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Safeguarding Policy

1. Overview

All children and young people have the right to protection from any kind of abuse and the right to exist in a safe and friendly environment whilst using BrainySpinach Math's services.

We are committed to providing the highest standard of safeguarding. The safety of our students is our paramount concern.

This policy relates to all students using our services regardless of gender, age, ethnicity, nationality, religion or disability. We understand that the child's needs are paramount. We are committed to providing as far as is reasonably practicable, an environment that is safe from any kind of harm, for all those under the age of 18. While harm is rare whilst using our

platform, all staff and tutors working with us are advised to maintain an attitude of 'it could happen here'.

Our website, courses and games have all been designed to ensure our students learn in a safe environment.

2. Definitions

Where policy or procedure applies to all of BrainySpinach Math platforms and entities, we use the umbrella name: BrainySpinach Math

Safeguarding: The overarching principles are that all staff have the responsibility to safeguard under-18s, be vigilant and know to report concerns, including small ones, or allegations and who to contact both within and outside of BrainySpinach Math platforms. All staff and tutors must be trained in Safeguarding to the level of Basic Awareness.

Child Protection: Part of the Safeguarding process. It focuses on protecting individual children or young people identified as suffering or likely to suffer from significant harm. This includes child protection procedures which detail how to respond to concerns about a child or young person, using referral processes to other agencies. Safeguarding and child protection sit alongside each other, however, BrainySpinach Math is not an investigating agency. Any allegation or suspicion of abuse or significant harm will normally be carried out by the social services or police.

Minor: Any person under the age of 18 is a minor by law. The age of adulthood in the UK is 18. We refer to minors as child(ren) and sometimes as young people, to acknowledge that older teenagers have some awareness and responsibilities of adults but are not legally adults. Typically, we may refer to 16-17-year-olds as young people.

Designated Safeguarding Person (DSP): A named or named member(s) of staff trained to Advanced Safeguarding Levels and keeps in close contact with Senior Management.

Duty of Care: This is the responsibility of all staff and Tutors to protect under-18 from direct harmful behaviour, for example, emotional abuse, physical abuse or any other physical harm, sexual abuse and neglect.

Best practice: This is a term we use to define professional procedures that are accepted as being correct or most effective.

Type of Abuse: This is one definition of child safeguarding: "The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully".

The 4 main types of harm are:

- Sexual abuse
- Physical abuse

- Emotional abuse
- Neglect

And more specifically could be:

- Domestic violence
- Inappropriate supervision by staff or volunteers
- Bullying, cyberbullying, acts of violence and aggression within our schools and campuses
Victimisation
- Self-harm
- Unsafe environments and activities
Crime
- Exploitation (including Child Sexual Exploitation) Radicalisation
- FGM (Female Genital Mutilation)

3. Legislation

Our website and coordinating policies have been developed to ensure we comply with all relevant safeguarding legislation.

This safeguarding policy should be read in conjunction with our [Terms & Conditions](#) [make a link].

This safeguarding policy should be read in conjunction with our [Privacy Notice](#) and [Children's Privacy Notice](#)

4. Aims of Policy

We aim to include best practice advice and policies from accreditation, governmental and charity bodies (such as the Tutors Association, Keeping Children Safe in Education and NSPCC), into existing policies such as this Safeguarding Policy and Staff Code of Conduct and compliance with statutory guidance.

Have effective systems in place ensuring that our facilities, procedures and activities take account of the students' health, safety and welfare requirements. This is overseen by the designated BrainySpinach Math senior management.

Follow safer recruitment procedures with all the required checks carefully, for all staff, ensuring the suitability of our tutors to work with students under the age of 18.

Ensure students have a clear channel of communication in time of need by ensuring that all staff and tutors understand general child safeguarding principles.

1. BrainySpinach Math seeks to provide the best service possible and provide a safe experience in which children can learn.
2. This policy aims to ensure we safeguard all users of BrainySpinach Math (including all Users, Students and Tutors) whilst they engage with our Website, Courses or Games.
3. This policy outlines the responsibilities of all users of BrainySpinach Math (including all Users, Students and Tutors) and it is important that all have familiarised themselves with this policy and our [Terms and Conditions](#).
4. Alongside this policy, users of BrainySpinach Math (including all Users, Students and Tutors) must comply with The Tutors' Association [Child Protection Policy](#), whether or not they are a member of The Tutors' Association, and all relevant legislation and government guidance.
5. If any User has a concern regarding child protection, they must contact BrainySpinach Math immediately.
6. Contravention of any of the terms contained within this policy may result in immediate removal of access to and permanent barring from our services.

5. BrainySpinach Math Responsibilities

BrainySpinach does not require every staff member to have a background check to use the Website. However, if a staff member is working directly with children under the age of 18, then they will be required to have an enhanced check provided by the Disclosure and Barring Service, Disclosure Scotland or Access Northern Ireland, before being able to work with them. It is entirely at the student's discretion as to whether they determine having a background check is part of their selection criteria.

BrainySpinach Math encourages Students and Users to leave a Review of the course they have taken part in. "Review" means any review, comment or rating.

BrainySpinach Math will take precautions we consider reasonable to protect Students' and Tutors' information.

BrainySpinach Math will constantly monitor each class and its in game activity, we will ban anyone who is behaving inappropriately. We will also inbetween sessions give your child access to free private servers they can create; this allows only the child and selected friends access to the game. No external person may join this private server.

BrainySpinach Math have a in game feedback button which Students can use to report inappropriate behaviour as it happens, BrainySpinach Math can then take immediate action to resolve the inappropriate behaviour.

BrainySpinach Math will protect all data in accordance with all relevant legislation and our [Privacy Policy](#). [provide link]

BrainySpinach Math will monitor activity wherever possible on the Website, social media pages and games. BrainySpinach Math does so in the hope of stopping misuse and to ensure we safeguard all users.

BrainySpinach Math may review any Online Courses at any time for the purposes of improving our service or where a Complaint or Safeguarding Report has been made.

BrainySpinach Math will deal with reports of possible illegal activity promptly, focusing on the safety and wellbeing of Users. BrainySpinach Math will allow access to UK law enforcement of any data where a criminal offence may have occurred in relation to a specific Lesson.

BrainySpinach Math will endeavour to ensure Complaints are considered promptly and in accordance with our [Terms & Conditions \[provide link\]](#).

BrainySpinach Math will regularly review this policy and our [Terms and Conditions](#) to ensure they are best suited to safeguarding all users.

6. Student Responsibilities

1. Students must be at least 18 years old to book a Course for themselves or another learner. Learners under the age of 18 must be represented by a parent or legal guardian who gives consent for them to receive tuition. BrainySpinach Math is not responsible for any dispute regarding parental consent.
2. Students must ensure they have their webcam switched on for at least the first five minutes of the first lesson of a Course, to allow BrainySpinach Math to verify that they are under 18. If they cannot or do not wish to switch on their video for whatever reason, they must email [\[insert email address\]](#) to verify another way at least 24 hours prior to the start of the course.
3. Students must ensure that all of their personal details and contact information are accurate and up to date.
4. Students must ensure that there is no inappropriate communication between themselves, another Learner or User, or Staff outside the Website and report any unsolicited communications from the Tutor if appropriate.
5. Students must exercise their own judgement regarding the accuracy of the information provided on the Website. BrainySpinach Math cannot guarantee that all of the content on the Website is complete, accurate or up to date.
6. Students must use their own judgement about the services detailed on the Website. Although we undertake certain checks to assess the suitability of each Course, Students are responsible for checking that a Course is suitable for them before they confirm a Booking, which may influence their decision to undertake said Course (including, but not limited to, the Course Content or Tutor background). We recommend doing so prior to, or at the beginning of, their first Course booked with a Tutor.

7. Students are solely responsible for the material they or the Learner they represent post on the Website, Social Media pages or Game pages, including messages sent, and they must not post defamatory, offensive or illegal material.
8. Students must immediately report to BrainySpinach Math any defamatory, offensive or illegal material they view on our Website, Social Media pages or Game pages.
9. Any Learner under the age of 18 will need a parent or guardian present during the Lessons, and should not leave the child in the sole care of that Tutor. This is so the Learner can report any inappropriate behaviour or concerns. Learners must report any concerns to a parent or legal guardian immediately.
10. Students must ensure the physical environment is safe and not inappropriate. For example, the environment should be in a neutral room, not a Childs bedroom.
11. Students must ensure that Tutors are treated with respect and are not subjected to abusive behaviour or language.
12. Students must ensure no improper suggestions are made to, or by, the Tutor.
13. Students are responsible for their own security in conjunction with our services, both online and offline.
14. Students must report any Complaint in line with our [Terms & Conditions \[provide link\]](#).
15. Students must report any safeguarding concerns or illegal activity immediately and in line with our [Terms & Conditions \[provide link\]](#).

7. Staff Responsibilities

1. BrainySpinach Math will cancel Lessons if no parent or legal guardian is present during a Lesson with a Learner who is under 18 and they or the Learner do not feel comfortable to continue.
2. BrainySpinach Math is responsible for ensuring that the information provided on the Website, social media pages and game pages are accurate and in no way misleading. They must update this information promptly to maintain its accuracy.
3. BrainySpinach Math is solely responsible for the material they post on the Website, including messages sent, and they must not post defamatory, offensive or illegal material.
4. BrainySpinach Math must immediately deal with any defamatory, offensive or illegal material they view on our Website, or when it has been brought to their attention.
5. BrainySpinach Math staff must disclose any criminal convictions or cautions they may have to BrainySpinach Math, including any criminal convictions or cautions received at any time after having registered a tutor account on the Website and for as long as the Tutor remains registered.

6. BrainySpinach Math staff must take every precaution to ensure that they work in a safe environment and are responsible for taking out and maintaining their own insurance policies to cover the work they undertake.
7. BrainySpinach Math must ensure that their environment does not display any inappropriate images or documents when conducting a session, and that Tutors are appropriately dressed.
8. BrainySpinach Math staff must treat students fairly and without prejudice or discrimination; whatever their age, culture, ability, gender, language, racial origin, religious belief and/or sexual identity.
9. BrainySpinach Math must ensure all reasonable steps are taken to protect children from harm, discrimination and demeaning treatment and to respect their rights.
10. BrainySpinach Math must value students and take their contributions seriously.
11. BrainySpinach Math must ensure they work in partnership with parents and children – which is essential for the protection of children.
12. BrainySpinach Math must ensure the language they use is appropriate and not offensive or discriminatory.
13. BrainySpinach Math must ensure no improper suggestions are made to, or by, the Student.
14. BrainySpinach Math staff must ensure that any contact or communication they have with the Student is appropriate to their role and confined to the field for which they have been selected.
15. BrainySpinach Math must ensure that there is no inappropriate communication between themselves and the Student on or outside of the Website and report any unsolicited communications from the Student if appropriate.
16. BrainySpinach Math staff are responsible for their own security in conjunction with our services, both online and offline.
17. BrainySpinach Math staff must report any Complaint in line with our [Terms & Conditions](#) [provide link].
18. Staff must report any safeguarding concerns or illegal activity immediately to BrainySpinach Math.

8. Parent / Responsible Adult responsibilities.

1. The parent/responsible adult will be responsible for the selection of the course and make any reasonable checks to ensure the course is suitable for the student (including, if required, reviewing the tutor's CRB/DBS certification documentation).

2. The parent/responsible adult will ensure the student is fully aware of the BrainySpinach Math's Safeguarding Policy.
3. The parent/responsible adult will always be responsible for the welfare of the student during the session.
4. The parent/responsible adult will always be responsible for the physical environment of the pupil during the session ensuring it is safe and appropriate.
5. The parent/responsible adult will, if they consider it appropriate, be present or available during a tutor session so any concerns encountered by the student can be reported as soon as possible and ensure the student and tutor are behaving in an appropriate manner.
6. The parent/responsible adult will ensure that tutors will be treated with respect and fairness by the student and will not be subjected to abusive behaviour or language.
7. The parent/responsible adult will ensure that no improper suggestions are made by either the tutor or student.
8. The parent/responsible adult will ensure the student has no inappropriate communication with BrainySpinach Math staff outside the Online messaging and lesson sessions.
9. The parent/responsible adult will report any unsolicited communications between the tutor and student if appropriate.
10. The parent/responsible adult will report any dispute with staff of BrainySpinach Math in accordance with procedures set out in this document.
11. The parent/responsible adult will report any inappropriate behaviour or illegal activity by BrainySpinach Math staff in accordance with procedures set out in this document.

9. Reported Breach of Safeguarding Policy

1. Any Student, User or Staff Member reported for a breach of our Safeguarding Policy will be immediately suspended from the site until the matter reported has been investigated by the appropriate authority. We will inform them of their suspension and seek guidance where required. The Student or Tutor reporting the breach may be informed of the resolution, if appropriate.
2. BrainySpinach Math reserves the right to make a final decision on action taken for minor breaches of our Safeguarding Policy.
3. Any Student or Tutor reported for illegal activity whilst using the BrainySpinach Math Website, social media pages or game pages may be barred from the service, reported to the police and any other relevant organisations.

10. Reporting and Responding to a Safeguarding Concern

BrainySpinach Math recognises that the Children Act 1989 states that the welfare of the child is the paramount concern. It also recognises that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Staff and tutors are given guidance through the signing up period before tutoring begins.

All staff and tutors have a duty of care and must follow the 5 'R's':

Recognise – Respond – Record – Report - Refer

Recognising a safeguarding concern

Staff and tutors are given basic training in recognising signs that could be cause for concern. We also advise of free online courses that are available to tutors about safeguarding.

Responding to a concern or an allegation

All staff and tutors must be prepared to respond to allegations of abuse or neglect. Child abuse does not necessarily have to be physical or sexual. It can also be emotional or psychological, or due to the neglect of a child's physical or emotional needs.

If a tutor is approached by a student who wishes to make a disclosure about what could be a safeguarding matter, the staff or tutor must prioritise this above any other duty they have at the time.

They must take the learner to a private place within view but out of earshot of other people. They must not interrogate or interview the child, avoiding leading questions. Promises of confidentiality must not be given but that only those people whose responsibility it is to know, and act will be told.

Any member of staff or tutor with an issue or concern relating to safeguarding or child protection, including but not limited to allegations of child abuse, should discuss it immediately with a member of the BrainySpinach Math Safeguarding team/person.

Anyone who hears an allegation of abuse against another member of staff or tutor or has concerns about the behaviour of another member of staff or tutor, must report the matter immediately to the DSL or DSP.

The DSP or DSL will decide on an appropriate course of action. At no point should an attempt be made to investigate the situation. This will be undertaken by Social Services and/or the Police as necessary.

BrainySpinach Math is an 'agent of referral' and not of investigation.

Recording of an Allegation

A full record must be made as soon as possible detailing the nature of the allegation using the 'Safeguarding Incident/Concern Form'. Record in writing everything that was said, using the child's own words. Note the place, date, time, and names of persons to whom the information was given. Include The nature of the alleged abuse, A description (if applicable) of any injuries observed, An account of the allegation. The Referral Form - 'Safeguarding Incident/Concern Form' can be obtained from the DSP/DSL. Copies are available on the staff noticeboard. The completed form must be signed and dated by the staff making the report and given to a DSP/DSL as soon as possible. A student must not be asked to write the report or sign a report.

Refer a concern or allegation

The Designated Safeguarding team/person will decide on a course of action and where appropriate refer the case to outside authorities, usually either the police or social services.

Do not confront any person against whom an allegation has been made. The Designated Safeguarding Team will guide you and your team in dealing with any allegation or suspicion of abuse, and if applicable, report allegations and incidents of abuse to the LADO (Local Area Designated Officer) at the local County Council Children's Social Services.

Any staff that have any queries relating to this policy or the implementation of it should contact a member of the Safeguarding team/person.

11. Updating our Policies and Procedures

This Safeguarding Policy and our Procedures will be reviewed by BrainySpinach Math on a regular basis to ensure it is adequate and relevant to safeguarding standards.

12. Data Protection

References in this clause to the DPA are to the Data Protection Act 1998 and to the UK/EU GDPR are to the General Data Protection Regulation.

In order to deliver education and protect students' welfare, BrainySpinach Math will collect and process personal data, including sensitive and special category personal data (as defined in the DPA and GDPR respectively) that relates to the student and their circumstances.

Full details of the personal data collected and processed by BrainySpinach Math, the purposes for which it is collected and the legal basis for doing so are contained in the Privacy Notice.

BrainySpinach Math will comply at all times with our obligations under the DPA and the UK/EU GDPR in relation to the student's personal data.

