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# DEPARTMENT OF EDUCATION, SPORT AND CULTURE

RHEYNN YNSEE, SPOYRT AS CULTOOR



## Policy and Procedure

### Safeguarding and Child Protection Policy

# Glossary

**Children** for the purpose of this policy 'children' includes anyone who is not yet 18 years of age.

**Department** means the Department of Education, Sport and Culture (DESC) including schools, UCM, Villa Gaiety and MSR.

**DESC** means the Department of Education, Sport and Culture.

**Designated Safeguarding Lead (DSL)** means the Designated Officer(s) within DESC who have been assigned to deal with Safeguarding.

**Isle of Man Safeguarding Board** is a partnership of the relevant departments and agencies to ensure they work effectively together to protect children and vulnerable adults from abuse and neglect. The key responsibilities and statutory functions of the Board are set out in the Safeguarding Board Act 2018, supported by the Safeguarding Board Regulations 2019. Safeguarding Together 2019 is the guidance that sets out how the Act will be implemented in practice.

**MARF** is a Multi-Agency Referral Form which should always be completed when making a referral in respect of a child in need or in need of protection.

**MASM** is the DESC procedure for Managing Allegations against Staff Members

**Section 46 Assessment** Section 46 of the Children and Young Persons Act 2001 sets out the duties of the department (Manx Care, Children and Families Division) to investigate the circumstances of children with safety and protection needs. A Section 46 enquiry is initiated to decide whether and what type of action is required to safeguard and promote the welfare of a child who is suspected of, or likely to be, suffering significant harm.

**Setting** means any and all DESC establishments.

**Staff** all references in this document to 'staff' or 'members of staff' should be interpreted as meaning all paid or unpaid staff, professionals and volunteers working in any DESC establishment.

**Visitor** means an individual who is visiting the school and is not employed to work there or is not a pupil there. A pupil who is suspended from the school for misbehaviour may also be referred to as a visitor.

**Vulnerable adult** is a person who has attained the age of 18 years and is in need of care and protection and satisfies one or more of the conditions of subsection 2 within section 5 of the Safeguarding Act 2018.

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# Summary

## **Purpose of the Policy**

This document details the Department of Education, Sport and Culture's overarching policy on safeguarding and promoting the welfare of children and young people accessing DESC services.

The Department has a legal duty to promote the education of persons, particularly those under the age of 18, and is also responsible for overseeing the provision of many sport and culture activities. In providing the services, it is of the utmost importance that all members of staff are aware of the Department's commitment, and their personal duty, to protect and safeguard children and young people.

## **Policy Statement**

As a Safeguarding Partner under the Safeguarding Act 2018, the Department of Education, Sport and Culture discharges its duty with due consideration for the thoughts and wishes of the child.

This duty applies to all children equally, regardless of their personal circumstances and beliefs. However, the Department recognises that personal circumstances may cause some children to be more vulnerable to harm than others.

## **Who is This Document For?**

This policy is for all members of staff within the Department, including all contractors and temporary staff, and those performing Department functions who may be employed by other Government Departments.

## **Key Points**

This policy applies to all DESC settings and is to be followed whenever there is a concern of a safeguarding nature regarding children and/or vulnerable adults.

## **Effective Date**

This document is effective from September 2024. It will be updated as required and updated at least annually.

# What is Safeguarding?

## What is Safeguarding?

Safeguarding encompasses everything we do to keep everyone safe, including children, parents, volunteers and everyone else working within a school.

Safeguarding and promoting the welfare of children is defined in the Isle of Man's Safeguarding Together Guidance as:

- a. Protecting children from maltreatment;
- b. Preventing impairment of children's health or development;
- c. Ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- d. Taking action to enable all children to have the best outcomes.

Safeguarding is proactive in nature and made up of rules, boundaries, acceptable behaviours, norms and expectations.

## What is Child Protection?

Child Protection is part of the safeguarding framework and describes the actions we take to protect children from harm and maltreatment.

It is reactive to situations where we are concerned that significant harm has been or might be caused to a child and prescribes the actions that must be taken.

## What is Abuse?

There are four types of abuse:

- Physical;
- Emotional – including domestic abuse;
- Sexual; and
- Neglect.

Everyone should be aware of how to identify the signs that abuse may be taking place and know how to respond to concerns.

# Requirements for DESC Settings

## Systems

All settings **must** have in place appropriate and robust systems to support a positive safeguarding culture, including codes of conduct, policies<sup>1</sup>, procedures, training and curricular opportunities to promote safeguarding messages and themes.

There should also include clear procedures for lines of escalation and referral to other agencies.

These systems must include information about how to:

- Identify potential or actual harm to children – whether this is when problems are first emerging or where a child is already known to the Children and Families Division;
- Document concerns following analysis and assessment of the circumstances; and
- Discuss concerns with the Designated Safeguarding Lead (“DSL”)

To ensure relevance and efficiency, these systems **must** be regularly reviewed and updated whenever necessary.

All staff **must** be made aware of these systems and provided with training that is appropriate to their role to ensure they understand their personal duties.

## Designated Safeguarding Lead (“DSL”)

Each setting **must** appoint a member of staff to the role of Designated Safeguarding Lead (“DSL”), requiring them to take lead responsibility for safeguarding and child protection. This **must** be someone with the appropriate seniority and authority within the setting to carry out the DSL’s duties which include, but are not limited to:

- Advise and support staff on matters relating to child protection and safeguarding;
- Maintain and review the setting’s relevant policies and procedures, in-line with legal requirements, guidance and updates.
- Ensure that all members of staff have received appropriate training, have read the relevant policies and procedures, and understand their duties for safeguarding and promoting the welfare of children
- Manage safeguarding referrals to external agencies.
- Share and help to analyse information so that an assessment can be made of a child's needs and circumstances;
- Contribute to whatever actions are needed to safeguard and promote a child's welfare;
- Take part in regularly reviewing the outcomes for a child against specific plans;
- Ensures that all staff receive training commensurate with their role and maintains a list of training undertaken by staff and when it occurred. Safeguarding training is mandatory and should be updated at least every 3 years but preferably within 2 years.

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<sup>1</sup> A template Safeguarding Policy has been produced and is available to all DESC settings

Depending on role. (Any staff taking on a lead role for a child subject to planning must attend the Core groups and Conference training run by the Safeguarding Board).

- Maintain records securely and confidentially in line with record keeping guidance. Records should be retained and subsequently destroyed in line with the Department's Retention Schedule
- Undergo training and receive regular updates to maintain the necessary knowledge and skills for the role.

To ensure the effective performance of these duties, the DSL should be available for staff to discuss any safeguarding concerns and should be afforded appropriate time, training, resources and support.

Where considered appropriate to a setting's circumstances, it is recommended that a Deputy DSL ("Deputy") is appointed, who must be trained to the same standard as the DSL.

It will be the role of the Deputy to assist the DSL in discharging their duties, or to be the point of contact in their absence. Though the functions of the DSL **may** be delegated to the Deputy DSL, the lead responsibility will remain with the DSL.

Further information on the role of the DSL is available in Annex C of 'Keeping Children Safe in Education' which can be found [here](#)

## **Designated Teacher for Children who are Looked After**

Each school setting must ensure that appropriate staff have relevant information about children who are looked after, including their legal status, care arrangements, and contact arrangements with birth parents or those with parental responsibility.

To coordinate this, a school must appoint a Designated Teacher for Children who are Looked After, whose role it will be to promote the educational achievement of children who are looked after. The designated teacher must be appropriately trained and have the relevant qualifications and experience to perform their role, which includes:

- Working closely with the DSL to ensure that any safeguarding concerns regarding children who are looked after are responded to quickly and effectively; and
- Work with the Virtual Head Teacher to promote the educational achievement of children who are looked after.

## **Safer Recruitment**

The Department of Education, Sport & Culture is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment.

To build and maintain a positive safeguarding culture, and ensure that staff are aware of the relevant reporting systems and their personal duties, schools **must** ensure that they follow IoM Government OHR recruitment policy, procedures and guidance and that the following wording is included on all job adverts:

### **"Protection of young people**



All applicants should note that, in order to fulfil its responsibilities in relation to the protection of young people, the Department of Education, Sport and Culture will ask the police to check for any record of convictions or cautions on successful candidates.

Applicants will be required to complete a Police Check following a successful application. Failure to complete and return this form will prevent any further consideration to an application. All information supplied by the Police will be destroyed once a decision has been taken.

### **Safeguarding**

The Department of Education, Sport and Culture is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

All staff are required to undertake training with regard to the safeguarding and welfare of children and young people and the Department commits to providing this training e.g. via induction, on-line, briefings at staff meetings inset days etc., as appropriate.

All staff have a responsibility for promoting and safeguarding the welfare of children and young persons for whom they are responsible, or with whom they come into contact and to adhere to, and ensure compliance with, the Isle of Man Safeguarding Children's Board Inter Agency Child Protection procedures and the school's Child Protection Policy at all times. If, in the course of carrying out the duties of the post, the post holder becomes aware of any actual or potential risks to the safety or welfare of young people in the school, they must report any concerns to the designated Child Protection Officer."

It is also considered best practice to have read the Isle of Man Safeguarding Board's '*Safer Recruitment*' Guidance which can be found [here](#).

Upon employment, all staff will be required to participate in induction activities that are appropriate to their role, including safeguarding and child protection training. The Department commits to providing this training by appropriate means (e.g. via induction, online training, briefings at staff meetings, in-set days etc.) and ensuring that it is refreshed on a rolling basis.

All staff have a responsibility for safeguarding and promoting the welfare of children and young persons for whom they are responsible, or with whom they come into contact. When discharging this duty, staff must adhere to, and ensure compliance with, the Isle of Man Safeguarding Board's Child Protection procedures and the school's Child Protection and Safeguarding Policy at all times.

# Safeguarding Information for All Staff

## The Role of School Staff

School staff are in a particularly well placed and important position to identify concerns early, provide help and promote children's welfare.

It is the responsibility of school staff to provide a safe environment for children to learn, with identification of concerns and subsequent intervention at the earliest possible stage, in accordance with the procedures outlined in the setting's Safeguarding or Child Protection Policy.

Within each school there will be a Designated Safeguarding Lead ("DSL"), whose role it is to coordinate safeguarding matters within the school. Where appropriate, a school may also appoint a deputy whose role it will be to assist the DSL or to carry out their functions when they are not available.

## People in Positions of Trust

The Sexual Offences and Obscene Publications Act 2021 includes a number of offences in relation to abusing a 'position of trust', which is defined in section 24.

A person is in a position of trust to someone who is under 18 years, or with someone classed as a vulnerable adult, when they are responsible for, in a position of authority towards, or is in a relationship of dependency with, the young person or vulnerable adult.

A person is then in breach of this position should they develop a relationship that is exploitative, damaging or threatening to the young person or vulnerable adult's physical, mental, sexual or emotional wellbeing.

Any person who works with children or vulnerable adults, whether in a paid or unpaid capacity, is in a 'position of trust'. This applies to all members of staff working within schools, including professionals and volunteers.

Guidance: further information relating to positions of trust can be found by following this link - [NSPCC Position of Trust](#)

## A Child-Centred and Coordinated Approach to Safeguarding

Safeguarding and promoting the welfare of children is everyone's responsibility and must be done in a manner that considers the best interests of the child. This requires an awareness that every child's needs and concerns are different, and that some children are more vulnerable to harm and/or exploitation than others.

Where appropriate, it is important that safeguarding is performed collaboratively with other agencies and coordinated to reach the best outcome for the child.

## **What Staff Need to Know**

All staff should be aware of the systems within their setting which support safeguarding and the protection of children. These should involve the following and should be explained to them during their induction:

- Child Protection and Safeguarding Policy;
- Behaviour Policy;
- Staff Code of Conduct
- How to recognise and respond to child protection concerns; and
- Who is the DSL (and their deputy, where applicable) and what is their role.

Appropriate safeguarding and child protection training will be provided to all staff during induction. This training will outline expectations concerning their roles and responsibilities and outline the process for reporting concerns.

All staff know how to respond where a child discloses a concern to them, including the reporting of the concern and reassuring the child that the matter is being handled and that they will be supported throughout.

All concerns must be handled in a considerate manner and staff must not promise a child to keep information confidential when it refers to a report of any form of abuse, as this will not be in the best interests of the child.

## **Early Help and Support (EHaS)**

EHaS means providing support as soon as a problem emerges at any point in a child's life, with the aim of preventing further problems arising.

Any child may benefit from EHaS, but staff should be particularly aware of the potentially heightened needs of children who are vulnerable. It is important that staff can identify concerns at the earliest possible stage.

Effective EHaS relies upon local agencies working together with the consent of families and children to:

- Identify children and families who may benefit from early help;
- Undertake an assessment of the need for early help;
- Referring the family/child to EHaS; and
- Relevant agencies providing targeted EHaS services to address the assessed needs of a child and their family which focuses on activities to significantly improve the outcomes for the child.

The role of (particularly school) staff in the daily lives of children means that they are well placed to identify children and families which would benefit from EHaS and refer them to other agencies for assessment and support.

## **What Staff Should Look Out For**

All staff should:

- Be alert to potential indicators of all four types of abuse (physical, emotional – which includes exposure to domestic abuse, sexual and neglect);

- Be alert to the risks which individual abusers or potential abusers may pose to children;
- Be alert to the impact on the child of any concerns of abuse or maltreatment; and
- Be able to gather and analyse information to contribute to an assessment of the child's needs.

## Abuse and Neglect

All staff should be aware of the indicators of all four types of abuse (physical, emotional – which includes exposure to domestic abuse, sexual and neglect) and understand that children can be at risk of harm anywhere, including at school, at home, in the community and online.

Such harm may not manifest physically and not be easily identifiable, so wherever staff suspect that a child may be subject to abuse or neglect, they should exercise professional curiosity.

Staff should also be aware of the different forms of abuse that can take place, by whom they can be inflicted, the impact of technology, and the role of contextual safeguarding, which recognises the impact and influence of factors outside of the family home.

Below is a non-exhaustive list indicating where and how different forms of abuse can take place:

Type of Abuse	Where?			
	At Home <i>(By family, carers or friends)</i>	At School <i>(By other pupils, staff, volunteers, or visitors)</i>	In the Community <i>(By anyone: members of the public, sports clubs, societies etc.)</i>	Online <i>(By anyone)</i>
Physical	✓	✓	✓	
Emotional	✓	✓	✓	✓
Sexual	✓	✓	✓	✓
Neglect	✓			
Domestic	✓			
Child-on-Child	✓	✓	✓	✓
Criminal Exploitation	✓	✓	✓	✓
Sexual Exploitation	✓	✓	✓	✓
Honour-Based Abuse	✓		✓	
FGM	✓		✓	
Radicalisation	✓	✓	✓	✓

This shows that most forms of abuse can take place anywhere and by anyone. Staff **must** be aware that these situations can arise.

## Indicators of Abuse and Neglect

### Recognising Abuse

A child may be abused or neglected by either inflicting harm or by failing to prevent harm. Harm is not only physical, it encompasses all ill treatment including witnessing the ill treatment of others, which is particularly relevant to the impact on children of domestic abuse.

Children can be subject to abuse by anyone, including other children, and often by people known to the child.

There are four recognised categories of abuse which can be caused in several ways, as follows:

<b>Form of Abuse:</b>	<b>Caused by:</b>	<b>Potential Indicators:</b>
<b>Physical</b>	Hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or otherwise causing physical harm to a child, including the deliberate fabrication or causation of illness in a child.	Bruising; bite marks; burns and scalds; fractures; or behavioural issues, such as aggressive behaviour.  Be aware of other signs, such as an explanation that is inconsistent with the injury, or several different explanations.
<b>Sexual</b>	Involving, forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. Including, penetrative or non-penetrative sexual acts, involving children in watching or taking part in pornographic material or to encourage children to behave in sexually inappropriate ways.	Inappropriate sexualised conduct; age-inappropriate sexualised play or conversation; or sexually harmful behaviour (contact or non-contact).  Self-harm; eating disorders; continual, inappropriate or excessive masturbation; anxiousness or unwillingness to remove clothes (sports / P.E etc.).  Pain or itching in genital area; blood on underclothes; or bruising in genital region and/or inner thighs etc.
<b>Emotional</b>	Persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on their emotional development, mental health, behaviour and self-esteem.	Developmental delay; attachment issues; aggressive behaviour; appeasing behaviour; watchfulness or stillness; low self-esteem; withdrawn or loner; or having difficulty in forming relationships.

	<p>Seeing or hearing the ill-treatment of another e.g. where there is domestic abuse.</p> <p>Causing children frequently to feel frightened or in danger.</p>	<p>Such signs may be difficult to identify as they are often behavioural rather than physical.</p> <p>Signs of emotional abuse may be associated to other forms of abuse and may indicate that other abuse is prevalent.</p>
<b>Neglect</b>	<p>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, such as failing to provide adequate food; shelter; clothing; or neglect of, or unresponsiveness to, a child's basic emotional needs. Neglect may also occur during pregnancy, as a result of maternal substance misuse.</p>	<p>Constant hunger or tiredness; unsuitable clothing; be emaciated; have untreated medical problems; frequently lateness or non-attendance; low self-esteem; neurotic behaviour and/or poor social relationships; or poor personal hygiene.</p> <p>A neglected child may also be apathetic, fail to thrive, or be left with or in the care of adults who are under the influence of alcohol or drug misuse.</p>

### Child-on-Child Abuse

Staff should be aware that children are not only capable of bullying, but also causing abuse to other children. No matter how unlikely staff believe it to be that such an incident could occur, they should also keep an open-mind and be aware that it **could** happen.

All child-on-child abuse is unacceptable and must be handled in accordance with the relevant policies and procedures. Child-on-child abuse may take many forms, examples of which include:

- Physical abuse
- Bullying
- Sexual violence, such as rape, assault by penetration and sexual assault;
- Sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment;
- Causing someone to engage in sexual activity without consent
- Consensual and non-consensual sharing of nude or semi-nude images and/or videos
- Abuse of intimate personal relationships between peers
- Recording intimate images without consent
- Initiation/hazing – inducting newcomers into an organisation, club or team by subjecting them to a series of potentially humiliating, embarrassing or abusing trials which are claimed to promote a bond between members.
- Prejudiced behaviour – behaviour that causes someone to feel powerless, worthless or excluded and which relates to prejudices around belonging, identity and equality – most commonly prejudices linked to disabilities, special/additional educational needs, gender and sexual identity, and ethnic, cultural and religious backgrounds.

## **Contextual Safeguarding**

Contextual safeguarding is an approach that recognises that children are influenced by different environments and people outside of their family.

By involving individuals who have influence within these different environments, such as parents, carers, teachers, and partners, contextual safeguarding seeks to create safer environments for all children.

Within the categories of abuse and neglect, there are numerous activities and issues that can relate to one or more of the categories at any one time.

## **Serious Violence**

Staff should be aware of the indicators that a child is at risk of, or is involved with, serious violent crime. Such indicators may include:

- Increased absence from school;
- A change in friendships or developing relationships with older individuals or groups;
- A significant decline in educational performance;
- Signs of self-harm; or
- New gifts/possessions – these may indicate that a child has become involved with criminal activity or has otherwise been approached by a criminal gang.

## **Child Criminal Exploitation (“CCE”)**

CCE can include children being forced or manipulated into committing crime or threatening/committing serious violence to others.

Such exploitation can result in the victims becoming financially indebted to the perpetrators as a means of manipulation, leading to victims or their families being subject to abuse and threatening behaviour.

Children involved in criminal exploitation may carry weapons as part of the coercion, or as a means of protecting themselves. It is also common for these children to commit crimes themselves, making it difficult to recognise their vulnerability as victims.

Due to the shipment and distribution of drugs on the Island, involvement with County-Lines gangs has become an increasing concern in recent years, including their use as drug and/or money mules.

## **Child Sexual Exploitation (“CSE”)**

CSE is a form of child sexual abuse which can occur over time or be a one-off occurrence and may occur without the child’s immediate knowledge. It may also be the case that some children do not realise they are being exploited and believe they are in a romantic relationship.

CSE can affect any child who has been coerced into engaging in sexual activities, including 16 and 17-year-olds who can legally consent to have sex.

## **Domestic Abuse**

Children can be victims of domestic abuse by seeing, hearing or experiencing the effects of abuse at home and/or in their own intimate relationships (teenage relationship abuse).

The behaviours that constitute domestic abuse are broad and include, but are not limited to:

- Psychological abuse
- Physical abuse
- Sexual abuse
- Financial abuse
- Emotional abuse

## **Radicalisation**

Radicalisation refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

Extremism is vocal or active opposition to fundamental British values, such as democracy, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces

Terrorism is defined by the Anti-Terrorism and Crime Act 2003 as the use or threat of action, where the action:

- Involves serious violence against a person;
- Involves serious damage to property;
- Endangers a person's life (other than that of the person committing the act);
- Creates a serious risk to the health or safety of the public or section of the public; or
- Is designed seriously to interfere with or seriously to disrupt with an electronic system.

Radicalisation can be difficult to identify, but with increasing use of social media platforms, there is an increased risk of children being exposed to radical groups. Signs that a child is being radicalised include:

- Isolating themselves from friends and family;
- Unwillingness or inability to discuss their views;
- Increased levels of anger;
- Talking as if from a scripted speech;
- A sudden disrespectful attitude towards others; and
- Increased secretiveness, especially around internet use.

## **Female Genital Mutilation ("FGM")**

FGM comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.

The reasons why FGM is performed vary, but may include:

- Where FGM is a social convention and there is social pressure to conform within a community;
- Where FGM is considered a necessary part of raising a girl, as a way to prepare her for adulthood and marriage; or



- Where people believe that FGM has religious support.

Section 6A of the Sexual Offences and Obscene Publications Act 2021 creates a duty for teachers to notify the police if they discover that FGM has been carried out on a woman or a girl who is aged under 18.

All staff should speak to the DSL with regard to any concerns about FGM.

More advice for DSL's is available from the Isle of Man Safeguarding Board:

[https://www.proceduresonline.com/iom/sb/p\\_fem\\_gen\\_mutil.html](https://www.proceduresonline.com/iom/sb/p_fem_gen_mutil.html)

### **Sharing Nudes or Semi-Nudes**

Sharing nudes or semi-nudes means the sending or posting of nude or semi-nude images, videos or live streams by young people under the age of 18 online.

The prolific use of mobile phones, social media and other online platforms, means there are many ways in which this can occur, including:

- Social media
- Gaming platforms
- Apple's AirDrop
- Text/Whatsapp/Messenger etc.

Children may refer to nudes or semi-nudes with other terms, most commonly 'pics', 'dick pics' or 'sexting'. Where professionals are referring to such images, they may use the terms:

- Youth produced sexual imagery or youth involved sexual imagery
- Indecent imagery
- Image-based sexual abuse

The Department has produced a guidance document which should be referenced when dealing with cases of nudes or semi-nudes.

# Responding to Concerns About a Child

## Whole Setting Approach to Safeguarding

All staff should always act in the best interests of all children and immediately act on any concerns they may have about a child's welfare, in accordance with their setting's policies and procedures.

Staff must be proactive and not assume that a colleague or another professional has or will take action where there is a concern – *early information sharing is vital for effective intervention and it is better to submit multiple reports than to submit none.*

## Hearing and Observing the Child

Whenever a child reports that they are suffering or have suffered significant harm through abuse or neglect, or have caused or are causing physical or sexual harm to others, the initial response from all staff should be to listen carefully to what the child says and to observe the child's behaviour and circumstances to:

- Clarify the concerns;
- Offer re-assurance about how the child will be kept safe; and
- Explain what action will be taken and within what timeframe.

To ensure good understanding of the situation, staff may be required to ask some clarifying questions.

However, when doing this, staff must not lead, cross-examine or press the child for information, nor should the child be given any assurances that information will be kept confidential – any one of these may prejudice a police investigation, especially in a case of sexual abuse.

As soon as practicable after talking to the child, staff should create an accurate record of the information, along with the date and time of the disclosure. This record should be purely factual, using the child's own words wherever possible, to ensure accuracy.

The Isle of Man Safeguarding Board has produced guidance relating to supporting the voice of the child which can be found here [Good Practice Supporting the Voice of the Child](#)

## Reporting to the Designated Safeguarding Lead ("DSL")

Where a member of staff identifies a concern or has received a report from a child, this should be reported to the DSL as soon as possible. If the DSL is not available, staff should report concerns to the Deputy DSL.

In exceptional circumstances where neither the DSL nor their deputy are available, this **must not** delay appropriate action being taken and staff should seek a member of the school's

Senior Leadership Team and/or seek advice from the Department's Child Protection and Safeguarding Officer or the Children and Families Division at Manx Care.

In these circumstances, any resulting action should be shared with the DSL (or deputy) as soon as practicable.

## **Duty to Refer**

All staff should refer in accordance with DESC's duty to safeguard children as established in the Safeguarding Act 2018, and follow the procedures of the Safeguarding Board if they believe or suspect that the child:

- Has suffered significant harm;
- Is likely to suffer significant harm;
- Has a disability, developmental and welfare needs which are likely only to be met through provision of family support services (with agreement of the child's parent) in accordance with the Children and Young Person's Act 2001;
- Is a Child in Need (child with complex needs) and whose development would be likely to be impaired without provision of services.

Staff have a duty under Section 87 of the Sexual Offences and Obscene Publications Act 2021 to notify police of possible victims of child sexual abuse. In a DESC setting, this duty is fulfilled by referring a disclosure or concern to the setting's DSL. The DSL will then proceed with notification as detailed in the Safeguarding Board's procedures.

Early sharing of information enables early help where there are emerging concerns and can be essential should effective child protection services be required, and should be done in-line with the Isle of Man Safeguarding Board's:

- [Information Sharing Protocol](#); and
- [Information sharing guidance for professionals working with children and adults at risk of abuse or neglect.](#)

When a referral is made to the Initial Response Team (Children and Families Division at Manx Care), they should include any pre-existing assessments.

Information about the child's developmental needs and the capacity of their parents and carers to meet these within the context of their wider family and environment should be provided as a part of the referral information, if available.

## **Multi-Agency Referrals**

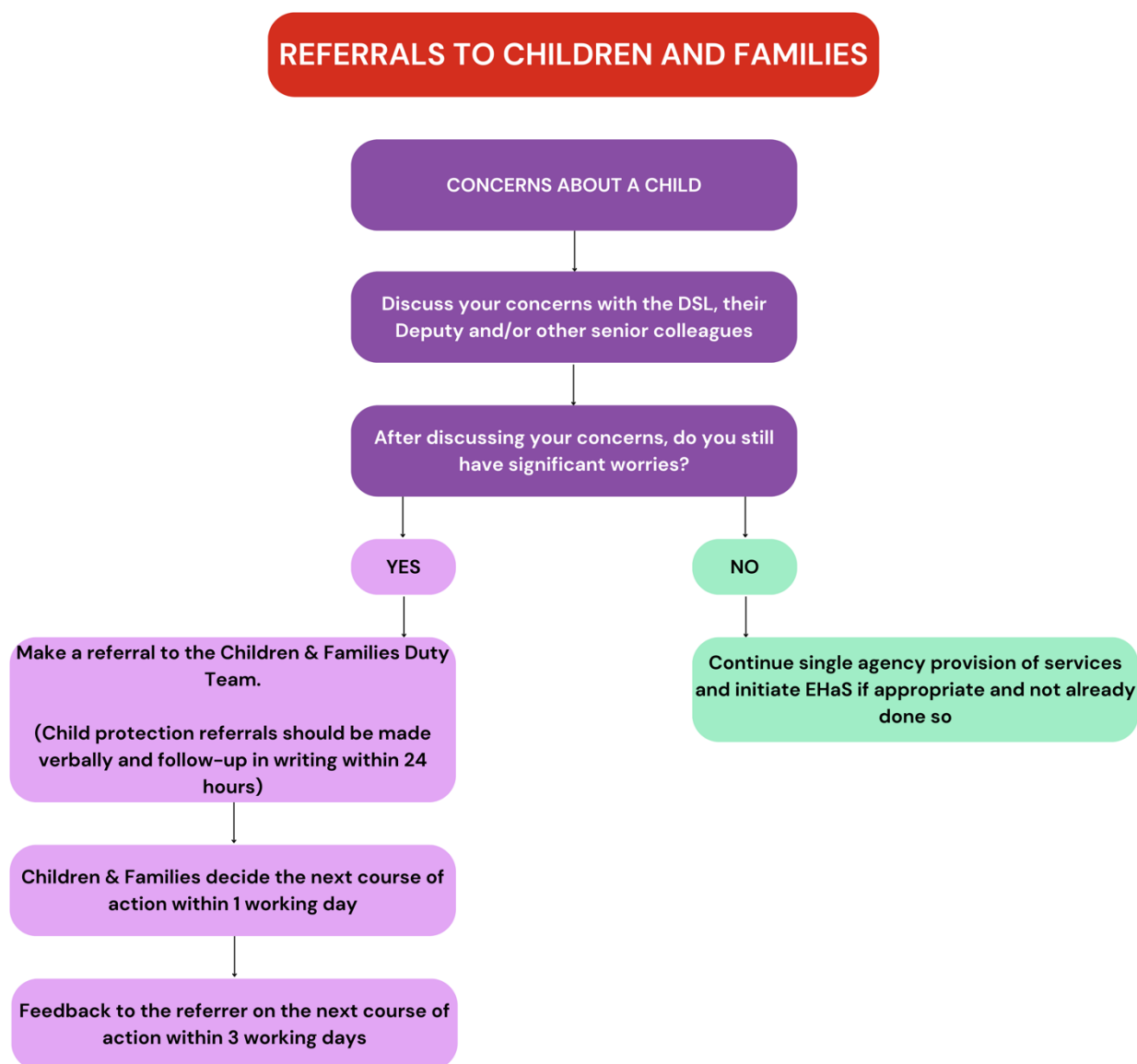
A referral, in the context of child protection, is when someone contacts Children and Families Division with information to share their concerns.

Anyone who has concerns about a child's welfare should immediately inform the DSL in their setting. The DSL may then proceed to make a referral to the Initial Response Team (Children and Families Division) by telephone.

The DSL should confirm the referral in writing using the Multi-Agency Referral Form (MARF) following the initial telephone conversation with the Initial Response Team duty social worker.

The referral should include any information they have on the child and the family. The MARF can be accessed [here](#).

All urgent child protection referrals should be made by telephone to the Initial Response Team, Manx Care on 686179. This should be confirmed in writing using the MARF within 24 hours. Out of office hours referrals should be made by calling 631212 (IoM Police Headquarters) and asking to speak to the on-call social worker. This should be confirmed in writing using the MARF within 24 hours. The form should be sent to the Children and Families Duty Team either by email to [childcarereferrals.dsc@gov.im](mailto:childcarereferrals.dsc@gov.im) or by post to Duty Team, Children and Families, 2nd Floor, Murray House, Mount Havelock, Douglas IM1 2SF.



### Concerns Raised by a Member of the Public

Safeguarding is everybody's business - members of the public can report concerns directly to Children and Families Division or the Police.

Contact details for concerns about children are as follows:

- (01624) 686179 (Initial Response Team, Manx Care) during office hours
- (01624) 631212 (Isle of Man Police Headquarters) out of office hours and ask to speak to the on-call social worker
- In an emergency always call the police on 999

Alternatively, the public can email: [dutyinitialresponseteam@gov.im](mailto:dutyinitialresponseteam@gov.im) This email address is monitored by Children and Families Division (Social Care) during office hours only.

If a member of the public reports concerns to a member of an education settings' staff, this should be immediately referred to the setting's DSL. The Department of Education, Sport and Culture is named as a safeguarding body in the Safeguarding Act 2018. As such DESC and education settings are bodies to which people can report concerns and have a duty to act on any concerns which are raised.

## **Managing Allegations against Staff Members (MASM)**

All allegations of concern or abuse against children or vulnerable adults by those who work with them must be taken seriously by agencies who work together, taking a coordinated approach to investigate, share information and make decisions in the child's or vulnerable adult's best interests, ensuring that effective safeguarding arrangements are in place whilst doing so.

The DESC MASM policy is to be followed whenever there is an allegation of a safeguarding nature against an adult who has contact with children and/or vulnerable adults in the course of their work, whether this is paid or voluntary. It applies to all DESC settings.

The procedure to manage an allegation should be applied when there is an allegation or concern that a person in a position of trust has:

- Behaved in a way that has harmed a child or vulnerable adult, or may have done so;
- Possibly committed a criminal offence against or related to a child(ren) or vulnerable adult(s);
- Behaved in a way that indicates they may pose a risk of harm to children or vulnerable adults; or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children or vulnerable adults.

## **Non-Recent (Historical) Abuse**

Non-recent abuse (also known as historical abuse) is an allegation of neglect, physical, sexual or emotional abuse made by or on behalf of someone who is now 18 years or over, relating to an incident which took place when the alleged victim was under 18 years old.

Allegations of child abuse are sometimes made by adults and children many years after the abuse has occurred. There are many reasons for an allegation not being made at the time including fear of reprisals, the degree of control exercised by the abuser, shame or fear that the allegation may not be believed. The person becoming aware that the abuser is being investigated for a similar matter or their suspicions that the abuse is continuing against other children may trigger the allegation.

Reports of historical allegations may be complex as the alleged victims may no longer be living in the situations where the incidents occurred or where the alleged perpetrators are also no longer linked to the setting or employment role. Such cases should be responded to in the same way as any other concerns and the referral procedure should be followed.

**It is important to ascertain as a matter of urgency if the alleged perpetrator is still working with, or caring for, children.**

Organisational responses to allegations by an adult of abuse experienced as a child must be of as high a standard as a response to current abuse because:

- There is a significant likelihood that a person who abused a child/ren in the past will have continued and may still be doing so;
- Criminal prosecutions can still take place despite the fact that the allegations are historical in nature and may have taken place many years ago.

If it comes to light that the historical abuse is part of a wider setting of institutional or organised abuse, the case will be dealt with according to the Safeguarding Board's guidance on **Organised and Complex Abuse**

## What Staff should do if they Have Concerns about a Setting's Safeguarding Practices

All staff should feel free to raise concerns about poor or unsafe practice and potential failures in the setting's safeguarding arrangements.

Concerns should be raised in the first instance with the senior leadership team or Head teacher.

However, where a staff member feels unable to raise an issue within normal escalation channels or that their concerns are not being addressed, they should refer to the Isle of Man Government Whistleblowing Policy – found [here](#).

The Isle of Man Safeguarding Board Whistleblowing guidance ([here](#)) may also be referenced.

## Associated Resources

### Relevant Legislation

#### [Children and Young Persons Act 2001](#)

Children's rights are enshrined under the Children and Young Persons Act 2001, which provides for social services for children in danger or in need.

#### [Sexual Offences and Obscene Publications Act 2021](#)

Section 87 provides for a duty to notify if in the course of their work a person discovers that a child appears to have been subject to an act which would constitute an offence. A staff member alerting the DSL in their setting fulfils this duty.

#### [Domestic Abuse Act 2020](#)

#### [Employment of Children \(No.2\) Regulations 2018](#)

Under Regulation 9 of the Employment of Children (No.2) Regulations 2018, every employer must maintain a register at the place where, or in connection with which, a child is, or has within the previous 6 months been, employed. This register must be made available for inspection by an authorised officer of the Isle of Man Department of Education, Sport and Culture.

#### [Performances by Children Regulations 2004](#)

Under the Performances by Children Regulations 2004, a child is only permitted to take part in performances if a licence has been granted by the Isle of Man Department of Education, Sport and Culture. A record of such licenses is maintained, providing details of the performances in which children are performing, including the times and lengths of the performances, and the names and contact details of the children's chaperones. Copies of issued licenses are retained in case of any safeguarding concerns.

#### [Education Act 2001](#)

The Isle of Man's Education legislation provides for the right of every child to efficient full-time education suitable to their age, ability and aptitude along with any special educational needs they may have. The Education Act 2001 provides a duty for the Department of Education, Sport and Culture to provide schools sufficient in number, character, and equipment to afford for all pupils' opportunities for education suitable for different ages, aptitudes and abilities including practical instruction and training appropriate to children's respective needs.

The Education Act 2001 places a duty on parents of children of compulsory school age to cause their child to receive suitable education, either by regular attendance at school or otherwise. The Department of Education, Sport & Culture has the power to enforce this duty.

Children's rights are embedded into the teaching of Personal, Social and Health Education sessions in Isle of Man schools. Within the RSE Advisory Curriculum, human rights, children's rights and citizenship topics are included and colleagues are directed to resources from the Equality and Human Rights Commission.

## [Human Rights Act 2001](#)

The Human Rights Act 2001 incorporates the fundamental rights and freedoms in the European Convention on Human Rights into Manx domestic law. The Act makes it unlawful for a public authority to behave in a way which contravenes those rights, notable to this convention is Article 4 the prohibition of forced labour and slavery. All public authorities must ensure that everything they do is compatible with Convention rights unless an Act of Tynwald makes that impossible.

The Human Rights Act provides that:

- Convention rights and responsibilities form a common set of binding values for public authorities;
- Public authorities must have human rights principles in mind when they make decisions about people's rights;
- Human rights must be part of all policy making;
- All legislation must be interpreted and given effect as far as possible, compatibly with the Convention rights; and
- It is unlawful for a public authority to act incompatibly with the Convention rights and allows for a case to be brought in the Isle of Man Courts against the authority if it does so.

## [Safeguarding Act 2018](#)

The Safeguarding Act 2018 established a Safeguarding Board to support the safeguarding of children and vulnerable adults, and to promote such safeguarding; and for connected purposes.

Sections 12 to 15 deals with the Safeguarding Board's relations with other bodies, in particular (in section 12) in connection with the sharing of information for the purposes of safeguarding children and vulnerable adults. Section 13 enables the Safeguarding Board to make recommendations to relevant safeguarding bodies, (the Department of Health and Social Care, the Department of Education, Sport and Culture and the Isle of Man Constabulary), with which they must comply. Section 14 imposes duties on the Board to cooperate with relevant safeguarding bodies, and on those bodies to co-operate with the Board and its committees and subcommittees. Section 16 requires a relevant person (a relevant safeguarding body or a person specified in regulations made by the Department) to make arrangements to promote safeguarding of children and vulnerable adults.

## [Prohibition of Female Genital Mutilation Act 2010](#)

### **Further Resources**

[NSPCC](#)

[Safeguarding Board Isle of Man](#)

[Safeguarding Together – Guidance for collective working to safeguard children and vulnerable adults in the Isle of Man](#)

[Keeping children safe in education 2024 \(publishing.service.gov.uk\)](#)

DESC Guidance on responding to incidents where Nudes or Semi-Nudes have been shared

DESC Template Safeguarding and Child Protection Policy



## Version Control and Review

The business area that owns this document is Education Advice and Support Division

Version	Author	Date	Changes
V0.1	Policy Hub	December 2023	First Draft
V0.2		June 2023	Amendments following review by working group
V0.3	Policy Hub	July 2024	Final Draft produced for SLT & Dept approval for publication
V0.3		August 2024	Approval to publish granted at Department Meeting 30/08/2024
V1.0		September 2024	Version 1.0 published

### Review Date

This document was issued on 5 September 2024 and is due to be reviewed in September 2026.