Braeburn Group

Braeburn Schools, Kenya Safeguarding Policy

Group Policy

School level details included for

Braeburn School

Written by: *The BSL Safeguarding Trustee in consultation with The Company Safeguarding Lead and Safeguarding Coordinator and DSLs*

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SECTION 1: OVERALL OBJECTIVES OF THE BRAEBURN SAFEGUARDING POLICY

This policy reflects

- Pertinent Sections of Legislation in Kenya
- Constitution of Kenya 2010
- (CoK 2010) Article 53 (1) (c), (d), (e) and (f).
- (CoK 2010) Article 53 (2) "the best interest and welfare of a child are of paramount importance in every matter concerning the child".
- Basic Education Act 2013 (Kenya)
- Keeping Children Safe in Education (KCSIE) – 2026 (UK)
- The Standards for British Schools Overseas (August 2023) (BSO).
- The National Minimum Standards for Boarding (2023) (UK)
- Equality Act 2010 (UK)
- The statutory guidance from the UK Department for Education issued under Section 175, Education Act 2002, the Education (Independent School Standards) Regulations 2014 and the *Children Act (1989 and 2004) (UK)*
- *United Nations Convention on the Rights of the Child and* African Charter on the Rights and Welfare of the Child in 2001 *(see Appendix 3)*

Safeguarding and promoting the welfare of children is defined as: providing help and support to meet the needs of children as soon as problems emerge; protecting children from maltreatment; preventing impairment of health or development; ensuring 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.

Braeburn Schools are committed to the safeguarding of children and fully recognise their responsibilities for child protection and that all children, without exception, have the right to protection from abuse regardless of gender, ethnicity, disability, sexuality, trans-identities or beliefs.

Braeburn Schools make it requirement that staff are aware of the signs that may indicate child abuse (please see Appendix 4 for definitions related to abuse and Appendix 6 for signs and types of abuse in more detail). If signs are observed, staff are required to follow a specific procedure (see Section 4). In addition, they will report if they believe a child is in physical, mental or emotional need.

All safeguarding concerns or allegations (recent and non-recent) will be taken seriously. Staff may make public a disclosure in the interests of child safety at any point and may approach any of those named in individual school policies. A disclosure, often known as whistleblowing, will not entail recrimination on behalf of the staff member making such a disclosure. Further information can be found in the Company's Whistleblowing policy. Where a member of staff feels unable to raise an issue directly with the school, they should contact the Company Safeguarding Lead (the CEO of Braeburn Schools Ltd).

The policy applies to all staff (*under a contract of employment or services)*, board members and volunteers working in the school.

Safeguarding and promoting the welfare of children is everyone's responsibility. If children 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. The health, safety and wellbeing of children are of paramount importance to all staff and at all times they should consider what is in the best interests of the child. We work in partnership with parents/carers and/or other professionals to ensure the protection of our pupils. This policy is available to all parents and is published on our website.

SECTION 2: MANAGEMENT OF SAFEGUARDING

SECTION 2.1: THE BOARD AND SAFEGUARDING TRUSTEE

The Board of Braeburn Schools Limited has the ultimate responsibility for safeguarding and child protection and is mandated to ensure that it has adequate corporate knowledge of child protection procedures and best practice. The Safeguarding Trustee (ST) has lead responsibility for the Board's role in overseeing and managing strategic safeguarding risks. The Safeguarding Trustee will meet termly with the CSL to get an update on policies, safeguarding procedures, safeguarding risk and a report on trends in cases. The Safeguarding Trustee(s) will satisfy themselves, on behalf of the Board, that the Safeguarding policy has been carried out effectively and in the best interest of children.

This is not an operational role; the ST will not get involved in the day-to-day management of individual cases. However, they maintain the right to review case information to provide strategic oversight and offer high-level guidance on procedural handling.

To maintain the integrity and objectivity of the Board's oversight, the following measures are in place regarding conflicts of interest and role coverage:

- Conflict of Interest Disclosures: Prior to any safeguarding board matters where specific information is shared with the Safeguarding Trustee (ST), a formal conflict of interest process must be followed. This ensures the ST has the opportunity to disclose any potential conflicts of interest..

- Deputy Safeguarding Board Member: To ensure continuous and uninterrupted governance, the Board will appoint a Deputy Safeguarding Board Member. In the event that the Safeguarding Trustee declares a conflict of interest, or is otherwise unavailable, the Deputy will step in to fulfill the ST's duties and ensure seamless oversight.

Where there are concerns about the Head of School this should be referred to the Company Safeguarding Lead (CSL).

Where there are concerns about the CSL this should be referred to the Safeguarding Trustee.

The Chair of the Board will ensure that safeguarding is a standing item on the agenda of every Board meeting and the CSL will present a report.

All members of the Board and Executive Committee will receive appropriate safeguarding and child protection (including online) training at induction from the Safeguarding Alliance. This training equips them with the knowledge to provide strategic challenge to test and assure themselves that the safeguarding policies and procedures in place in Braeburn Schools are effective and support the delivery of a robust whole school approach to safeguarding. The training is carried out every two years with updates to policies and KCSIE shared as and when appropriate.

SECTION 2.2: STAFF

We recognise that because of the day-to-day contact with children, school staff are well placed to observe the outward signs of abuse. All staff should be aware of the procedures and understand their role in it. This includes identifying emerging problems, liaising with the DSL, sharing information with other professionals to support early identification and assessment. The school will therefore:

- Establish and maintain an environment where children feel secure, are encouraged to talk and are listened to.
- Ensure children know that there are adults in the school whom they can approach if they are worried.
- Include opportunities in the Pastoral Curriculum for children to develop the skills they need to recognise, and stay safe from abuse.
- Provide regular and appropriate safeguarding and child protection training in line with current advice, prevent duty guidance and online safety which is regularly updated.
- Provide regular safeguarding and child protection updates (e.g. via email, staff meetings) as required, at least annually.

SECTION 2.3: PUPILS

We take a proactive, preventative and educative approach to safeguarding issues with our pupils. Opportunities are sought within the curriculum, activities and PSHEE to raise awareness and teach pupils how to protect themselves from harm and how to take responsibility for their own and others' safety. Avenues for such education may include:

- School/Year group assemblies
- House assemblies
- Pastoral discussions between pupils and the wider pastoral team, including School Nurses, Counsellors, Head of Boarding, etc
- Online safety presentations and curriculum content
- Pupil voice such as leadership roles in school, committees raising issues with staff

- Form times, House meetings and School Councils
- Year Group PSHEE presentations from external speakers
- Year Group meetings with School Counsellors or circle time.

These are delivered in an age-appropriate way and priority is given to ensuring an emotionally safe environment, ground rules of confidentiality are set and any vulnerable pupils are identified and managed in accordance with this Policy. Learning opportunities aim to develop confidence within our pupils so they feel able to communicate about safeguarding issues, including asking questions and disclosing concerns.

We provide pastoral support that is accessible and available to all pupils and ensure that pupils know to whom they can talk about their concerns and that these will be taken seriously.

SECTION 2.4 COMPANY SAFEGUARDING LEAD (CSL)

The Company Safeguarding Lead oversees all operational safeguarding matters in the schools and advises the DSLs. Roles and responsibilities of the CSL:

- Ensuring that the Policy and Procedures approved by Braeburn Schools are fully implemented.
- Ensuring that safeguarding is a standing item on the agenda of every Executive Committee meeting.
- Ensuring that he/she is suitably qualified and up to date with internationally recognised procedures and practises.
- To take responsibility for all cases referred to him/her from any Braeburn school within Kenya.
- To report to the Safeguarding Trustee on substantial safeguarding issues.
- To report to the Board termly on substantial Safeguarding matters.

SECTION 2.5 COMPANY SAFEGUARDING COORDINATOR (CSC)

- To arrange, chair and keep records of the Group DSL meetings (termly). Meetings will be used to review the Company's Policies relating to Safeguarding and for sharing of new or relevant regulation and training.
- To ensure that any changes to local/national laws and the BSOs (British Schools Overseas Standards) are reflected in policy.
- To ensure all staff understand their roles and responsibilities, policies and reporting procedures of suspected or disclosed maltreatment, including historic disclosure.
- To oversee a safeguarding risk register which provides a high-level summary of (a) the different safeguarding risks facing our pupils; and (b) the risks to the school that may result from its safeguarding work.
- To receive and review a written report from the DSLs in each school annually.

- To arrange safeguarding audits
- To report to the Safeguarding Trustee on substantial safeguarding issues.
- To arrange the annual DSL retreat (open to DSLs in Braeburn-owned schools in East Africa).
- To keep all Group Safeguarding Documents up to date and accessible by all staff as necessary.
- To receive and review a log setting out quantitative data in relation to the number of child protection related matters within the schools.
- To ensure all DSLs are well supported and have the resources (e.g. subscriptions) or any further training required to fulfil their role.
- To ensure that all Braeburn Group Head Office staff are trained annually in Child Protection and Safeguarding
- To pass any safeguarding information onto the CSL and liaise with the CSL regularly

SECTION 2.6 SAFEGUARDING ADVISORS

Where it is felt necessary, other professionals, either within Braeburn or external, may be consulted or appointed to assist with Safeguarding matters.

All Braeburn schools are members of The Safeguarding Alliance (24 Hour support helpline) and CPAN (Child Protection Advocacy Network). A list of professionals in Kenya who can support cases is available in the Group Safeguarding Folder.

SECTION 2.7 DESIGNATED SAFEGUARDING LEAD (DSL) AND DEPUTY (DDSL)

Each school has at least one DSL and a Deputy DSL (DDSL). These individuals together with the Headteacher & Heads of School, the school nurse, school counsellor and Head of Boarding (where relevant) make up the Safeguarding Committee and report to the CSC. Members of the team are most likely to have a complete safeguarding picture and be the most appropriate people to advise on the response to safeguarding concerns. The DSLs have the sufficient status and authority to ensure that all concerns are progressed promptly.

The job description for the DSL and Deputy DSL is found in Appendix 1.

THE SPECIFIC RESPONSIBILITIES OF THE DSL

- It is the responsibility of the DSL to coordinate action within the school and liaise with other agencies.
- Immediately inform the Head of School or, if unavailable or inappropriate, the Company Safeguarding Lead, of any allegation of child abuse made against a member of staff.

- If a crime may have been committed, to report the matter to the Chief Executive Officer (CEO)/CSL.
- Support staff who make referrals.
- Record & monitor all concerns, discussions and decisions made including the rationale for those decisions. These recordings should include instances where referrals were or were not made to another agency, all records of all information should be stored using the designated official system in the school.
- Heads of School should be involved in cases referred to by the DSL for advice and support in key decision making. The Head of School can also refer to the CSL if required.
- When a child leaves the school, the DSL will ensure that any safeguarding concerns are shared with the appropriate persons/agencies.
- Ensure that all children are taught about safeguarding including online safety through teaching and learning opportunities as part of a broad and balanced curriculum e.g. through PSHEE
- Ensure all children are taught how to use the MyConcern community reporting section.
- The DSL via the Head of School and CSL will report to the Secretary of State (UK), via the DBS and/or TRA, within one month of leaving the school any person who has taught or lived in the UK (whether employed, contracted, a volunteer or pupil) whose services are no longer required because he or she has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences.
- Recognise the contextual nature of safeguarding cases
- Ensure all staff in school are trained as per the Safeguarding Policy (see Section XX)

SECTION 2.8 SITE SAFEGUARDING COMMITTEE

Each campus or school will have a Site Safeguarding Committee (SCC). The SCC should meet at least once every half term to discuss any Safeguarding concerns and actions needed. The Safeguarding Committees normally consist of the DSL, Head of School, Headteacher(s), Inclusion Leader, School Nurse, Head of Boarding and School counsellor. A Chairperson of the SSC should be appointed. The Chairperson is responsible for calling the meetings and keeping minutes of the meetings. The SSC will complete the annual audit, report and development plan which should be submitted to the CSC as per the schedule outlined below.

SECTION 3: SPECIFIC SAFEGUARDING ISSUES

SECTION 3.1: BOARDING & RESIDENTIAL ACCOMMODATION

Schools with Boarding facilities must adhere to the ***National Minimum Standards for Boarding Schools. This reflects that Boarding Schools have additional factors to take into account with regard to Safeguarding. This includes ensuring that:***

- Boarders are aware of Braeburn's policy on sexual relationships between children
- Braeburn's policy on child to child abuse, reflecting the nature of boarding accommodation and the risks associated with children sharing overnight accommodation
- Careful consideration is given to situations that can arise from a significant gender imbalance in boarding accommodation
- The careful management of boarder's devices to prevent them from accessing inappropriate materials

Schools must not allow a child to share overnight accommodation with a child of the opposite biological sex. Responding to a request to support any degree of social transition must not include allowing access to boarding or residential accommodation designated for the opposite sex.

Strong links are needed between the academic and residential sides of the school to support safeguarding of boarders.

In allocating sleeping arrangements such as dormitories, tents or shared rooms for school trips, schools must have regard to their duties under the Equality Act, their safeguarding obligations, and other relevant regulations and standards, including those relating to boarding and residential accommodation.

SECTION 3.2: SAFEGUARDING CHILDREN DURING WORK EXPERIENCE PLACEMENTS

Work experience placement providers for our children should confirm they have policies and procedures in place to protect children from harm. They must also inform the school, before the work experience takes place, if it will or is likely to involve a person (e.g. employee, manager or supervisor) being alone with the child for a substantial period of time. This is likely to include, for example, placements that involve considerable travelling on a one-to-one basis or where the placement is in an isolated environment. The school will consider the information provided by the placement provider and the specific circumstances of the work experience to determine if any checks or risk assessments are necessary. If so, the school will ask the placement provider to confirm that the person supervising, instructing or training the child is safe to be with children.

SECTION 3.3: SAFEGUARDING CHILDREN STAYING WITH HOST FAMILIES (HOMESTAY)

For children who travel overseas as part of an exchange programme, the school engages with the relevant agencies to satisfy itself that the arrangements are appropriate and sufficient to safeguard every child effectively.

SECTION 3.4: GROOMING AND INAPPROPRIATE BEHAVIOUR

Grooming is a subtle pattern of behaviour, consistent with an adult intentionally enticing a child into an emotionally dependent or sexual relationship over a period of time, resulting in greater trust being placed in the adult. Increased trust permits him or her greater access to, control over, and privacy with the child, thereby placing the child at greater risk of harm or abuse. Grooming can occur face to face or online.

If behaviour is identified that raises concerns regarding the treatment but does not meet Braeburn's definition of abuse, a conclusion of inappropriate behaviour will be reached. This may occur if the staff code of conduct has been breached but harm has not occurred, or where harm has been negligible. Inappropriate behaviours may include but are not limited to: verbal aggression, unwanted hugs, teasing, mocking, or inappropriate electronic communication.

SECTION 3.5: TOILETS & CHANGING FACILITIES

Schools must not allow children into toilets or changing facilities designated for the opposite biological sex. This includes where schools are responding to a request to support any degree of social transition for children who are questioning their gender.

Schools must provide separate toilets or changing facilities for boys and girls aged 8 and over (apart from where individual toilets or changing facilities are in a room that can be locked from the inside, intended for use by one pupil at a time).

Therefore, if a gender-questioning child does not want to use the toilet or changing facilities designated for their biological sex, schools and should consider whether they can provide an alternative toilet facility, for example self-contained individual toilets, without compromising the provision of single-sex facilities. These alternative arrangements should not compromise the safety, comfort, privacy or dignity of the child, or of any other children.

It is important that schools keep a clear record of these situations, ensure they are communicated appropriately, and review them regularly.

Where a school provides mixed-sex toilets in addition to single-sex toilets, schools should assess safeguarding risks and plan accordingly, for example, mixed-sex toilets should be in individual, lockable rooms and open directly onto public areas (e.g. a corridor).

SECTION 3.6: DIGITAL FILTERING AND MONITORING

Digital Monitoring & Filtering

All campuses employ a multi-layered digital safeguarding framework combining perimeter security, device management, and proactive account monitoring across all network traffic and connected devices.

Network and Domain Security

- **Perimeter Firewalling:** Network-edge firewalls enforce a standardised content-filtering policy, blocking non-educational streaming, inappropriate content, social media, and unauthorised Virtual Private Networks (VPNs).
- **DNS-Level Filtering:** Domain Name System (DNS) protections add an additional filter layer to block access to malicious domains, phishing risks, and unsuitable content before connections are established.
- **Exceptions and Incident Escalation:** Designated Safeguarding Leads (DSLs) guide filtering policy definitions. Campus ICT administrators process exemption ('whitelisting') requests for miscategorised educational sites. Network activity logs are maintained to assist DSLs and ICT staff in investigating online safety concerns.

Device & Endpoint Control

- **Centralised Endpoint Management:** School-owned devices are centrally managed to automatically push required antivirus and security updates, enforce internet usage restrictions, and limit system modifications.

Educational Workspace & Proactive Monitoring

- **Cloud Account Safeguarding:** Standard administrative safety controls are configured across all student educational workspace licenses to restrict external sharing, limit unapproved applications, and maintain a secure online learning environment.
- **Automated Safety Monitoring:** Automated digital safety systems track account activity for indicators of concerning behaviour, including references to self-harm, bullying, harassment, or severe distress.
- **Risk-Based Monitoring Threshold:** To balance pupil privacy, developmental relevance, and risk mitigation, active account monitoring and automated alert generation are restricted to student accounts above a defined age threshold.
- **Alert Response Protocol:** Generated alerts trigger immediate notifications to both the ICT department and the DSL, ensuring rapid risk evaluation, pastoral follow-up, and necessary intervention.

Policy Governance and Review

- **Continuous Evaluation:** The effectiveness, appropriateness, and technical alignment of these safeguarding measures and filtering controls are formally evaluated alongside the scheduled review of this policy (or sooner in response to emerging risks or technological changes).

Limitations of Technical Controls & Educational Imperative

- **System Limitations Disclaimer:** While these technical measures and filtering systems provide a robust layer of defense, no technology is entirely infallible or immune to bypass (for example, through evolving circumvention tactics or personal cellular data). Consequently, absolute online security for all students at all times cannot be guaranteed through technical controls alone.

- **Education and Digital Citizenship:** Technical filtering forms only one part of our digital safeguarding strategy. Equal emphasis is placed on proactively educating students about online safety, risk management, and responsible digital citizenship. Empowering students with the knowledge and critical thinking skills to navigate digital spaces safely and report concerns remains our primary line of defense.

See Appendix 6 for more detail on Online Safety.

SECTION 3.7: ANNUAL AUDIT, REPORT AND DEVELOPMENT PLAN

An annual audit should be undertaken by the SSC, which may also include representatives from pupils, parents and community members, and submitted to the school leadership for their review. Details of each statement on the form should be complete and thorough, allowing for an external party to have a full and complete understanding of the school's undertakings on each point. Recommendations should be provided where changes are necessary.

The audit tool is divided into six key sections:

1. **Policy**: this section will help you review any school policies related to Safeguarding and indicate what supplemental policies your school might want to develop.
2. **People:** this section is focused on the leadership of your school child protection programme and the role of the child protection team.
3. **Training**: this section is related to pupil and staff training.
4. **Internal Reporting & Record Keeping:** this section covers the key areas of internal reporting and recording of concerns as well as storage of records.
5. **HR & Safe Recruitment:** this section is focused on model practice for safe recruitment.
6. **Accountability:** the final section is focused on reporting and accountability measures.

An annual report and Safeguarding Development Plan should be collated by the SSC and submitted to the CSC and copied to the Head of School.

Annual cycle of audit, report, plan and review:

- June – Safeguarding self-audit
- July – Safeguarding Report Written
- August – Safeguarding Development Plan
- January – Review of Development Plan objectives
- June - Review of Development Plan objectives to feed into new report

Templates for the audit, report and development plan are standardised for Braeburn Schools.

SECTION 3.8: PREVENTIVE EDUCATION

Preventative education is addressed through a PSHEE programme delivered in timetabled lessons and reinforced throughout the curriculum. The programme is fully inclusive and tackles at an age-appropriate stages issues such as:

- healthy and respectful relationships
- boundaries and consent
- stereotyping, prejudice and equality
- body confidence and self-esteem
- how to recognise an abusive relationship, including coercive and controlling behaviour
- the concepts of, and laws relating to- sexual consent, sexual exploitation, abuse, grooming, deep fakes, coercion, harassment, rape, domestic abuse, so called honour-based violence such as forced marriage and Female Genital Mutilation (FGM), (see Appendix 6 for more detail on these issues) and
- how to access support, and what constitutes sexual harassment and sexual violence and why these are always unacceptable. (see Appendix 6 for more detail)

All Braeburn schools have a clear set of values, underpinned by a Behaviour Policy and pastoral support system. Braeburn's whole-school approach is zero tolerance for sexism, misogyny/misandry, homophobia and sexual violence/harassment.

SECTION 3.9 USE OF MOBILE PHONES AND CAMERAS

Photographs provide an important source of evidence when documenting children's achievements and progress; however, the Internet has become a significant tool in the distribution of indecent photographs/pseudo photographs of children, and this has been further exacerbated by the increase in the number of mobile devices with which digital photographs can be taken.

To ensure the safety and welfare of the children in our care, this policy outlines the protocols for the use of all electronic devices able to take pictures, record videos, send or receive calls and messages in the school.

The school will endeavour to ensure:

- on admission to the school, parents give consent that images and recordings of their children can be used for legitimate reasons;
- if a photograph is used, the pupil's full name will not be used without direct parental consent;
- any mobile technology that is being used to record information about the pupils progress will be taken on school equipment;
- children are appropriately dressed in all images (if in swimming costumes, their bodies are submerged in the water);
- parents/carers/visitors are reminded that they should not take photographs/videos and/or share photographs/videos of children (other than their own) without obtaining consent from other children's parents e.g. at events such as school plays/sports days.

- all equipment used and images recorded are available for scrutiny.
- personal mobile phones are strictly prohibited in the Early Years; they must be securely stored and not accessed at any time during the school day, (except under any controlled guidelines agreed with the school.)
- the designated Head of the EYU will have access to an agreed phone for emergency use in each school setting.
- Photographs and recordings are only taken and stored on designated school devices and these devices should not have any social media accessibility. Personal devices should never be used for this purpose.
- all staff receive annual training on safe-ICT usage and sign an agreement;
- pupils in KS1-5 are taught about safe-ICT usage and sign an agreement where applicable.
- Where pupils bring their own devices to school, they are made aware of the school policy on how and when they can be used.
- When using digital images, staff inform and educate children about the risks associated with the taking, use, sharing, publication and distribution of images. In particular, they recognise the risks attached to publishing their own images on the internet: e. g. on social networking sites.

SECTION 4: PROCEDURE FOR DEALING WITH CONCERNS ABOUT A CHILD

SECTION 4.1: GUIDANCE FOR STAFF

If a member of staff or volunteer suspects or receives information that suggests a child is suffering abuse **or** seems to be in need **or** at risk, then they must immediately report the information to the relevant DSL. In the absence of the DSL, the relevant Deputy DSL must be informed.

The school strives to create the environment and means for children to raise concerns via any member of staff and has a highly developed pastoral system that includes a school nurse and a school counsellor. The school has developed experience in providing early help / family help to support children and signpost those in need of expert support.

All staff should be aware of the signs of abuse (see Appendix 5 for more detail) and recognise that they may be asked to support others to take decisions. Staff are employed on the understanding that they must put the needs of children before others; they should never feel that they are being disloyal or likely to endanger their employment by passing on information.

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. For example, children may feel embarrassed, humiliated, or are being threatened. This could be due to their vulnerability, disability and/or sexual orientation or language barriers. This should not prevent staff from having a professional curiosity and speaking to the DSL if they have concerns about a child. It is also important that staff determine how best to build trusted relationships with children and young people which facilitate communication. Children with AEN and disabilities can face additional safeguarding challenges – please see Appendix 6 for more information).

All safeguarding records will be filed securely and separately from the child's main files with the DSLs. Notes that others might have about safeguarding must be passed to the DSLs so that a complete picture can be drawn up. When a child leaves to go to a known different school or college, the child's safeguarding records may be shared where appropriate. It is the responsibility of DSLs as part of their role in promoting the safety and welfare of children to try and find out the name of the future school and to make contact with the DSL if he/she exists, where applicable.

The terms 'victim' and 'alleged perpetrator(s)' or 'perpetrator(s)' are used in guidance and policy because they are 'widely recognised and understood terms', staff must think carefully about the 'appropriate terminology' to use on a case-by-case basis. This is because 'not everyone who has been subjected to abuse considers themselves a victim or would want to be described in this way' and also 'because in some cases the abusive behaviour will have been harmful to the perpetrator as well.'

SECTION 4.2: HANDLING A DISCLOSURE/ ALLEGATION FROM A CHILD

If a child volunteers information about abuse to a member of staff, it may sometimes be done obliquely rather than directly. An abused child is likely to be under severe emotional stress and the staff member may be the only adult whom the child is prepared to trust. When information is offered in confidence, the member of staff will need to explain with sensitivity, whilst retaining the child's trust, that early action/help may be required, that other adults will need to be informed and therefore that complete confidentiality cannot be honoured as this may ultimately not be in the best interests of the child. There must be no allocation of blame and there can be no promise that events will immediately become better.

Staff need to be aware that the most important aspect of their response to a child is willingness to listen and to take seriously what the child is saying, without asking leading questions or making any assumptions (e.g. about who has abused the child) which could later be interpreted as leading the child if criminal proceedings were to follow. If a child should tell the full story of what has happened, he/she should not be asked to repeat this at subsequent interviews. The member of staff should, within one working day, make a written note of the discussion, recording date, place and names of anyone else present, and using the words of the child where they are remembered. These details should be given as soon as possible to the school's DSL.

Key points:

- Do not discuss the child or your suspicions with any other member of staff, except the DSL or relevant Deputy DSL.
- Do not ask leading questions.
- Remain calm and observe the child.
- Record confidentially the date, time, observations of behaviour/appearance without interpretation, the actual words spoken by the child, actions taken (if any) and your own name

and signature. The DSL and the member of staff recording the disclosure should sign as soon as possible.

- Discussions about the referral including any decisions made and the reasons for these should be recorded in writing. If in doubt about recording requirements, staff should discuss with the DSL.
- The DSL may check with parents for an explanation of unexplained bruises, marks or changes of behaviour.
- Where evidence suggests physical abuse or sexual abuse the parents should not be approached at this stage.
- The DSL will endeavour to (without delay) establish whether the child has suffered or is at risk of serious suffering. DSLs should endeavour to include parents in any conversations, unless there is a serious risk to the child of doing so.
- The action taken by the DSL should be fully recorded and whenever appropriate discussed with the relevant members of the safeguarding team.

SECTION 4.3: ACTION WHEN A CHILD HAS SUFFERED OR IS LIKELY TO SUFFER HARM

- Seek help early.
- Sharing/recording concerns - an individual with concerns about a child shares these with the DSL who records them.

SECTION 4.4: WHAT TO DO IF AN INCIDENT INVOLVING INDECENT IMAGES OF CHILDREN INCLUDING 'SEXTING' COMES TO YOUR ATTENTION

- Report it to your DSL or Deputy DSL immediately.
- Never view, download or share the imagery yourself, or ask a child to share or download – this is illegal.
- If you have already viewed the imagery by accident (e.g. if a young person has shown it to you before you could ask them not to), report this to the DSL.
- Do not delete the imagery or ask the child to delete it.
- Do not ask the child/ren who are involved in the incident to disclose information regarding the imagery. This is the responsibility of the DSL.
- Do not share information about the incident to other members of staff, the child/ren it involves or their, or other, parents and/or carers.
- Do not say or do anything to blame or shame any child/ren involved.
- Do explain to them that you need to report it and reassure them that they will receive support and help from the DSL.

SECTION 4.5: WHAT SCHOOL STAFF SHOULD DO IF THEY HAVE CONCERNS ABOUT ANOTHER STAFF MEMBER (INCLUDING NON-TEACHING STAFF, VOLUNTEERS, CONTRACTORS, EXTRA-CURRICULAR PROVIDERS)

If staff members have concerns about another staff member, then this should be referred to the Head of School. Where there are concerns about the DSL or Head of School this should be reported directly to the CSL. Any concern about the CSL should be referred directly to the Safeguarding Trustee.

The Head of School will, without delay and within 24 hours, judge the seriousness of the concern and act appropriately. This would involve a range of responses from referring to the appropriate colleague to resolve quickly through to referring to the CSL for the most serious cases.

The Head of School (or the CSL if the allegation is related to the Head of School) will, within one working day, notify the accused person providing as much detail as possible at that time. Where a strategy discussion is needed or there is involvement of the police then the Head of School (or the CSL if the allegation is related to the Head of School) will need to consult with authorities to agree the next stages before notifying the member of staff.

At the initial strategy discussion, the options open to the school depend on the nature of the evidence available and nature of the allegation. Any concerns (including allegations) which do not meet the harm threshold are referred to as 'low-level' concerns. These must still be managed and recorded on MyConcern with any appropriate action taken to safeguard children.

Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

In some cases, it may be appropriate to appoint an independent investigator.

The following definitions are 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 either to 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.

Supporting those involved

The school will support the parents and children involved by:

- Informing the parents of a child involved as soon as possible, if they do not already know of it, subject to the guidance provided by the relevant authorities.

- Keeping parents informed of progress (including updates when there is no progress to report to ensure contact is maintained) and told the outcome. The outcome of any disciplinary process will be shared in confidence.
- Provide support for any child who may have suffered significant harm.

Allegations that are found to have been malicious will be removed from personnel records and any that are false, unsubstantiated, unfounded or malicious will not be included in employer references. Allegations will be recorded with a summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached. A copy will be provided to the person concerned.

If an allegation is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour or staff disciplinary policy.

Managing the situation and exit arrangements

If the accused person resigns, this will not prevent an allegation being followed up in accordance with the guidance. 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, will not be used in cases of refusal to cooperate before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should not be included in any reference.

Low Level Concerns

It may be possible that a member of staff acts in a way that does not cause risk to children, but is however inappropriate. A member of staff who has a concern about another member of staff should inform the Head of School about their concern using the MyConcern platform. If the Head of School cannot be contacted, the CSL should be contacted instead.

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 set out at paragraph 338 (KCSIE, 2023). 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, including inappropriate conduct outside of work; and
- does not meet the allegations threshold.

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

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;

- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating, or offensive language.

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.

It is crucial that any such concerns, including those which do not meet the harm threshold, are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools from potential false allegations or misunderstandings.

Clarity around Allegation vs Low-Level Concern vs Appropriate Conduct

Allegation: Behaviour which indicates that an adult who works with children has: · 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 that they may pose a risk of harm to children.
Low level concern: Any concern – no matter just how small, even if no more than a 'nagging doubt' – that an adult may have acted in a manner which: · Is not consistent with an organisation's Code of Conduct, and/or; · Relates to their conduct outside of work, which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.
Appropriate conduct: Behaviour which is entirely consistent with the organisation's Code of Conduct, and the law.

Storing and use of Low-Level Concerns and follow-up information

Low-Level Concern information and follow-up information will be stored securely within the school's MyConcern platform. This will be stored in accordance with the GDPR and data protection policies. The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Head of School. Low-Level Concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures. Whenever staff leave Braeburn, any record of low-level concerns which are stored about them will be reviewed as to whether or not that information needs to be kept. Consideration will be given to:

- 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

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

More information can be found in the Whistle Blowing Policy, Complaints' Policy and Staff Grievance Policy.

SECTION 4.6: RECORD KEEPING

The DSL will maintain a record of every incident involving suspected or actual issues in child protection on the MyConcern platform. These records are confidential and ordinarily they are accessible only by the Head of School, DSL and the Deputy DSL. Where it is in the best interests of a child for any record to be disclosed to other agencies, then that record will be carefully disclosed. The duty to refer information to the Independent Safeguarding Authority under the Safeguarding Vulnerable Groups Act 2006 (UK) is paramount.

Each school keeps a single record, listing all of the adults who work at the school as employees or as volunteers and the date and outcome of any disclosure check(s) made in relation to each person. If no check has been made, the record shows why no check was necessary in that case.

To ensure continuity of safeguarding responsibilities, schools should implement robust cover arrangements for periods when the designated safeguarding lead is unavailable due to illness, leave, or other circumstances. This could, for example, include a confidential shared mailbox or equivalent system to ensure that safeguarding concerns are received, monitored, and acted upon without delay.

SECTION 4.7: INFORMATION SHARING AND TRANSFER OF FILES

Information sharing is vital in identifying and tackling all forms of abuse and neglect. As part of meeting a child's needs, Braeburn recognises the importance of information sharing between practitioners and local agencies.

The Data Protection Act 2018 (Kenya) and GDPR do not prevent the sharing of information for the purposes of keeping children safe. 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.

Where children leave the school, the DSL should ensure their child protection file is transferred to the new school as soon as possible, and **within 5 days** for an in-year transfer or within the **first 5 days** of the start of a new term to allow the new school to have support in place for when the child arrives. The DSL should ensure secure transit, and confirmation of receipt should be obtained.

SECTION 5: RECRUITMENT AND SELECTION

Each school has a rigorous recruitment process that is set out in the Braeburn Schools Safer Recruitment Policy and strives to establish a culture of safe recruitment. Application packs for jobs at Braeburn Schools, and information about vacancies on each school's website, make explicit reference to the commitment of the organisation to Safeguarding, including:

- Mandatory to have enhanced DBS disclosures and checks on prohibition orders for applicants who have lived or worked in the UK.
- Clear statements in the Job Description that explicitly reference the individual's safeguarding responsibilities.
- Providing information about Safeguarding Policy and practices to applicants.

Those involved in the selection process will fulfil the following for the successful candidate:

- verify the candidate's identity.
- obtain a CRB check from the DIC for those who live or work in Kenya) and/or appropriate checks for those who have worked overseas (ideally from every country they have worked) – see Safer Recruitment Policy
- seek a self-declaration of medical and physical fitness to work with children.
- use application forms (CVs are not accepted by themselves) for paid roles.
- a minimum of two interviewers to look for any gaps in employment history and explore these gaps during the interview, one of whom, at least, will be trained in safer recruitment. A written note will be made on the application form once reasons for gaps have been established
- As a minimum ensure at least one reference is from the current, or most recent, employer and from the Head Teacher or equivalent level; and also one from another previous employer. For both references specifically ask if there have been any concerns or allegations about the applicant's behaviour and attitudes towards children, any disciplinary action, and confirmation of the applicant's responsibilities. Compare this information with that provided by the applicant. Any inconsistencies or concerns regarding the information provided in a personal reference must be followed up directly with the referee
- carry out an online check as part of the shortlisting process to identify any incidents or issues that have happened, and are publicly available online, which may need to be explored with the applicant at interview
- check all references by a follow-up phone call to the referees
- check and confirm professional qualifications, as appropriate
- verify the candidate's right to work in Kenya
- seek to explore the applicant's attitudes towards children and young people, their motivation for pursuing the role, and managing boundaries, at interview
- always ensure that any other uncertainty or inconsistency about the information provided about the applicant is followed up and resolved
- record details of the successful candidates and checks done on the school's single centralised register
- When considering the suitability of staff to work in the Boarding House their suitability to work in a residential setting must also be considered

SECTION 5.1: PROHIBITION ORDERS AND THOSE INVOLVED IN THE MANAGEMENT AND LEADERSHIP OF THE SCHOOL

Each school will conduct checks for teacher prohibition orders issued by the Teaching Regulation Agency (TRA) on all appointments to teaching posts, including those made since 1 April 2012, for those who have lived or worked in the UK.

Checks should also be made for the existence of directions made by the Secretary of State under Section 128 of the Education and Skills Act 2008 barring individuals from taking part in the management of an independent school. In the case of individuals involved with the management and leadership of Braeburn Schools (as stipulated below), they will be checked via the TRA Prohibition list.

The scope of the barring directions covers membership of the Board and all staff positions as follows:

Heads of School, Headteachers and any teaching positions on the senior leadership team and any teaching positions which carry a department headship. Other teaching posts with additional responsibilities do not count as 'taking part in management.'

For non-teaching staff, posts which are part of the senior leadership team and Trustees are checked.

SECTION 6: INDUCTION AND TRAINING

Training in Safeguarding is an important part of the induction process and every new member of staff, including part-timers, volunteers, temporary, visiting and contract staff working in School, should be familiar with the Company's Safeguarding and related Child Protection Policies, and accept the legal and moral responsibilities placed upon them, and take necessary action to ensure child welfare and protection. To assist them they receive appropriate training on their responsibilities, in being alert to the signs of abuse and bullying and on the procedures for recording and referring any concerns to the DSL.

- All Heads of School, DSLs and Deputy DSLs are regularly trained, at least every two years, in child protection (Level 3) and other safeguarding issues.
- All new members of staff receive induction that includes advice on safeguarding children and themselves.
- All members of staff, including newly appointed, part-time staff, volunteers and contracted staff are made aware of the school's safeguarding policy and procedures and when updates or changes are made to these.
- All staff have annual training at the start of the academic year including any safeguarding updates.
- Safeguarding policy is also subject to updates and refreshers throughout the year via email &/or staff meetings as and when required and agreed by the DSL(s) or Company Safeguarding Coordinator.

- All teaching and admin staff annually complete the National College Certificate in Safeguarding
- The records of safeguarding training (Annual, DSL, Safer Recruitment, Life Saving, First Aid) is recorded on the SCR.
- The Executive Committee and BSL Board members also receive Bespoke Safeguarding Governance Compliance training at least every two years.
- Any staff involved in recruitment have annual Safer Recruitment training.
- All staff are made aware of the procedure for reporting staff concerns, self-reporting and seeking advice when needed re staff concerns.
- Before new staff and volunteers join the school they are required to read and sign the School's Safeguarding Policy, the Acceptable Use of ICT Policy, the Staff Code of Conduct, Behaviour Policy and the Anti-Bullying Policy.
- All contractors and casual workers on site are supervised appropriately in accordance with the relevant site security procedures. Further details of checks and supervision are available in the Company Safer Recruitment Policy.
- Pastoral Leaders within the Boarding environment need specific training in the management and practice of boarding.

SECTION 7: CONCERNS REGARDING SAFEGUARDING PRACTICES WITHIN EACH SCHOOL AND WHISTLEBLOWING

Staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's safeguarding regime, the Head of School or DSL. Where a staff member feels unable to raise the issue directly in this way or feels that their genuine concerns are not being addressed, they are advised to consult the school's Whistleblowing Policy for further advice and avenues for referral.

Relevant Company Policies: (These policies are available on request from the school)

- Acceptable computer and internet usage
- Boarding
- Remote Learning and Online Safety
- Safer Recruitment
- Communication
- Data Protection
- Missing Child in Education
- Whistleblowing
- Health and Safety
- Trips

- Honour-Based Violence
- Prevent
- Mental health and Well-being
- Self-harm
- Child Sexual Violence and Sexual Harassment
- Risk Assessment for Managing Harmful Behaviour of Children
- Online Safety Policy

The school has policies which address the following:

- Anti-Bullying Policy
- Supervision Policy
- Professional Code of Conduct for Staff

APPENDICES

APPENDIX 1: ROLES AND RESPONSIBILITIES OF THE DESIGNATED SAFEGUARDING LEAD (DSL) AND DEPUTY DESIGNATED SAFEGUARDING LEAD

- Ensuring that the Policy and Procedures approved by Braeburn Schools Limited are fully implemented.
- Ensuring that he/she is suitable, qualified and up to date with internationally recognised procedures and practises.
- Ensuring that the safeguarding committee members are suitable, qualified and up to date with internationally recognised procedures and practises.
- Ensure that he/she is given significant prominence in the school community.
- Ensuring that MoE guidance is followed to ensure safe staff recruitment and that adequate staff checks and records are maintained.
- To chair and minute regular meetings of the Safeguarding Committee, at least once per half-term (if appointed as the Chair).
- To provide a written report annually and provide quantitative data in relation to the number of child protection related matters within the school to the CSC.
- To understand the filtering and monitoring systems the school has in place and the kinds of websites pupils are visiting.
- To report to the CSL/CEO where a crime may have been committed or a matter cannot be dealt with in-house so the relevant authorities may be informed.

A more detailed Job Description for the DSL and Deputy DSL is available in the Group Safeguarding Documents Folder.

APPENDIX 2: GLOSSARY

AEN - Additional Educational Needs

BSO - British Schools Overseas

CME - Children Missing Education

CCE - Child Criminal Exploitation

CSE - Child Sexual Exploitation

DCI - Director of Criminal Investigations

DBS - Disclosure and Barring Service

ST - Safeguarding Trustee

CSL - Company Safeguarding Lead

CSC - Company Safeguarding Coordinator

DSL - Designated Safeguarding Lead

DDSL - Deputy Designated Safeguarding Lead

FGM - Female Genital Mutilation

GBV - Gender-based Violence

HBV - Honour-based Violence

ISI - Independent Schools Inspectorate

LGBTQIA+ - The acronym for lesbian, gay, bi, trans, queer/questioning, intersex, asexual, plus.

MoE- Ministry of Education

SEND - Special Educational Needs and Disabilities

TRA - Teaching Regulation Agency

UK - United Kingdom

Young Person - in UK law a young person is defined as someone under the age of 25

Early help / family help - the provision of support as soon as additional needs and support emerge or are identified at any point in a child's life.

Protected Characteristics - personal traits, characteristics and/or beliefs that are defined by applicable law as protected from discrimination and/or harassment.

APPENDIX 3: THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that grants all children and young people (aged 17 and under) a comprehensive set of rights.

The African Charter on the Rights and Welfare of the Child is a regional human rights treaty adopted in 1990 and which came into force in 1999. It sets out rights and defines principles for the status of children.

Kenya ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1990 and the African Charter on the Rights and Welfare of the Child in 2001.

This policy is informed by a set of principles that are derived from the UNCRC and The African Charter on the Rights and Welfare of the Child. It includes:

1. All children have equal rights to protection from abuse and exploitation.
2. Each child has a fundamental right to life, survival and development. Braeburn's child-centred approach provides a basis for ensuring the realisation of children's rights to be protected from harmful influences, abuse and exploitation.
3. All children should be encouraged to fulfil their potential, and inequality and discrimination should be challenged.
4. Children will be assured the right to express their views freely and this will be given 'due weight' in accordance with their age and level of maturity. We will not discriminate against the child. The child will be treated with respect irrespective of gender, nationality or ethnic origin, religious or political beliefs, age, physical or mental health, sexual preference and gender identity, family, socio-economic and cultural background, or any history of conflict with the law.
5. Everybody has a responsibility to support the care and protection of children.
6. These particular responsibilities extend to those individuals or organisations who are associated with Braeburn. Therefore, everyone working for or associated with Braeburn must be aware of and adhere to the provisions of this policy.

APPENDIX 4: DEFINITIONS - ABUSE / SIGNIFICANT HARM

ABUSE

Abuse is defined as 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. Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse. Children may be abused in a family or in an institutional 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 off-line abuse. Children may be abused by an adult or adults or another child or children. Children may also cause harm to other family members, often referred to as child to parent or care-giver abuse.

All staff, but especially the designated safeguarding lead (and deputies) should consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) emotional abuse, sexual abuse (including harassment and exploitation), domestic abuse in

their own intimate relationships (teenage relationship abuse), criminal exploitation, serious youth violence, county lines, and radicalisation.

Absence from school can be a warning sign of safeguarding issues such as emotional abuse, sexual abuse, sexual exploitation and child criminal exploitation.

SIGNIFICANT HARM

There are no absolute criteria on which to rely when judging what constitutes significant harm.

The question of whether harm suffered by a child is significant relates specifically to the child's health and development. Their health or development should be compared with that which could reasonably be expected of a similar child and the parenting that we would reasonably expect them to receive from their parent/carer.

EARLY HELP / FAMILY HELP

Any child may benefit from early help / family help but all staff should be particularly alert to the potential need for early help / family help 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 showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups;
- Is frequently missing/goes missing from care or from home;
- Has experienced multiple suspensions, or is a risk of being permanently excluded from school.
- 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;
- Has returned home to their family from care; Is showing early signs of abuse and/or neglect;
- Is at risk of being radicalised or exploited;
- has a parent or carer in custody, or is affected by parental offending.
- Is a privately fostered child.
- Early help / family help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage years.

In the first instance, staff who consider that a pupil may benefit from early help / family help

should discuss this with the School's DSL. The DSL will consider the appropriate action to take in accordance with Kenyan law and involve the CSL who can support the DSL in liaising with external agencies (if appropriate) and professionals in an inter-agency assessment, as appropriate. If early help / family help is appropriate, the matter will be kept under review and consideration given to a referral to children's social care if the pupil's situation does not appear to be improving.

APPENDIX 5 : TYPES AND SIGNS OF ABUSE

PHYSICAL ABUSE

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.

NEGLECT

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 care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

AFFLUENT NEGLECT

Affluent neglect refers to the neglect experienced by children in wealthy families. Often this neglect can be more difficult to spot, as the type of neglect experienced by children and young people is often emotional.

Some key themes include (but are not limited to):

- Pressure to succeed
- Due to parental work commitments children being left alone or in the care of house staff for long periods of time
- Less family time and a significant increase in extra curricular activities

Parents may:

- not spend quality time and seem to be emotionally distant from their children
- be present physically but absent in engagement and emotion

- place extreme pressure on their children to succeed both personally and academically
- leave their children alone (in care of house staff/others)
- “buy” their child’s love through lavish activities and/or gifts

EMOTIONAL ABUSE

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 verbal abuse, such as persistent criticism, belittling, or name-calling, as well as 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 9 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, hearing or experiencing the ill-treatment of another, eg domestic abuse. 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.

SEXUAL ABUSE

Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily 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 and all staff should be aware of it and of their school’s policy and procedures for dealing with it.

Behavioural Indicators of abuse in children

All staff should have an awareness of safeguarding issues that often overlap and can put children at risk of harm (including but not limited to those listed below). The following behaviours and indicators can be signs that children are at risk:

- drug taking and/or alcohol misuse
- unexplainable and/or persistent absences from education
- serious violence, criminal exploitation

- Radicalisation
- consensual and non-consensual making or sharing of nudes or seminudes.
- Physical marks
- Self-injury
- Withdrawal from activities
- Loss of appetite/eating concerns
- Poor hygiene
- Fears
- Worrying/unusual behaviour
- Excessive tiredness
- Inappropriate contact/talk/play/relationships
- Drawing/writing that causes concern

CHILD SEXUAL EXPLOITATION (CSE)

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

The following vulnerabilities are examples of the types of things children can experience which might make them more susceptible to child sexual exploitation:

- Having a prior experience of neglect, physical and/or sexual abuse.
- Lack of a safe/stable home environment, now or in the past (for example, domestic abuse or parental substance misuse, mental health issues or criminality).
- Recent bereavement or loss.
- Social isolation or social difficulties.
- Absence of a safe environment to explore sexuality.
- Economic vulnerability.
- Homelessness or insecure accommodation status.
- Connections with other children and young people who are being sexually exploited.
- Family members or other connections involved in sex work.
- Having a physical or learning disability.
- Being in care (particularly those in residential care and those with interrupted care histories).
- Sexual identity.

Not all children with these vulnerabilities will experience child sexual exploitation. CSE can also occur without any of these vulnerabilities being present.

Behavioural indicators of CSE

These may include:

- Acquisition of money, clothes, mobile phones etc without plausible explanation.
- Gang-association and/or isolation from peers/social networks.
- Exclusion or unexplained absences from school.
- Leaving home/care without explanation and persistently going missing or returning late.
- Excessive receipt of texts/phone calls/online communication.
- Returning home under the influence of drugs/alcohol.
- Inappropriate sexualised behaviour for age/sexually transmitted infections.
- Evidence of/suspicions of physical or sexual assault.
- Relationships with controlling or significantly older individuals or groups.
- Multiple callers (unknown adults or peers).
- Frequenting areas known for sex work.
- Concerning use of the internet or other social media.
- Increasing secretiveness around behaviours.
- Self-harm or significant changes in emotional well-being.

CHILD-ON-CHILD ABUSE (INCLUDING HARASSMENT & VIOLENCE)

We recognise that our schools have pupils aged from 2 years old to 18 years old, and therefore appropriate supervision is in place, where necessary. Children can abuse other children. This is generally referred to as Child-on-child Abuse and can take many forms. This can include but is not limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying)
- abuse in intimate personal relationships between children (sometimes known as 'teenage relationship abuse')
- physical abuse such as hitting, kicking, shaking, biting, hair-pulling or otherwise causing physical harm). (this may include an online element which facilitates, threatens and/or encourages physical abuse)
- 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, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse

- 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
- consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery)
- upskirting, which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

Child-on-child Abuse can affect their social, mental and emotional health. The prevention of Child-on-child Abuse is taught through the PSHE curriculum, assemblies and other whole school curricular themed days. This includes, but is not limited to, developmentally appropriate topics such as personal rights, boundaries and consent, identification of trusted adults, online safety and digital literacy, healthy relationships and healthy sexual behaviour. Particular attention needs to be paid to child on child abuse in a boarding environment, where it is more difficult for a student to get away from abuse that is occurring.

Abuse is abuse and should never be tolerated or passed off as 'banter', 'just having a laugh' or 'part of growing up'. All child-on-child abuse is unacceptable and will be treated seriously.

Whenever a child may have harmed another, each school is aware of its responsibilities to both children. In instances where there is reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm it will be referred to as a child protection concern. Each school adopts a rigorous anti-bullying policy including procedures to minimise the risk of child-on-child abuse, the recording, investigating and follow up processes, as part of ensuring every individual is safe and secure.

It would be an expectation that in the event of a case of child-on-child abuse that all children involved, whether perpetrator or victim, would be treated as being 'at risk'. Any cases deemed to be of a criminal nature may be referred to the appropriate authority.

Staff should be aware that abuse, neglect 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.

Issues to consider following a report of Child-on-child Abuse

The school will carefully consider any report of child-on-child abuse. The DSL is likely to have a complete safeguarding picture and be the most appropriate person to advise on the school's initial response.

Important considerations

- the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered;
- the nature of the alleged incident(s), including: whether a crime may have been committed and consideration of harmful sexual behaviour;
- the ages and developmental stages of the children involved;
- any power imbalance between the children. For example, is the alleged perpetrator significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?
- if the alleged incident is a one-off or a sustained pattern of abuse;
- are there ongoing risks to the victim, other children, adult pupils or school staff?
- The proximity of the alleged perpetrator and victim during and following the investigation

CHILD CRIMINAL EXPLOITATION

The exploitation of children involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (for example food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them completing a task on behalf of another individual or group of individuals; this is often of a criminal nature. Child Criminal Exploitation often occurs without the child’s immediate recognition, with the child believing that they are in control of the situation. In all cases, those exploiting the child have power over them by virtue of age, gender, intellect, physical strength and/or economic or other resources. Violence, abuse, coercion and intimidation are common; involvement in exploitative relationships being characterised in the main by the child's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

DOMESTIC ABUSE

Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. That abuse can be, but is not limited to, psychological, physical, sexual, financial or emotional. 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). All of which can have a detrimental and long-term impact on their health, well-being, development, and ability to learn.

APPENDIX 6: SPECIFIC SAFEGUARDING ISSUES

The school is vigilant regarding specific safeguarding issues that may include but are not limited to: Child Sexual Exploitation (CSE), Child Criminal Exploitation (CCE), Radicalisation, Bullying, Domestic Abuse, Drug Abuse, fabricated or induced illness, Female Genital Mutilation (FGM), forced marriage,

missing children, gang and youth violence, gender-based violence, honour-based violence (HBV), mental health, cyber-bullying including sexting, trafficking, water, fire, acid, road and railways and teenage relationship abuse.

FEMALE GENITAL MUTILATION (FGM)

FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK, Kenya and Tanzania and a form of child abuse with long-lasting harmful consequences.

The school recognises the statutory duty to report cases of FGM involving children. Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015), places a statutory duty upon teachers, social workers and healthcare professionals to report to the police where they discover that FGM appears to have been carried out on a girl under 18.

The school will seek further clarification from parents requesting extended periods of absence for their daughters and will be mindful of children who are travelling to countries where FGM is known to be practiced, again engaging with parents to seek further information as appropriate. The school will seek further expertise and support when necessary but has identified the following as of greater significance to the school community at this time: Online-Safety, Children Missing Education, preventing radicalisation and looked after children.

Further information can be found in the Group Honour-Based Violence Policy

ONLINE-SAFETY

All staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse and other risks online as well as face to face. In many cases abuse and other risks will take place concurrently both online and offline. Children can also abuse other children online, this can take the form of abusive, harassing, and misogynistic/misandrist messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography to those who do not want to receive such content.

It is important that staff, parents and volunteers are alert to potential risks children may be exposed to, and that steps have been taken to mitigate the risk of this occurring, with specific reference to:

- ***Content*** – being exposed to illegal, inappropriate, or harmful content, for example: pornography, racism, misogyny, self-harm, suicide, anti-Semitism, Islamophobia, strong anti-migrant views, radicalisation, extremism, misinformation, disinformation (including fake news) and conspiracy theories.
- ***Contact*** – e.g. grooming using communication technologies leading to inappropriate behaviour or abuse.

- ***Conduct***: online behaviour that increases the likelihood of, or causes, harm; for example, making, sending and receiving explicit images, including those generated using AI and online bullying.
- ***Commerce*** – e.g. exposure to inappropriate advertising, online gambling, identity theft and financial scams.
- ***Culture*** – e.g. bullying via websites, mobile phones or other communication technologies, or inappropriate downloading of copyright materials (i.e. music, films, images); exposure to inappropriate advertising, online gambling and financial scams.

Addressing these issues through training for staff and volunteers and awareness raising with service users, or members of the community, will be undertaken by the school. All staff should be aware of the school's policy on 'Acceptable Computer and Internet Usage' and 'Communication'.

Children are taught about the dangers associated with online activities and this begins with the Nursery children (e.g. through exploration of relevant online-safety story books and age appropriate literature.)

Children, Staff and Parents are expected to read and to sign 'Acceptable IT Usage' agreements, including for Remote Teaching and Learning periods. Samples of these can be found in the Group IT Documents.

Guidance to support schools to understand safety considerations and legal responsibilities if they choose to use Generative AI (either teacher-facing or pupil-facing) can be found at ***Generative artificial intelligence in education.***

CHILDREN MISSING IN EDUCATION (CME)

A child who has unexplained and or persistent absences from school is a potential indication of abuse and neglect. The school registers all children daily and will follow up on unaccounted absence. Parents are expected to work with the school in informing the school at the earliest opportunity and within 24 hours in writing. 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 the future.

The school has a specific whole school policy for responding to a missing child and non-attendance where there are concerns for the welfare of a child at the school (The Braeburn Group Missing Child in Education Policy).

CHILDREN WITH ADDITIONAL EDUCATIONAL NEEDS (AEN) AND DISABILITIES

Children with AEN and disabilities can face additional safeguarding challenges. Additional barriers can exist when recognising abuse and neglect in this group of children, including:

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

- children with AEN and disabilities can be disproportionately impacted by things like:

    - Bullying without outwardly showing any signs

    - Communication barriers and difficulties in overcoming these barriers.

Any reports of abuse involving children with AEN and disabilities requires close liaison with the DSL (or deputy DSL) and the SENCO/Inclusion Lead or the named person with oversight for AEN and disabilities.

PREVENTING RADICALISATION

The risk of radicalisation is the product of a number of factors and identifying this risk requires that staff exercise their professional judgement, seeking further advice as necessary. It may be combined with other vulnerabilities or may be the only risk identified. Potential indicators include:

- Use of inappropriate language.
- Possession of violent extremist literature.
- Behavioural changes.
- The expression of extremist views.
- Advocating violent actions and means.
- Association with known extremists.
- Seeking to recruit others to an extremist ideology.

Training

The school provides different levels of training to develop awareness amongst staff (Prevent Training). The DSL has primary responsibility. Training is designed so that staff can identify those individuals that are vulnerable to radicalisation and know how to respond.

Risk assessments

The school will, as and when appropriate, conduct assessments of the risk to individuals. Staff with concerns about a child should raise these with the DSL who may seek further advice and conduct an assessment using the risk indicators.

Building Resilience to Radicalisation

The school promotes values to develop children's resilience to radicalisation. This is achieved through a broad range of curriculum topics, the Pastoral Curriculum programme and co-curricular activities as well as guest speakers.

Information Communication Technology

The school has effective internet filters on the school's network to ensure as far as reasonably possible, that children are safe from terrorist and extremist material when accessing the internet in school. The school provides regular advice and guidance to equip children and staff to stay safe online and how to respond when they are concerned.

Further information can be found in the Group Prevent Policy.

MENTAL HEALTH

The school will deal with any matters surrounding mental health, body image and the risks surrounding harm to themselves, as they arise. In cases of immediate concern, the School Nurse, in conjunction with the School Counsellor, will conduct a risk assessment and where appropriate will seek further expertise from a relevant agency. The school seeks to support children experiencing problems and has a counselling service available.

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.

Further information can be found in the Group Mental Health and Well-being Policy and Group Self-harm Policy.

STAFF CODE OF CONDUCT

Staff will ideally never place themselves with a child on their own. On occasions where this is necessary and appropriate, staff must use a location that has good visibility at a time when other adults are present and in the vicinity. This may include the occasional use of a personal car to ensure that a child is returned to school or home safely, or in an emergency to receive treatment.

Staff will ensure that physical contact is necessary, professional, culturally sensitive and appropriate at all times, (staff will have had relevant training on this). The school acknowledges that in some occasions there will be reasons where professional physical contact is appropriate such as when modelling actions in music or when coaching, offering appropriate comfort or restraint (when they are perceived to be at risk of harm to themselves or others). All staff must ensure that on these occasions contact is necessary and should make a professional judgement as to whether the child has sufficient trust and confidence in them. If there is any doubt the member of staff should always ask.

ONE-TO-ONE INTERACTIONS (INCLUDING, BUT NOT EXCLUSIVELY, PERIPATETIC COACHES, MUSIC AND LEARNING SUPPORT)

It is a routine and necessary part of education for adults to work 1:1 with children in Braeburn Schools. This is particularly relevant to the delivery of individual music tuition, learning support and counselling support but is not limited to these situations.

Working 1:1 with a child has increased Safeguarding risks for both adult and child and therefore additional guidance is provided.

Anyone working 1:1 with a child in Braeburn Schools will adhere to the following:

- adults working 1:1 with children will have been through full safeguarding checks *(eg police clearance, online checks, reference checks and completion of all school paperwork)*
- adults will be fully aware of emergency procedures including any specifics related to the location
- managers and other staff will be made aware that 1:1 working with a child is occurring and where it is happening
- physical contact will be avoided at all times when in 1:1 situations. If physical comfort is sought by a child (it must never be initiated by an adult), the adult will not refuse but will be particularly mindful of maintaining appropriate body position and continued verbal communication with the child
- where possible (maintaining confidentiality) 1:1 work will be conducted in a public location with clear visibility and/or with doors open, windows uncovered
- any incident of concern including *an incident that could be misinterpreted* will be reported immediately to a senior member of staff and/or DSL. Any reports of this nature will be recorded, with a clear date and time, and signed
- if a child becomes physically violent and does not respond to requests to calm and/or leave the room, the adult will remove themselves from the room, call for help and remain nearby to ensure the child's (and other's) safety
- children who are given time alone (perhaps as a result of emotional needs) will be continuously monitored by an adult nearby

UPSKIRTING

The Voyeurism (Offences) Act, which is commonly known as the Upskirting Act, came into force on 12 April 2019. Upskirting' is where someone takes a picture (photo or video) under a 'persons 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.

IDENTITY BASED HARM

- The school acknowledges that targeting a person based on identity markers such as race, colour, ethnicity, caste, religion, gender identity, gender expression, sexual identity (protected characteristics), national origin, citizenship status, socioeconomic status, age, language, or ability constitutes harm and abuse.
- The school recognises that marginalized identities are at particular risk for identity-based harm.
- The school recognised that within the same systems where identity-based harm operates, marginalized identities are at higher risk of being targeted for sexual abuse.
- The school takes all reasonable measures for preventing, interrupting and correcting identity-based harm.
- Identity-based harm can manifest in many forms, including, but not limited to, microaggressions, hate speech, online harassment, child-to-child abuse, physical violence and social exclusion.
- Staff development will include training and resources on how to recognize and respond to identity-based harm.
- The use of trauma-informed restorative practices may be part of addressing identity-based harm when appropriate. This approach is intended to maintain agency and dignity for the person who is targeted, as well as to build responsibility and accountability for the person who has committed the harm.

UNDERSTANDING HARMFUL SEXUAL BEHAVIOUR (HSB), SEXUAL HARASSMENT AND SEXUAL VIOLENCE

HSB can occur between two or more children of any age and sex, from primary through to secondary stage. It can occur also through a group of children towards a single child or towards another group of children. HSB exists on a continuum and may escalate into sexual harassment or sexual violence, it can occur online or face-to-face (both physically and verbally) and is never acceptable. Schools should be aware of the importance of making clear that there is a zero-tolerance approach to sexual harassment and sexual violence; that it is never acceptable, and it will not be tolerated. It should never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys”. Failure to do so can lead to a culture of unacceptable behaviour, misogyny, an unsafe environment and in worst case scenarios, a culture that normalises abuse, leading to children accepting it as normal and not coming forward to report it, recognising, acknowledging, and understanding the scale of HSB, sexual harassment and sexual violence and that even if there are no reports it does not mean it is not happening, it may be the case that it is just not being reported. Recognising the escalatory nature of misogyny and the benefits of early identification to support their approach to minimising the risk of HSB, sexual harassment and sexual violence. Challenging behaviours, potentially criminal in nature, such as grabbing bottoms, breasts and genitalia, pulling down trousers, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them. Taking a safeguarding approach in response to all incidents involving the sharing of nude or semi-nude images, regardless of whether they are consensual or non-consensual. All such incidents require a safeguarding response, with a proportionate approach that considers the age, development, and circumstances of the children involved, as well as any elements of coercion, exploitation or vulnerability.

Children who are victims of HSB, sexual harassment or sexual violence wherever it happens, may find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school.

Whilst any report of HSB, sexual harassment or sexual violence should be taken seriously, staff should be aware it is more likely girls will be the victims of sexual harassment and sexual violence and more likely it will be perpetrated by boys. Children with disabilities are also three times more likely to be abused than their peers.

Ultimately, it is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. Harmful sexual behaviour (HSB)

The umbrella term 'harmful sexual behaviour' (HSB) is widely used in child protection and applies to behaviour occurring online, face-to-face, or both. HSB should always be considered within a child protection context.

Children's sexual behaviour exists on a wide continuum, ranging from normal and developmentally expected to inappropriate, problematic, abusive or violent. Behaviour that is problematic, abusive or violent is developmentally inappropriate and may cause developmental damage. Advice on stages of typical sexual development and behaviour for different age groups can be found in Sexual development and behaviour in children | NSPCC Learning.

When assessing HSB, the ages and developmental stage of the children involved is critical. Sexual behaviour between children may be considered harmful if there is a significant age difference, typically more than two years' difference or if one is pre-pubescent and the other is not. However, a younger child may also abuse an older child, especially if they hold power over them.

It is effective safeguarding practice for the designated safeguarding lead (and their deputies) to have a good understanding of HSB. This knowledge could form part of their safeguarding training and support preventative education, help implement effective safeguarding policies including a child protection policy and embed a whole school approach to safeguarding.

HSB can, in some cases, progress on a continuum. Early intervention in inappropriate behaviour such as misogyny can help to prevent escalation to more serious abuse such as sexual harassment and sexual violence. Children who display HSB have often experienced their own abuse and trauma. It is important that they are offered appropriate support.

Sexual harassment.

Sexual harassment refers to 'unwanted conduct of a sexual nature' which can occur both online and offline and inside and outside of school. In this context it specifically relates to child-on-child sexual harassment. Such behaviour can:

- violate a child's dignity,
- make them feel intimidated, degraded or humiliated, and
- create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, examples of sexual harassment can include:

- sexual comments, such as telling sexual stories, making lewd comments, making sexual remarks about clothing or appearance and using sexualised names
- sexual “jokes” or taunting
- physical behaviour, such as deliberately brushing against someone, or interfering with someone’s clothes. Schools should assess when such behaviour crosses into sexual violence – it is important to talk to and consider the experience of the victim,
- displaying pictures, photos or drawings of a sexual nature
- upskirting (this is a criminal offence142), and
- online sexual harassment, which may occur independently, or as a broader pattern of sexual harassment and/or sexual violence. This may include:
    - consensual and non-consensual making or sharing of nudes or semi-nudes.
    - sharing of unwanted explicit content,
    - sexualised online bullying,
    - unwanted sexual comments and messages, including, on social media,
    - sexual exploitation; coercion and threats, and
    - coercing others into sharing images of themselves or performing acts they’re not comfortable with online.

It is important that schools and consider sexual harassment in broad terms. If left unchallenged, it can foster a culture that normalises inappropriate behaviour and increases the risk of leading to sexual violence.

Sexual violence

Schools should be aware that child-on-child sexual violence can and does occur, both inside and outside of school.

In this guidance, sexual violence refers to specific sexual offences under the UK Sexual Offences Act as described below:

Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration, and A does not reasonably believe that B consents.

Assault by penetration: A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

Sexual assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching, and A does not

reasonably believe that B consents. (NOTE - Schools should be aware that sexual assault covers a very wide range of behaviour so a single act of kissing someone without consent or touching someone's bottom/breasts/genitalia without consent, can still constitute sexual assault).

Causing someone to engage in sexual activity without consent: A person (A) commits an offence if: s/he intentionally causes another person (B) to engage in an activity, the activity is sexual, B does not consent to engaging in the activity, and A does not reasonably believe that B consents. (NOTE – this could include forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party).

What consent is: Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity, and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice:

- a child under the age of 13 can never consent to any sexual activity,
- the age of consent is 18 in Kenya and
- sexual intercourse without consent is rape.