

## Appendix 6 – Legal Basis for Recommendations

	Recommendation	Relevant legislation/guidance	Timeframe
a)	Continue to improve the quality of recording on MOSAIC for any cases, including peer on peer cases. This has improved significantly since 2017 but this review found that it could be improved yet further by maintaining the quarterly audit (already in place) on all cases and adding occasional sampling exercises to identify if recording is not adequate. In particular, record keeping should indicate what advice was given and what actions were taken and there is evidence that this is now taking place.	<p>Section 10 (Co-operation to improve well-being) Children Act 2004</p> <p>Section 11 (Arrangements to safeguard and promote welfare) Children Act 2004</p>	Monthly audits starting September 2020 and to be conducted by education safeguarding officer
b)	Issue wider guidance than the national expectations - by looking at all legislation that may impact on such cases. There is a timely opportunity to do this now. The national guidance, 'Keeping Children Safe in Education', has been updated again in July 2020 and a key appointment to support this work has recently been made in Herefordshire. Whereas schools, in general, have a right to implement their own policies (partly because the process by which any policy is agreed is a key component of any policy), a model exemplar should now be issued given the importance of this issue. Herefordshire Council cannot enforce schools to adopt it however. The context around this issue has moved on considerably	<p>Section 10 (Co-operation to improve well-being) Children Act 2004</p> <p>Section 17 Children Act 1989 (places a duty on local authorities to promote and safeguard the welfare of children in need in their area)</p> <p>Statutory guidance - Keeping Children Safe in Education (September 2020)</p> <p>Statutory guidance - Working Together to Safeguard Children (July 2018)</p>	Policy to be re-issued by Children's and Families Directorate by the end of January 2021 to allow for external consultation

	since 2017 and what was deemed appropriate then is no longer adequate if we are to learn from our experiences. There is an opportunity now to set an exemplar policy which can be leading edge practice.		
c)	A risk assessment has been shared with all schools (Autumn 2019). This is not the exact one produced in 2017 and things have progressed since then. Schools are ultimately responsible for their own risk assessment processes and multiple forms and guidance are now available. More importantly, we can provide guidance in completion of the process of risk assessments. There is a danger that multiple pro formas may confuse, but training in the process of risk assessment and prevention would outweigh this danger. The newly appointed safeguarding officer will lead on this aspect.	<p>Section 10 (Co-operation to improve well-being) Children Act 2004</p> <p>DfE ADVICE Sexual violence and sexual harassment between children in schools and colleges May 2018</p> <p>Statutory guidance - Keeping Children Safe in Education (September 2020)</p>	To be a regular process but to be established by December 2020
d)	Continually review and check that information is passed between educational settings where individuals known to have been either alleged victim or alleged perpetrator and who are moving between settings is shared. To protect confidentiality and sensitivity this process should be supported by the Local Authority and not left to individual settings to complete. Although there is an existing protocol, the newly appointed safeguarding officer should hold this responsibility as part of the role. For example, an alert system should be established	<p>Data Protection Act 2018</p> <p>GDPR</p> <p>Working Together to Safeguard Children (July 2018)</p> <p>Non- statutory guidance - Information sharing (Advice for practitioners providing safeguarding services to children, young people, parents and carers) July 2018</p> <p>Section 10 (Co-operation to improve well-being) Children Act 2004</p>	To be established by the education safeguarding team by the end of December 2020

	in MOSAIC to identify when individuals are likely to be moving settings.		
e)	Look to establish a planned approach to engaging with families (and children) impacted by peer on peer abuse. This is to include the seeking of their views and from a starting point of belief and with the consent of the families. This would include the schools involved. The level of engagement needs to also take account of equalities legislation and allow for appropriate extra counselling to be offered.	<p>Section 10 (Co-operation to improve well-being) Children Act 2004</p> <p>Section 17 Children Act 1989 (places a duty on local authorities to promote and safeguard the welfare of children in need in their area)</p> <p>Equality Act 2010</p> <p>Statutory guidance - Keeping Children Safe in Education (September 2020)</p> <p>Statutory guidance - Working Together to Safeguard Children (July 2018)</p>	To be established by December 2020 to allow for consultation
f)	Establish a school support network (using existing groups) to provide help and advice in the event of any cases, but particularly long standing cases. For example, this could include a network of expert Designated Safeguarding Leads (DSLs) to advise and new DSLs, support schools and families.	<p>Section 10 (Co-operation to improve well-being) Children Act 2004</p> <p>Section 11 Children Act 2004</p> <p>Statutory guidance - Keeping Children Safe in Education (September 2020)</p> <p>Statutory guidance - Working Together to Safeguard Children (July 2018)</p>	to be established virtually by December 2020
g)	Propose, via a development with DfE (and Ofsted), a methodology of capturing high quality data to allow authority areas to	Section 10 (Co-operation to improve well-being) Children Act 2004	initial proposal to be shared with DFE and

	benchmark the incidence and severity of peer on peer sexual abuse cases. The national system is not transparent enough as yet and Herefordshire, given recent efforts and advice, is well placed to contribute to improving the quality and clarity of data on peer on peer sexual abuse.	Section 11 (Arrangements to safeguard and promote welfare) Children Act 2004	Ofsted by end of October 2020
h)	Ensure that all new members of staff appointed to the Directorate are given a wider safeguarding strand in their induction, which should include peer on peer sexual abuse. This should be aimed at prevention and risk assessment rather than historic analysis. It would help make Herefordshire a benchmark for good practice in this regard.	<p>Section 10 (Co-operation to improve well-being) Children Act 2004</p> <p>Statutory guidance - Keeping Children Safe in Education (September 2020)</p> <p>Statutory guidance - Working Together to Safeguard Children (July 2018)</p>	Initial induction activity to be in place by end of September 2020
i)	That the council consider funding additional resources to support further peer on peer abuse training, in particular to support the educational specialist safeguarding post covering peer on peer abuse work (this post now exists - but additional resources available for peer on peer abuse training should be considered).	<p>Section 10 (Co-operation to improve well-being) Children Act 2004</p> <p>Section 16I Children Act 2004</p>	Resources to be in place as soon as council agree
j)	That Herefordshire produces an exemplar peer on peer safeguarding guidance and model policy which is issued to all settings. It is acknowledged that whilst all schools deal with Peer on Peer abuse in their safeguarding policy as well as in other policies (such as a school behaviour policy, the anti-bullying policy and the online safety policy	<p>Section 10 (Co-operation to improve well-being) Children Act 2004</p> <p>Section 17 Children Act 1989 (places a duty on local authorities to promote and safeguard the welfare of children in need in their area)</p>	This is in train already - to be issued as soon as wider consultation allows

	<p>- cyberbullying and sexting) schools now need to be more clear and specific about their strategies around wider behaviours relating to sexist and sexual bullying, sexual harassment and sexual violence. In all cases adoption of such a policy is inevitably voluntary (schools will have much in place already) but an exemplar will help with review work. There is the opportunity that given the experiences thus far, Herefordshire can become a centre for excellent practice in this area, in particular by adopting the good work done in this issue, such as by Suffolk and Nottinghamshire Local Authorities. This cannot be easily achieved without the following recommendation however.</p>	<p>Statutory guidance - Keeping Children Safe in Education (September 2020)</p> <p>Statutory guidance - Working Together to Safeguard Children (July 2018)</p>	
k)	<p>Finally - Herefordshire Council needs to further acknowledge that the impact of such cases on the families and the children involved (irrespective of any findings) is likely to be profound. An apology has already been given for some of the early work - but we could do more. The council should strongly consider issuing a process of reconciliation; offering any family who wishes to use it an opportunity to share their experiences in a safe space with independent and expert support. Although we recognise there is as yet no formal process for such a statement (and as such the reconciliation process would need to be established), the opportunity</p>	<p>Section 10 (Co-operation to improve well-being) Children Act 2004</p> <p>Section 11 (Arrangements to safeguard and promote welfare) Children Act 2004</p> <p>Section 17 Children Act 1989 (places a duty on local authorities to promote and safeguard the welfare of children in need in their area)</p>	<p>timeline for consulting, engaging and establishing this process needs to start as soon as scrutiny / council agree</p>

	<p>it would present is the key. If anything positive can come from such experiences then giving a voice to those who have experienced it can be something. It is also a better way of harnessing the experiences within the county to develop more leading edge practice. This cannot be achieved unless the voices of those affected are heard.</p>		
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