



Wigan Safeguarding Children Board Encompass Protocol



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1. INTRODUCTION

This protocol sets out a joint-agency procedure to provide support for children and young people who have experienced domestic abuse in their household.

Domestic Abuse Definition

The definition of domestic violence and abuse - Any incident or pattern of incidents of controlling¹, coercive² or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

This definition includes so-called `honour` based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Domestic abuse is a safeguarding children issue and statistics show that in 90% of cases children are present in a household during a domestic abuse incident. Often the following day children are ill-prepared to deal with the school day.

Encompass is a partnership between Greater Manchester Police (GMP), Wigan Safeguarding Children's Board and designated school staff, known as Key Adults. Working together to safeguard children, GMP will inform the Key Adults within schools about any domestic abuse incident where the child or young person has been present or affected. This will enable the school to take appropriate steps to support their pupil during what could be an emotionally difficult time. Key adults within the school are then able to accommodate the school day to lessen the impact and to support the child if they need it. In its simplest form, they are given some leeway, comfort and support. This can make a huge difference to children and allows them to have a safe space.

A database of all Key Adults will be established and shared with GMP and Wigan's Safeguarding in Education Team. Communication briefings will be sent out to

¹ Controlling behaviour: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour

² Coercive behaviour: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim

Councillors, School Governors and all parents regarding Encompass. The aims and principles of Encompass will be disseminated to police officers across Wigan.

The information shared will be only that which is required to safeguard children including:

- Date and time of incident
- Brief circumstances
- Police action if appropriate

2. AIMS

This Protocol **does not replace** or supersede existing safeguarding processes or protocols rather it seeks to support these operationally. The Protocol should always be followed in conjunction with Wigan Safeguarding Children Board's current safeguarding processes as detailed in the ([Thresholds of Need Booklet](#) for action) The child's safety and welfare remains paramount at all times.

By sharing information under the Encompass model it is hoped that children and young people who are experiencing domestic abuse will have access to responsive support after a domestic abuse incident. Schools will receive information when:

- Police have been called out to a domestic abuse incident
- The child is resident in the household at the time of the incident
- The child is of school age

Sharing this information in a timely manner via Encompass enables the provision of immediate early intervention through silent or early help support dependent upon the needs and wishes of the child; Appendix 1 provides examples of such support.

3. LEGAL REQUIREMENTS - INFORMATION SHARING AND STORAGE

Section 11(2) of the Children Act, 2004 requires Local Authorities and the Police to safeguard and promote the welfare of the children. This enactment provides conditions under schedule 2 (5b) and schedule 3 (7(1) (b) of the Data Protection Act 1998 by which personal and sensitive personal data may be lawfully shared. Personal data shared must be proportionate, necessary but not excessive, and must be balanced with the consideration of privacy rights under the Human Rights Act. It must take into account any duty of confidentiality owed. A public interest in disclosure must outweigh an individual's right to privacy.

This protocol has been developed taking into account the duty to safeguard children and the requirements of the most recent [Information Sharing - Guide for Practitioners and Managers 2015](#) and is further supported by the legal advice in Appendix 1 – Governance Arrangements for Encompass Information Sharing.

It is recognised that the handling of such confidential and sensitive information needs to be dealt with in a way that is proportionate and appropriate to the needs of the

child or young person. To address this each school will identify a Key Adult and a deputy; Appendix 3 outlines the Key Adult roles and responsibilities.

This role is best placed with the Designated Safeguarding Lead and their deputy as both have received training in child safeguarding and will be familiar with the management of sensitive information. It is expected that Encompass information will then be stored in accordance with the storage requirements for safeguarding/child protection files. Where a child already has such a record, Encompass information should be included within this.

The Key Adult will be the person available each day to receive the details of the incident and assess the type of support needed for the child; Appendix 3 details how Encompass information will be managed and responded to within each school. Wigan School Co-ordinators will hold a database of all Key Adults in the Wigan area.

4. ROLES AND RESPONSIBILITIES

1. POLICE

Police officers will attend a domestic incident, manage the immediate risks and complete the DASH risk assessment at the scene. The full risk assessment will not be shared. A summary will be collated by the police with respect to the child or young person and will include:-

- The name, age, date of birth and home address of the child
- The school will be told the time/ date/location of the incident and details of those involved in the incident, their relationship to the child and the child's involvement in the incident
- An overview of what happened during the incident and the outcome

The records of all police callouts to domestic incidents will be reviewed to ascertain if a child or young person was present and the school will be identified. Where an officer cannot identify a school, enquiries will be made in the following order to locate the child's school:-

1. Children's Safeguarding Hub
2. Education Support Team

This will lead to the Key Adult being identified from the database and the relevant information being shared to safeguard the child or young person.

This information will be disseminated by officers from MASH. A record will be kept by the hub of the information shared, with whom it has been shared and the date.

The relevant and proportionate information will be shared securely by e-mail which will be entitled: Wigan.MASH@gmp.pnn.police.uk

URGENT – Encompass Notification – Action Required

A read receipt will be collated for each e-mail notification sent

Incidents occurring on Friday, Saturday or Sunday will be available on Monday morning for the Key Adult.

Notifications to the Key Adult will be made during the school holiday periods, however it is recognised that an immediate response cannot be made. This information will be used to understand any significant issues for the child on their return to school. Additionally in some cases where childcare linked to the school is provided to alert that provider where possible.

A disclosure will be made in respect of all children aged between 4-18 years who are in education. Police will maintain a record of the log number, school, the name of the Key Adult to whom it has been disseminated and the date of dissemination.

The Police National Decision Making Model has been utilised for the setting up and development of the project. This supports the process for the Key Adults within the school to monitor and manage interventions (Appendix 4).

2. SCHOOLS' RESPONSIBILITY

It is each school's responsibility to ensure the details of their Key Adult and Deputy is up to date and recorded in MASH Key Adult Database. They must also ensure that there is a sufficiently trained deputy to receive the information in their absence. Should any changes be made to the Key Adult or deputy in the setting notification should be made to the MASH Email Address Wigan.MASH@gmp.pnn.police.uk

It is essential that Key Adults review their emails every morning to check for an Encompass Notification; emails should be reviewed periodically through the day as notifications of incidents can be made at other times dependent on when domestic abuse incidents occur.

Schools must record the information they receive from the police on an incident form, which must be retained and stored using the same processes used to store child protection records within the school; Appendix 5 provides an exemplar template. Schools should also use this template to record the outcomes and impact of their actions.

Schools need to be aware that in the event of any domestic homicide or serious case review the documents may be required for disclosure purposes.

Child Absence Following an Incident

Where a notification is made and a child is not in school, the following should be considered:-

- School should review the information within the police notification in the context of what they know about the child prior to receiving the police information.

- The Key Adult in school should ring home to ask why the pupil is not in today as per standard policy. Inform the parent they are aware there was an incident at the home and offer support. If the pupil is not coming into school that day, ask parents when they are expected to return and a reason for absence?
- If the key adult from the school cannot make contact with the parents or carer and have not received notification why the child is not in, the key adult needs to consider the next steps carefully actions could include:-
 - **Home Visit** - The key adult may consider, at the discretion of the Head Teacher to carry-out a home visit to see the child; if concerns or risks to the child's safety are identified during the home visit referrals to Children's Social Care and the Police may need to be made
 - **Telephone call to the Children's Safeguarding hub for advice and information**
 - **Referral to Children's Social Care** - Dependent on the circumstances of the incident, the parental response to contact the Key Adult (following discussion with the Designated Safeguarding Lead where required) make a referral to Children's Social Care – this referral should be made in accordance with current safeguarding procedures
 - If child is already open to Social care when the child returns back to school the key Adult should revisit the offer of parent/child support.

6. CROSS BORDER CONSIDERATIONS

Wigan Encompass recognises that there will be children in Wigan attending education settings outside the borough boundary. Currently there is no capacity within this pilot to include notifications to their schools; however every effort will be made to ensure the relevant cross border services are aware as good practice. If there are safeguarding concerns local health and social care agencies will continue to be notified of domestic abuse incidents by the police.

7. Working with Parents

It will be important for all schools that are signed up to the protocol to raise parent's awareness of Encompass. This can be achieved by using the exemplar letter in Appendix 6.

It would be advisable for all schools to update their safeguarding policies to reflect their commitment to Encompass and to upload the Encompass protocol to their websites.

Many victims who experience domestic abuse want to tell someone about their experiences and are looking for advice and guidance. Being involved with Encompass means that more parents who are experiencing domestic abuse are likely to contact the Key Adult as a source of support. The majority of support to parents will take the form of a listening ear and signposting to local Domestic Abuse services. There may be occasions, however, when the information received by the Key Adult requires immediate direct action, either because the risk to the parent and

child is immediate and high or because the parent is asking for help to leave the violence and abuse

Where there is an immediate risk of harm to the parent and/or the child the police should be contacted - **In an emergency this should always be 999.**

Where a parent is seeking help and support to flee abuse or to take other measure to protect themselves contact can be made with the IDVA service or the Greater Manchester Domestic Abuse help line [End the Fear](#) 0161 636 7525

Where the parent is requesting help to flee or advice on how to keep themselves and their child safe, the Key Adult should make use of the tools in [Wigan's Co-ordinated Community Response Model \(CCRM\)](#) for example creating a safety plan or providing a checklist of what to prepare if thinking of leaving. The Key Adult should discuss and encourage the parent to talk to specialist services, such as the Public Protection Investigation Unit to enable them to access the right support.

It will be essential to remind the parent that the perpetrator of the domestic abuse will not be told about them seeking help and any action will be taken in confidence.

APPENDIX 1

SILENT SUPPORT EXAMPLES	EARLY HELP SUPPORT EXAMPLES
<ul style="list-style-type: none"> • Flexible application of school rules for example uniform, homework etc. • Understanding and flexibility in expectations in terms of:- <ul style="list-style-type: none"> - Behaviour - School Work • Opportunities for one-to-one time with teacher to provide opportunities to talk for example 'helping with a job' • Review lesson plans to ensure appropriate for the child on the day • Systems for spare uniform, lunch etc. • Child knowing who they can talk to • Checking collection arrangements at end of school day 	<ul style="list-style-type: none"> • Using Wigan Safeguarding Children's Board Early Help framework to access additional support • Talking to parents • Develop a safety planning with the child • 'Healthy Relationships' class sessions • Fast track referral to school counselling services for a timely response for intervention • Share information with Wigan Schools Co-ordinator

Governance Arrangements for Encompass Information Sharing

The basis on which sharing of information of this type may be justified by police is section 11(2) Children Act 2004 which requires that policing bodies (together with a number of other specified public bodies) discharge their functions having regard to the need to safeguard and promote the welfare of children.

This duty however must be considered in line with the provisions of the Data Protection Act 1998 and the right to private and family life under Article 8 of the European Convention on Human Rights.

Data Protection Act 1998 (DPA)

The relevant provisions relating to the lawful processing of personal data and sensitive personal data in this context are contained within Schedules 2 and 3 DPA respectively and are outlined below.

Schedule 2, para 5(b) and Schedule 3, para 7(b): The processing is necessary for the exercise of any functions conferred on any person by or under any enactment - In the current context this is the police force's obligation under s. 11(2) Children Act 2004 to discharge its functions giving regard to the need to safeguard and promote the welfare of children.

Schedule 3, para 10: The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph – The Secretary of State passed the Data Protection (Processing of Sensitive Personal Data) Order 2000 and the Schedule to that order includes the following paragraph relevant to Operation Encompass:

10 The processing is necessary for the exercise of any functions conferred on a constable by any rule of law.

Accordingly there will be a lawful basis for sharing information under DPA provided the requirements of necessity and proportionality are met (see further below).

Article 8 ECHR

Article 8(1) provides that everyone has the right to respect for private and family life. Art. 8(2) requires that there be no interference by a public authority with this right except:

1. such as is in accordance with the law; and
2. such as is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The sharing of information relating to domestic violence will constitute an interference with the right under Art. 8(1) and as such must fall within the parameters outlined in Art. 8(2).

The first part of the test under Art 8(2) is met, assuming that the sharing of information is deemed lawful under DPA (and therefore "in accordance with the law").

In relation to the second part of the test, i.e. necessity, in the current context the police would assert that the sharing is necessary to protect the health of the child, in terms of his/her emotional wellbeing and any immediate needs arising from the DV incident.

Necessity and proportionality under DPA and Article 8

The relevant provisions of both DPA and Article 8, as cited above, each include the requirement that processing of data or interference with privacy rights is **necessary**. For disclosure of information to be necessary, it must also be **proportionate** in terms of both the information disclosed and to whom it is disclosed to ensure that the rights of the individuals to whom the information relates are not infringed. In this context such persons will include the victim, the child/children and potentially other persons (witnesses, etc.) as well as the perpetrator.

By way of example, a disclosure only to the Key Adult/Deputy at the school is likely to be justified by the need to safeguard and promote the welfare of the affected child, because the Key Adult/Deputy will have responsibility for dealing with such issues and implementing support measures; however, sending the information to a general email address accessible by all staff at the school would not be lawful, because other staff would not need to know the information for the purpose of the disclosure to be met (*Clift v Slough Borough Council* [2009] 4 All ER 756, 782).

Similarly, the information which is passed on by police should be limited to **only that which is necessary** for the relevant support to be put in place by the school; i.e. the school does not need to know who was the perpetrator and who was the victim (although it is possible that this may unavoidably be deduced from the surrounding circumstances) and does not need details of injuries suffered or further police action which is anticipated. I suggest as a guide that only the following information needs to be passed on:-

- The date and time on which the domestic violence incident occurred;
- Who was involved (e.g. between parents; parental violence against another child, or vice versa; etc.)
- What involvement the child had in the incident, e.g. did they witness the incident directly / hear the incident but not see what happened / not there at the time of the incident but present in the aftermath?

Sharing the above information should meet the objective of making the Key Adult/Deputy aware of the child being affected by domestic violence and arranging for appropriate measures/support without breaching any of the terms of DPA and Article 8.

In addition, information should only be disclosed in circumstances where it is known that the school can and will provide support to the affected child/children, and therefore it is known that the disclosure will fulfil a legitimate purpose. Accordingly before any information is shared it must be established that the school in question has in place the requisite resources to implement the support needed. This should be done by way of an Information Sharing Agreement or joint protocol between the police and the schools – see the section “Guidance / Protocols” (below).

There must also be periodic reviews by police to ensure that the resources are still in place at the schools and that the information shared is being acted upon appropriately.

Please note that due consideration must be given to the circumstances on a case-by-case basis when making the decision to disclose information. A policy where all incidents are shared with schools (e.g. printing of a list of all incidents occurring in the last 24 hours and automatically sending notification to the schools without reviewing the circumstances) would be extremely difficult to justify if challenged. The situations where a disclosure would not be appropriate may be few and far between but, for example, if a child were present in the house but had slept through the incident, there would be no need for support measures to be implemented in school and so the disclosure would likely be held unlawful.

The person making the decision must also keep a written record of the rationale for sharing information with reference to the circumstances of the particular case, identifying any specific concerns for the child's welfare arising from the DV incident.

Consent of / giving notice to the parties involved

Under the Data Protection Act, the disclosure of the information will be lawful if consent is obtained from each of the persons whose information is to be shared. However, even if those parties do not consent to the disclosure, we still need to ensure that processing (i.e. disclosing) the information is **fair** in accordance with the first Data Protection Principle (Schedule 1 DPA).

All parents and carers need to be made aware that a disclosure scheme has been implemented in circumstances where a domestic incident has occurred. Consideration should be given to publicising such a scheme in collaboration with the school, e.g. letters sent home from school, inclusion in school policy, etc.

In addition when police have attended an incident they must notify those involved directly (including witnesses and any other person whose information will be shared) that a disclosure is being considered prior to the disclosure taking place. Any representations made by those involved must be taken into account when considering whether the disclosure is necessary in the individual circumstances of the case.

Information Sharing Agreement / Joint Protocol

Discussions should be held with the schools/local authority (and other partner agencies, if applicable) regarding the drafting of an Information Sharing Agreement or joint protocol relating specifically to the sharing of information with schools. Local authorities are under a duty under section 10(1) Children Act 2004 to make arrangements to promote co-operation between the authority and other bodies to improve the well-being of children in terms of physical and mental health, emotional well-being and protecting them from harm or neglect, amongst other factors.

An agreement/protocol aimed specifically at the sharing of DV incidents with schools would clearly set out for the benefit of all participants in the scheme what information will be shared and what respective responsibilities each party takes on with regard to how the information is processed and how the safeguarding objectives can best be met without compromising the rights of the individuals involved. It must also include appropriate security measures which will be put in place on both sides to ensure the safe retention and disposal of information, including retention periods and undertakings of confidentiality in respect of the information.

Guidance

The Home Office statutory guidance "Working together to safeguard children" has been updated from March 2015 and continues to apply to situations of this type - the police along with other agencies have a duty under section 10(8) to have regard to any guidance issued by the Secretary of State. The updated guidance is available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf.

Similarly the updated, non-statutory guidance dealing specifically with information sharing continues to apply: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf.

APPENDIX 3

Wigan Encompass – Key Adult Responsibilities and Checklist

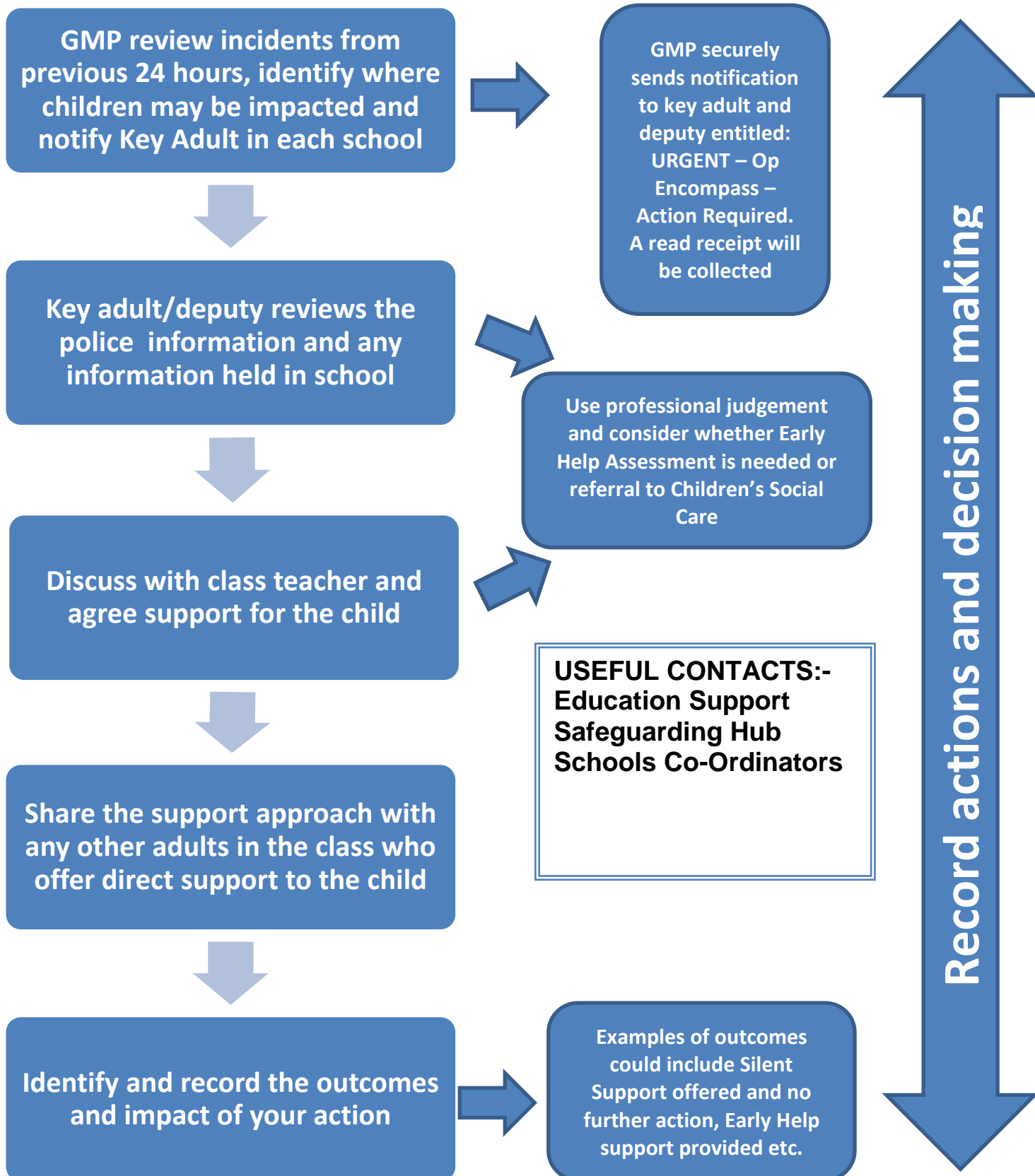
Name:

School:

Date Completed:

Review Date:

Responsibility	School Comment	Achieved
The Key Adult must have attended the training and be part of the Senior Leadership Team with Child Protection responsibility.		
The Key Adult must ensure their contact details are up to date on the Encompass database.		
Encompass records are managed and stored in the same way as other Child Protection paperwork, in a secure and locked cabinet/drawer.		
The Key Adult can identify a person who can deputise in their absence; the deputy must be confident in understanding all aspects of the Encompass model.		
The Key Adult must ensure that all teaching staff understand the confidential nature of any information passed to them and that this information must be treated in the same way as any other Child protection information given by other partners such as Social Care.		
The Key Adult must inform parents that the school is part of Encompass, using the exemplar letter template provided which can be amended to meet the school's individual requirements.		
The Key Adult must inform the Governing Body that the school is part of Encompass and the Governor with responsibility for Safeguarding should have a working knowledge of the project and impact within the school.		
The Key Adult should include information about Encompass in the school's prospectus and safeguarding policies, thus ensuring that all parents are informed of involvement.		
The Key Adult should include information about Encompass on the school website.		



ENCOMPASS LOG SHEET

Police Reference FWIN Number		Date	
Child's name and age & DOB			
Date and time of incident Address			
Circumstances of incident:			
Additional school information including other Encompass contacts:			
Actions taken and Impact:			

ENCOMPASS COMMITMENT

WIGAN ENCOMPASS COMMITMENT

As part of Abram Bryn Gates' commitment to keeping children safe we have signed up to implement the principles and aims of the Encompass Model.

In signing up to Encompass the Governing Body and Senior Leadership Team:-

- Endorse the Encompass Model and support the Key Adults in our school to fulfil the requirements of the Wigan Encompass Protocol
- Promote and implement Wigan Encompass processes and use these in accordance with internal safeguarding children processes as well as those outlined in Wigan's Framework for Action
- Recognise the sensitive nature of the information provided and ensure that this is retained in accordance with the principles of data protection

Signature 1

Signature 2

Chair of Governors

Head Teacher