berkshire Maestros, the Deputy DSL or Chief Executive of Berkshire Maestros

What To Do if You Are Worried That a Child is Being Abused

