



Dealing with Allegations Made Against Another Child Policy

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Introduction

This policy document is intended to form an agreed approach to addressing issues that relate to safeguarding at The Eveleigh LINK Academy Trust (TELAT). As such it can be seen as a corporate statement and a reference point for informing practice. The main entitlements and responsibilities with regard to safeguarding are encompassed within this document.

Rationale

TELAT views the safety and welfare of all its children as of paramount importance. The school recognises that effective child protection work requires sound procedures; good inter-agency cooperation and a work force that is competent and confident in responding to child protection situations – see Child Protection Policy. References are made to the DfE statutory guidance “Keeping Children Safe In Education.”

At TELAT, all children have the right to be safeguarded from harm or exploitation whatever their:

- race, religion, first language or ethnicity
- gender or sexuality
- age
- health or disability
- political or immigration status.

We recognise our legal duty to safeguard all our children under Section 175 of the Education Act 2002 and outlined in the DfE document “Keeping Children Safe In Education”.

This procedure explains what to do if child protection allegations are made against another child at The Eveleigh LINK Academy Trust..

Aims and purpose of procedure

The aims of this procedure are:

- to ensure that children at TELAT are protected and supported following an allegation that they may have been abused by another child or young person
- to ensure that there is a fair, consistent and robust response to any allegations of this nature so that the risk posed to other children by the child/young person in question is managed effectively
- to ensure that TELAT continues to fulfil its responsibilities towards children who may be subject to such investigations and are in need of support
- to ensure that there is an appropriate response in situations where allegations are unfounded or deemed to be malicious in origin.

The purpose of the procedure is to provide a clear direction to staff that are called upon to deal with such allegations and to manage investigations and care plans which may result from them.

Designated Safeguarding Lead:

This is likely to be the Headteacher, Head of School, and deputy Headteacher of the individual schools

Different types of abuse

Types of abuse that one child might inflict upon another are most likely to be either physical abuse or sexual abuse.

Physical abuse is violence causing injury or occurring regularly during childhood. It happens when:

- a child is hurt or injured by being hit, shaken, squeezed, thrown, burned, scalded, bitten or cut
- someone tries to drown or suffocate a child
- someone gives a child poison, alcohol or inappropriate drugs
- someone fabricates the symptoms of, or deliberately induces, illness in a child

In some cases the injuries will be caused deliberately. In others they may be accidental but caused by the child being knowingly put at risk.

Sexual abuse occurs when someone uses power or control to involve a child in sexual activity in order to gratify the abuser's own sexual, emotional or financial needs or desires. It may include:

- forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening
- encouraging children to behave in sexually inappropriate ways
- showing children pornographic material or involving them in the production of such material
- involving children in watching other people's sexual activity or in inappropriate discussions about sexual matters.

Emotional abuse is persistent or severe emotional ill-treatment of a child that is likely to cause serious harm to his/her development. It may include:

- persistently denying the child love and affection
- regularly making the child feel frightened by shouts, threats or any other means
- hurting another person or a pet in order to distress a child
- being so over-protective towards the child that he/she is unable to develop or lead a normal life
- exploiting or corrupting a child eg by involving him/her in illegal behaviour
- conveying to the child the message that he/she is worthless, unlovable, inadequate, or only valuable insofar as they meet the needs of another person. This may or may not include racist, homophobic or other forms of abuse.

Neglect involves persistently failing to meet a child's physical, psychological or emotional needs. It may include:

- failing to ensure that a child's basic needs for food, shelter, clothing, health care, hygiene and education are met

- failing to provide appropriate supervision to keep a child out of danger. This could include lack of supervision of particular activities or leaving a child alone in the house.

Ways that allegations might be made against another child at TELAT:

- A child or parent/carer might make a direct allegation against another child or young person.
- A child or parent/carer might express discomfort with the behaviour of another child or young person that falls short of a specific allegation.
- Another child, member of staff or volunteer may directly observe behaviour from one child towards another that gives cause for concern.
- The school may be informed by a parent or by the police or another statutory authority that a child is the subject of an investigation.
- A child may volunteer information to the school that he/she has harmed another child or is at risk of doing so, or has committed an offence against or related to a child.

Child protection or bullying?

When faced with a situation of one child behaving inappropriately towards another, a decision needs to be made about whether the problem behaviour constitutes bullying or a child protection concern. This is a decision that needs to be reached by the designated child protection lead and, if necessary, the local authority children's social care department. If the conclusion is that the behaviour is an example of bullying, and if both children attend the school, it needs to be dealt with under the anti-bullying policy and procedure.

If it is behaviour that could be described as child abuse and has led to the victim possibly suffering significant harm, then it must be dealt with under child protection procedures. This should include all incidents of sexual assault and all but the most minor incidents of physical assault.

This checklist can be used to help inform the decision:

Bullying

- The difference of power between the bully and the person being bullied is relatively small.
- The bullying behaviour may be from a number of children acting in a group rather than from one child acting alone.
- It may also, but not necessarily, be directed towards a group of other children rather than an individual child.
- The behaviour involves teasing or making fun of someone, excluding a child from games and conversations, pressurising other children not to be friends with someone, spreading hurtful rumours or circulating inappropriate photographs/images/drawings, cyberbullying, shouting at or verbally abusing someone, stealing someone's possessions, making threats, or harassment on the basis of race, gender, sexuality or disability.
- The behaviour has not previously been a concern and the bully or bullies may have been responding to group pressure.
- The behaviour is perceived as bullying by the victim.

Please note: physical or sexual assault, or forcing someone to do something embarrassing, harmful or dangerous is also included in the list of bullying behaviours in this toolbox, but are the most likely to constitute a child protection concern if the victim suffers significant harm as a result of the behaviour.

Child protection concerns

- The difference of power between the child who is abusing and the person being abused is significant e.g. there is an age difference of more than two years, there is a significant difference in terms of size or level of ability, the abuser holds a position of power (such as being a helper, volunteer) or the victim is significantly more vulnerable than the other child or young person.
- The behaviour involves sexual assault or physical assault (other than the most minor physical assault).
- The child who is the victim of the behaviour may have suffered significant harm.
- The behaviour may not necessarily be perceived by the victim as abusive, particularly if it is sexual in nature.
- The behaviour is not a one-off incident and is part of a pattern of concerning behaviour on the part of the child or young person who is abusing.
- The behaviour, if sexual, is not part of normal experimentation that takes place between children and young people.

Sexual abuse or normal experimentation?

All children and young people develop an interest in their own sexuality from a young age, and seek to learn about sex from their peers. It is important not to label normal, healthy behaviour as deviant or abusive. It is equally important not to allow sexually abusive behaviour perpetrated by one child or young person towards another to go unchecked, as this is harmful both for the victim and the perpetrator.

There are ways of assessing whether sexual behaviour between children and young people is abusive or not. Indicators of abusive behaviour include:

- there is a significant difference in age, dominance or understanding between the children
- the behaviour was accompanied by the use of threats or bribes
- the behaviour was carried out in secret.

For the purposes of this procedure however, it is enough to say that if there is any question that the behaviour could be abusive, the matter should be discussed with the local authority safeguarding team.

What to do if you have child protection concerns

- Is the child who has been allegedly abused, or the child who has allegedly perpetrated the abuse, in immediate danger or does either of them need emergency medical attention?
- If either child is in immediate danger and is with you, remain with him/her and call the police if you are unable to remove the danger yourself.
- If the child is elsewhere, contact the police and explain the situation to them.
- If a child needs emergency medical attention, call an ambulance and, while you are waiting for it to arrive, get help from your first aider.
- If the first aider is not available, use any first aid knowledge that you may have yourself to help the child.
- A decision will need to be made about when and who should inform the families of both the child who has been abused and the child who has allegedly perpetrated the abuse, as well as the local authority children's social care department.
- If the child who is the alleged victim is not known to the school it is not our role to inform the child's family. Even if the child who is the alleged victim is known, the

police and/or the health services, should be part of the decision making process if they have been contacted.

The paramount consideration should always be the welfare of the children involved. Issues that will need to be taken into account are:

- the children's wishes and feelings
- the parents' right to know (unless this would place the child who has allegedly perpetrated the abuse in danger, or would interfere with a criminal investigation)
- the current assessment of the risk to the child who has been abused and the source of that risk
- the current assessment of any risk to the child who has allegedly perpetrated the abuse and the source of that risk
- any risk management plans that currently exist for either child.

Once any immediate danger or emergency medical need has been dealt with, the procedure set out below should be followed:

- The member of staff who has been informed of the allegation or who has the concern, should make notes of what he/she has been told or of his/her direct concerns using the school's online reporting system, and should discuss these with the Designated Safeguarding Lead.
- If both children/young people are known to the school and if their families do not already know about the allegation or concern, the Designated Safeguarding Lead should discuss it with them unless:
 - the view is that someone (for example the child who has allegedly perpetrated the abuse) may be put in danger by the family being informed
 - informing the family might interfere with a criminal investigation.

If any of these circumstances apply, discussions with the families should only take place after this has been agreed with the Local Authority children's social care department.

If only the child who is alleged to have harmed another child is known to the school then, subject to the considerations set out in above, discussions with only this child's family should take place.

The child who is the subject of the allegation should also be informed of what has been said about him/her. However, if the view is that children's social care or the police should be involved, the child should only be informed after discussion and agreement with these agencies. These agencies may have views about what information should be disclosed to the child/young person at this stage.

If there is still uncertainty about whether the allegation or concern constitutes a child protection issue, the Designated Safeguarding Lead should discuss with children's social care department without disclosing the identity of either child/family.

If, having discussed the situation fully and taken advice if necessary, the Designated Safeguarding Lead concludes that the alleged behaviour does not constitute a child protection issue, then consideration should be given to whether the *anti-bullying policy* should be used (if both children are known to the school) and whether either or both children should be referred for other services.

If the view is that the behaviour does indeed amount to a child protection issue, the Designated Safeguarding Lead should refer both children to the local authority children's social care department and confirm the referral in writing within 24 hours.

Pending the outcome of the referral to the children's social care department and the possible investigation or assessment that may follow from this, any risk that may be posed to other children by the child who has allegedly harmed another child will need to be carefully managed. This should be done on an inter-agency basis in accordance with procedures developed by the local safeguarding children board for children who display harmful behaviour towards others.

The DSL should enquire of the children's social care department whether these procedures are being used and, if so, should ask to be involved in or at least kept informed of inter-agency decisions made in accordance with these procedures.

If the allegation is found to be without substance or fabricated, the school will consider referring the child who was said to have been harmed to the children's social care department for them to assess whether he/she is in need of services (for example, the child may have been abused by someone else).

If it is felt that there has been malicious intent behind the allegation, the school will discuss with the police whether there are grounds to pursue any action against the person responsible.

What should I say to a child who says that he/she or another child is being abused by another child/young person?

- Reassure the child that he/she has done the right thing by telling someone about it.
- Tell him/her that you now have to do what you can to keep him/her (or the child who is the subject of the allegation) safe.
- Let the child know what you are going to do next and who else needs to know about it.
- Let the child tell his/her whole story. Don't try to investigate or quiz the child, but make sure that you are clear as to what he/she is saying.
- If possible, explain to the child's parent/carer what has happened. Do this first without the child there, and then summarise it again in front of the child so that it is an open subject between parent/carer and child. This may enable them to talk about it together more easily.
- Check out what the child would like to happen as a result of what he/she has said, but don't make or infer promises you can't keep.

What should I say to a child/young person who says that he/she has abused another child?

- Reassure the child that he/she has done the right thing by telling someone about it.
- Tell him/her that you now have to do what you can to keep him/her and the child who has been abused safe.
- Let the child know what you are going to do next and who else needs to know about it.

- Let the child tell his/her whole story. Don't try to investigate or quiz the child, but make sure that you are clear as to what he/she is saying.
- If there is no risk to the child from the child's parent/carer, then explain to the parent/carer what has happened. Do this firstly without the child there, and then summarise it again in front of the child so that it is an open subject between parent/carer and child. This may enable them to talk about it together more easily.
- Check out what the child expects to happen as a result of what he/she has said. Offer reassurance where appropriate but don't make or infer promises you can't keep.
- Reassure the child that, with help, the problem can be sorted out and that what has happened does not make him/her an abuser for life.
- Remember that the child who has behaved in this way is a child in need of support.
- Make sure that the parent/carer has support too.

All concerns should be recorded. Use the school's online reporting system to record the concern and how it is dealt with. The relevant sections of the concern should be completed. It can be used to forward information to the statutory child protection authorities if a referral to them is needed.

Please contact the Designated Safeguarding Lead or Deputy Designated Safeguarding Lead if you have any concerns via the school office of the academy.