

Safeguarding and Promoting Student Welfare Policy

1. Introduction

The JCB Academy recognises its legal duty under Section 175 of the Education Act 2002 and the 1989 Children Act to protect and safeguard the interests of all children. The Academy recognises that effective child protection work requires sound procedures, good inter-agency co-operation and a workforce that is competent and confident in responding to child protection situations.

This document provides the basis for good practice within the Academy for child protection work. It should be read in conjunction with Staffordshire Safeguarding Children Board Inter-Agency Child Protection Policies and Procedures. These are in keeping with relevant national procedures and reflect what the Directorate considers to be safe and professional practice in this context. Child protection has to be considered within professionals' wider 'safeguarding' responsibilities that include a duty to co-operate under the Children Act 2004 and Keeping Children Safe in Education (March 2015) . Within the context of Every Child Matters, this takes account of the need for children 'being healthy and staying safe'.

The procedures in this policy aim to provide a framework which ensures that all practice in the area of child protection is consistent with stated values and processes that underpin all work with children and young people.

This document also seeks to make the professional responsibilities clear to all staff to ensure that statutory and other duties are met in accordance with Staffordshire Safeguarding Children Board requirements and procedures.

2. Underpinning values

Where there is a safeguarding issue, the Academy will work in accordance with the principles outlined in the Staffordshire Safeguarding Children Board Inter-agency Child Protection procedures:

- For the purpose of this policy a child or young person is defined as any person in full or part time education at The JCB Academy, or whom interacts with The JCB Academy, for example younger or older siblings.

A child's welfare is paramount. Each child has a right to be protected from harm, maltreatment and exploitation and to have their welfare, including health and development, safeguarded.

- Each child is unique. Action taken by child welfare organisations should be child-centred, taking account of a child's cultural, ethnic and religious background, their gender, their sexual orientation, their individual ability and any special needs.
- Children, parents and other carers should be made aware of their responsibilities and their rights, together with advice about the power of professionals to intervene in their family circumstances.
- Each child has a right to be consulted about actions taken by others on his/her behalf. The concerns of children and their families should be listened to and due consideration given to their understanding, wishes and feelings.
- Individual family members must be involved in decisions affecting them. They must be treated with courtesy and respect and with due regard given to working with them in a spirit of partnership in safeguarding children's welfare.
- Open-mindedness and honesty must guide each stage of assessment and of operational practice. The strengths of individual family members, as well as their needs, should be given due consideration.
- Personal information is usually confidential. It should only be shared with the permission of the individual concerned, or unless the disclosure of confidential personal information is necessary in order to protect a child. In all circumstances, information must be confined to those people directly involved in the professional network of each individual child and on a strict "need to know" basis.
- Professionals should be aware of the effects of outside intervention upon children, upon family life and the impact and implications of what they say and do.
- Explanations by professionals to children, their families and other carers should be plainly stated and jargon-free. Unavoidable technical and professional terminology should be explained in simple terms.
- Sound professional practice is based upon positive inter-agency collaboration, evidence-based research and effective supervision and evaluation.
- Early intervention in providing support services under Section 17 of the Children Act (1989) is an important principle of practice in inter-agency arrangements for safeguarding the welfare of children.

3. Guidance on what constitutes a ‘child protection’ matter

If a member of staff has concerns about any child they should make them known to the Academy’s Designated Safeguarding Lead (Jim Gardner) or his deputy (Heather Hogg). These concerns may include:

- **Abuse**
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. They may be abused by an adult or adults or another child or children.
- **Physical abuse**
This 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.
- **Emotional abuse**
This involves the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child’s developmental capability, as well as over protection and limitation of exploration and learning, or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill treatment of another. It may involve serious bullying, 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, though it may occur alone.
- **Neglect**
This involves 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 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).
- Ensure access to appropriate medical care or treatment.
- It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.

- Sexual abuse**
 Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (e.g. rape, oral sex) or non penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may include non-contact activities, such as involving children in looking at, or in the production of, sexual online images, watching sexual activities, or encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
- Child Sexual Exploitation (CSE)**
 CSE involves exploitative situations, contexts and relationships where young people receive something (for example food, accommodation, drugs, alcohol, gifts, money or in some cases simply affection) as a result of engaging in sexual activities. CSE can take many forms ranging from the seemingly ‘consensual’ relationship where sex is exchanged for affection or gifts, to serious organised crime by gangs and groups. What marks out exploitation is an imbalance of power in the relationship. The perpetrator always holds some kind of power over the victim which increases as the exploitative relationship develops. Sexual exploitation involves varying degrees of coercion, intimidation or enticement (including unwanted pressure from peers to have sex), sexual bullying (including cyber bullying) and grooming. However, it is also important to recognise that some young people who are being sexually exploited do not exhibit any external signs of this abuse.
- Female Genital Mutilation (FGM)**
 Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a girl being at risk of FGM, or already having suffered FGM. There is a range of potential indicators that a child or young person may be at risk of FGM which individually may not indicate risk, but if there are two or more indicators present this could signal a risk to the child or young person. Examples can be found on pages 16-17 of the Multi-Agency Practice Guidelines.
- Extremism and Radicalisation**
 Protecting children from the risk of radicalisation is seen as part of the Academy and staff responsibilities under safeguarding. This is in line with the Counter-Terrorism and Security act 2015 which states “to have due regard to the need to prevent people from being drawn into terrorism” (due regard means that an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all other factors relevant to how they carry out their usual functions).

It is essential that staff are able to identify children who may be vulnerable to radicalisation, whether these come from within their family or are the product of outside influences. In addition, the Academy will build resilience to radicalisation by promoting British values and enabling young people to challenge extremists.

Radicalisation is about group bonding, peer pressure and indoctrination to encourage the view that violence is a legitimate response to perceived injustice. Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. Radicalisation is usually a process not an event driven by an ideology. During that process it is possible to intervene to prevent vulnerable young people being drawn into terrorist-related activity. There is no single way of identifying any individual who is likely to be susceptible to a terrorist ideology.

Any staff member who has a concern that a child may be at risk should follow the Academy Child Protection procedure. This does not allow JCB Academy staff to carry out unnecessary intrusion into family life but as with any other safeguarding risk, they must take action when they observe behaviour of concern.

Additional contact information for extremism and radicalisation:

- Department for Education dedicated telephone number:
020 7340 7264
- Department for Education dedicated e-mail:
counter.extremism@education.gsi.gov.uk

These helplines are not for emergency situations, in those cases the normal JCB Academy Child Protection procedure should be followed.

4. Talking to and listening to children

- Every adult who comes into contact with children and their families has a role to play in safeguarding children.
- All Academy staff have a responsibility to provide a safe environment in which children can learn.
- Academy staff are advised to maintain an attitude of “it could happen here” where safeguarding is concerned.

If a child chooses to disclose, staff should:

- Be accessible and receptive.
- Listen carefully and uncritically at the child’s pace.
- Take what is said seriously.
- Reassure the child that they are right to tell.
- Tell the child that the information will be passed on.
- Make a careful record of what was said.

Staff should **never**:

- Take photographs or examine an injury.
- Investigate or probe aiming to prove or disprove possible abuse - never ask leading questions.
- Make promises to children about confidentiality or keeping 'secrets'.
- Assume that someone else will take the necessary action.
- Jump to conclusions or react with shock, anger or horror.
- Speculate or accuse anybody.
- Confront another person (adult or child) allegedly involved.
- Offer opinions about what is being said or about the persons allegedly involved.
- Forget to record what they have been told.
- Fail to pass the information on to the correct person.
- Ask a child to sign a written copy of the disclosure.

For children with communication difficulties or who use alternative/ augmented communication systems, extra care must be taken to ensure that signs of abuse and neglect are identified and interpreted correctly, but concerns should be reported in exactly the same manner as for other children.

5. Record keeping

Well kept records are essential in situations where it is suspected or believed that a child may be at risk from harm.

Records should:

- State who was present, time, date and place.
- Use the child's words wherever possible.
- Be factual/state exactly what was said.
- Differentiate clearly between fact, opinion, interpretation, observation and/or allegation.
- Be written in ink and signed by the recorder.

6. Confidentiality

Confidentiality is an issue that needs to be understood by all those working with children, particularly in the context of child protection. This is a complex area and involves consideration of a number of pieces of legislation.

Confidentiality should never be guaranteed to a child as some kinds of information may need to be shared with others. A suggested form of words that may help when talking to children is as follows:

“I will keep our conversation confidential and agree with you that information I can share, unless you tell me something that will affect your personal safety or that is illegal, but I will tell you if I am going to pass information on and to whom.”

Professionals can only work together to safeguard children if there is an exchange of relevant information between them. This has been recognised in principle by the courts. However, any disclosure of personal information to others, including social service departments, must always have regard to both common and statute law.

Normally, personal information should only be disclosed to third parties (including other agencies) with the consent of the subject of that information (Data Protection Act 1998 European Convention on Human Rights, Article 8). Wherever possible, consent should be obtained before sharing personal information with third parties. In some circumstances, however, consent may not be possible or desirable but the safety and welfare of the child dictate that the information should be shared.

The law requires the disclosure of confidential information necessary to safeguard a child or children. Under Section 47 of the Children Act 1989 statutory agencies have a duty to co-operate. Therefore, if the police or social care/services are conducting a Section 47 investigation under the 1989 Children Act, staff must share requested information relevant to the investigation. Legal advice should be sought if in doubt.

7. Referrals

7.1 Thresholds and types of referral

There are three thresholds for and types of referral that need to be considered: these may vary between Local Authorities (LA)

(a) (Staffordshire) Common Assessment Framework (S)CAF / EHA

If this is a child with additional needs where their **health, development or achievement may be adversely affected** Staffordshire Children and Young People’s Framework says practitioners should complete a (S)CAF when:

- Age appropriate progress is not being made and the causes are unclear; or
- The support of more than one agency is needed to meet the child or young person’s needs.

If this is a child with additional needs the issues must be discussed with the (S)CAF trained practitioner in the Academy, the child and their parents. Parental consent must be obtained for a (S)CAF to be completed.

(b) Children in need

According to Section 17 of the Children Act 1989 a child is in need if:

- They are unlikely to achieve or maintain, or to have opportunity to achieve or maintain, a reasonable standard of health or development, without the provision of services by a local authority.
- Their health or development is likely to be impaired, or further impaired without the provision of such services.
- They are disabled.

If this is a child in need, the issues must be discussed with the Designated Person for Child Protection and parents. Their advice must be sought for referral to First Response or any other agency.

(c) Children at risk

If this is a **child protection matter**, this should be discussed with the Designated Person for Child Protection or his deputy and a safeguarding referral made as soon as possible.

According to Section 47 of the Children Act 1989 it is a child protection matter where:

- Children are at risk or are suffering significant harm.
- Children are suffering the effects of significant harm.
- Children are suffering serious health problems.

It is the ‘**significant harm**’ threshold that justifies statutory intervention into family life. A professional making a child protection referral under S.47 must therefore provide information which clearly outlines that a child is suffering or likely to suffer significant harm.

It is not possible to rely on one absolute criterion when judging what constitutes significant harm. Consideration of the severity of ill-treatment may include the extent of the harm suffered, the context within which it occurred and its duration.

Significant harm may also arise from a combination of significant events which are both acute and long standing and which may impair the child's physical, psychological and social development. In order to both understand and establish significant harm, it is necessary to consider the family context, together with the child's development within their wider social and cultural environment. It is also necessary to consider any special needs, e.g. medical condition, communication difficulties or disability that may affect the child's development and care within the family. The nature of harm, in terms of ill-treatment or failure to provide adequate care also needs consideration alongside the impact on the child's health and development and the adequacy of care provided.

7.2 Making a children in need/children at risk referral

Where a child is registered at the Academy a written record of concerns should be made using the Academy's internal recording form (see Appendix 1). This should then be given to the Designated Person for Child Protection or his deputy (see Appendix 2) who will then normally make the decision about whether a referral needs to be made.

The agency to whom a referral is made is dependent upon where the student resides:

Students who live in **Derby City**:

Derby City First Contact Team - 01332 641172

Students who live in **Derbyshire**:

Call Derbyshire - 01629 533190

Students who live in **Staffordshire**:

First Response - 0800 1313126

Students who live in **Stoke on Trent**:

Emergency Duty Team: 01782 234234

Contact with these agencies will normally be made by the Designated Person for Child Protection or his deputy. However, everybody has a responsibility for safeguarding students and the right to make a referral.

Therefore, if the advice of the Designated Person for Child Protection or his deputy has been sought, and that advice is that a referral is not necessary, the person with the original concern may, if they deem it necessary, make a referral themselves.

Telephone referrals will need to be followed up with a multi-agency referral form. These forms can be downloaded from the appropriate Safeguarding Children Board website:

Derby City/Derbyshire: www.derbyshirescb.org.uk
Staffordshire: www.staffsscb.org.uk
Stoke on Trent: www.safeguardingchildren.stoke.gov.uk

8. Attendance at child protection conferences

The Designated Person for Child Protection or his deputy will be expected to attend the initial Child Protection Conference. If a child is made subject to a Child Protection Plan it may be more relevant for the child's mentor to attend the subsequent core group meetings.

9. E-safety

The growth of different electronic media in everyday life and an ever developing variety of devices including personal computers, laptops, tablets, mobile phones, webcams, smart watches, smart glasses and so on place an additional risk on our children.

Internet chat rooms, discussion forums or social networks can all be used as a means of contacting children and young people with a view to grooming them for inappropriate or abusive relationships. The anonymity of the Internet allows adults, often pretending to be children, to have conversations with children and in some cases arrange to meet them.

Access to abusive images is not a 'victimless' act as it has already involved the abuse of children. The internet has become a significant tool in the distribution of indecent photographs of children and should be a concern to all those working with students at the Academy.

If any member of staff is exposed to an image or images of a student from the Academy in any form of media, this must be reported immediately to the Designated Person for Child Protection. If the image is on portable equipment it must be confiscated from the student and taken immediately to the Designated Person for Child Protection. **Under no circumstances must any member of staff give or receive any such images, even for opinion. In doing so there is a potential criminal offence of 'distribution'.**

Students can engage in or be a target of bullying using a range of methods including text and instant messaging to reach their target. Mobile telephones are also used to capture violent assaults of other children for circulation (for example, 'happy slapping').

Students will be made aware of the dangers through the curriculum, particularly in PSHE and sex education.

Additional protection will be provided through:

- Software in place to minimise access and to highlight any person accessing inappropriate sites or information.
- The encouragement of pupils to discuss openly their use of technology and anything which makes them feel uncomfortable. (If this results in child protection concerns the Designated Person for Child Protection should be informed immediately.)
- Students being encouraged not to give out their personal details, telephone numbers, home address, computer passwords, etc.
- Students adhering to the Academy's policy on mobile telephones.

The police will be involved if there is any criminal element to misuse of the internet, telephones or any other form of electronic media.

10. Allegations of abuse against professionals

10.1 Protecting Academy staff against allegations of abuse

All staff should seek to keep personal contact with children under review and seek to minimise the risk of any situation arising in which misunderstandings can occur. The following sensible precautions can be taken when working alone with children:

- Work in a room where there is a glass panel in the door or leave the door open.
- Make sure that other adults visit the room occasionally.
- Avoid working in isolation with children unless thought has been given to safeguards.
- Do not give out personal mobile phone numbers or private e-mail addresses.
- Do not give students lifts home in your car.
- Do not arrange to meet students outside of Academy hours.
- Do not chat to students on social websites.

Under the Sexual Offences Act 2003 it is a criminal offence for anyone working in an education setting to have a sexual relationship with a student even when the student is over the age of consent.

Any use of physical force or restraint against students will be carried out and documented in accordance with the relevant physical restraint policy. If it is necessary to use physical action to prevent a child from injury to themselves or others parents/carers will be informed.

Students will not be punished by any form of hitting, slapping, shaking or other degrading treatment.

10.2 Procedure for dealing with allegations of abuse against Academy staff

Children can be the victims of abuse by those who work with them in any setting. All allegations of abuse of children carried out by any member of staff or volunteer should therefore be taken seriously.

If an allegation is received by the Principal or Chair of Governors the following should be considered:

Has the member of staff:

- 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 s/he is unsuitable to work with children?

Allegations of abuse made against staff, whether historical or contemporary, will be dealt with by the Principal, not the Designated Person for Child Protection. If the allegation is against the Principal then it will be dealt with by the Chair of Governors. The Principal/Chair of Governors will contact the Local Authority Designated Officer (LADO), or the Principal Education Welfare Officer, to discuss the allegation.

This initial conversation will establish the validity of any allegation and if a safeguarding referral needs to be made to First Response. If this is the case, a strategy meeting will be called that the Principal/Chair should attend.

The decision of the strategy meeting could be:

- Investigation by children's social care.
- Police investigation if there is a criminal element to the allegation.
- Single agency investigation completed by the Academy which should involve the Academy's external human resources adviser (see Procedure for Investigating Allegations against Members of Staff).

The fact that a member of staff offers to resign should not prevent the allegation procedure reaching a conclusion.

The Academy has a legal duty to refer to the Disclosure and Barring Service (DBS) anyone who 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, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. If these circumstances arise in relation to a member of staff at our academy, a referral will be made as soon as possible after the resignation or removal of the individual in accordance with advice from the LADO and/or HR. The Principal is responsible for informing the DBS.

10.3 What staff should do if they have concerns about safeguarding within The JCB Academy

Academy staff should feel able to raise concerns about poor or unsafe practices and potential failures in the Academy's safeguarding regime. Academy staff should use the Academy whistleblowing policy to raise such concerns.

11. Staff recruitment, supervision and training

When recruiting new staff, the Academy follows safer recruitment practices, including carrying out all necessary pre-employment checks, in accordance with the requirements of *Keeping Children Safe in Education* (see Staff Recruitment and Selection Policy and Procedures).

Partners from local industry will not work with students without another DBS checked adult in attendance.

Newly appointed staff complete Level 1 safeguarding training as part of their induction programme (see Staff Induction and Mentoring Policy) and this is renewed every three years.

The Designated Safeguarding Lead and his/her deputy will Level 2 training through the Staffordshire Safeguarding Children Board Training Programme. This training is renewed every two years.

12. Further advice

Further advice on safeguarding matters can also be obtained from Staffordshire County Council's Education Safeguarding Officer, the Education Welfare Senior Practitioner in each district and the Staffordshire First Response Team (see Appendix 2).

13. Links with other policies

This document should also be considered within the context of other policies and documents relating to work with children and young people.

Key documents are:

- Staffordshire Safeguarding Children Board Procedures (April 2007).
- Staffordshire Safeguarding Children Board Training Programme Booklet.
- Staffordshire Policy on the use of Restrictive Physical Interventions (including restraint) in mainstream schools.
- Safeguarding Children: Safer Recruitment in Education (January 2007).
- Every Child Matters.
- Staffordshire Children & Young People's Threshold Framework (June 2007).

- The JCB Academy Behaviour Management Policy.
- The JCB Academy Anti Bullying Policy
- The JCB Academy Staff Recruitment and Selection Policy and Procedures
- The JCB Academy Staff Induction and Mentoring Policy
- Cyber-bullying in an Education Setting; Guidance for Staff
- The JCB Academy Whistle Blowing Policy.
- Staffordshire e-safety Tool Kit.
- Working Together to Safeguard Children (March 2010).
- Multi-Agency Practice Guidelines
- Keeping Children Safe in Education (March 2015)
- Prevent Duty Guidance: for England and Wales
- How social media is used to encourage travel to Syria and Iraq briefing note for schools

14. Resources

Safeguarding is important to all staff. The Governing Body has to ensure that sufficient resources are made available to enable the necessary tasks to be carried out properly under Staffordshire Safeguarding Children Board procedures, including the attendance at meetings, collating and writing assessment reports, and staff training. The Governing Body will also ensure that all governors have an understanding of safeguarding issues and that policy and procedures are in place in the Academy to safeguard and promote the welfare of all students.

Safeguarding awareness will be addressed through the curriculum as appropriate to ensure all the pupils understand what is meant by safeguarding and how they can be safe.

Related policies/procedures:
See Section 13

Date of approval by the Governing Body:	8 December 2009
Reviewed and reapproved:	21 September 2010
Reviewed and reapproved:	24 April 2012
Updated:	September 2013, August 2014
Reviewed and reapproved:	January 2016
Date of next biennial review:	January 2018



Child Protection Referral Procedure

Concerns can be reported by either seeing the Child Protection Officer or Deputy Child Protection officer in person or by completing the following form and passing it to the Designated Person for Child Protection or his deputy in person. If neither are available, urgent concerns must be shared with the local authority contact at the authority where the student resides (refer to the Academy's Safeguarding and Promoting Student Welfare Policy).

If the concern is urgent (i.e. the student is at risk of significant harm immediately), the referral must first be made verbally to the Designated Person for Child Protection or his deputy. If neither are available, urgent concerns must be shared with the local authority contact at the authority where the student resides (refer to the Academy's Safeguarding and Promoting Student Welfare Policy).

The JCB Academy CHILD PROTECTION AND SAFEGUARDING INTERNAL REFERRAL FORM

Once completed, please pass this form immediately to either the Child Protection Officer (JGA) or the Deputy Child Protection Officer (HHO)

Name of student:

Date of birth:

House and year group:

Name of staff member completing this form:

Date & Time:

Nature of concern or disclosure:

Record only the facts as observed by you, or told to you by the student - do not include opinions

Please indicate the possible category/categories of concern:

Physical Abuse

Sexual Abuse

Emotional Abuse

Neglect

Risk Taking Behaviour

E-Safety Concerns

Child Sexual Exploitation

FGM

Extremism or Radicalisation

Domestic Violence

Guidance on talking to and listening to children and young people

If a child chooses to disclose, staff should:

- Be accessible and receptive
- Listen carefully and uncritically at the child's/young person's pace
- Take what is said seriously
- Reassure the child/young person that they are right to tell
- Make sure that the child/young person understands that the information will be passed on
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Staff should never:

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- Forget to record what they have been told
- Fail to pass the information on to the correct person
- Ask a child/young person to sign a written copy of the disclosure

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Well-kept records are essential in situations where it is suspected or believed that a child may be at risk from harm.

Records should

- State who was present, time, date and place
- Use the child's/young person's words wherever possible
- Be factual and state exactly what was said
- Be written in ink and signed by the recorder

Confidentiality:

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"I will keep our conversation confidential and agree with you that information I can share, unless you tell me something that will affect your personal safety or that is illegal, but I will tell you if I am going to pass information on and to whom."