

Code of Conduct & Low Level Concerns Guidance for Schools

September 2023

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2	Responsible person	Gary Scargill	
3	Overseen by	Sara Miles	
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Introduction

Our school is committed to safeguarding and promoting the welfare of all, particularly the vulnerable groups we nurture. Our school requires all its employees (paid or unpaid) to share and support this commitment.

You have a wonderful opportunity to positively influence the lives of all by being good role models. Our schools Code of Conduct is to support our employees to discharge our responsibilities appropriately and not to put children, employees, or the school's reputation at risk.

Whilst the majority of those working within our school act professionally and provide a safe and supportive environment for those they are working with, on occasions tensions and misunderstandings can occur and your actions may result in allegations of abuse being made against you.

The purpose of this document is to clarify the school's expectations about working practices to protect employees and children against any negative impact because of inappropriate actions and behaviour.

The standards and expectations within this guidance, including standards of behaviour that apply to all employees (paid or unpaid) of the school.

In your role you will be in regular contact with children. They (and their families) will look to you to safeguard and promote their interests and it is possible that strong and meaningful relationships will be forged. It may also mean that you will become an important person in their lives. Such a position can be personally highly rewarding but also brings some particularly important responsibilities, and some potential risks.

Where further clarification is required, employees should seek further guidance from your line manager or other appropriate manager.

These allegations may be malicious or misplaced or they may arise from differing perceptions of an event; however, when they occur, they are inevitably distressing and difficult for all concerned.

Some allegations may be genuine and, whilst recruitment procedures and checks seek to deter and prevent the employment of people who deliberately want to create or exploit opportunities to abuse vulnerable people, it is important that the school takes all measures possible to safeguard children and to ensure that those working for the school are safe to do so.

All employees must 'Protect and Respect'

- Always be vigilant and report any concerns without delay.
- Be informed and able to respond appropriately where anyone discloses to them that abuse is happening.
- Protect children, all vulnerable groups, and the school's reputation.
- Always display appropriate behaviours by taking responsibility for your own actions and behaviour and avoid any conduct which would lead a reasonable person to question your motives and intentions.
- Respect the rights of children, promoting their welfare and their individual needs.
- Never engage with participants in behaviour that is abusive or inappropriate.
- Create a culture of respect and trust in the classroom that supports all pupils to succeed (e.g. by modelling the types of courteous behaviour expected of pupils).
- Teaching and rigorously maintaining clear behavioural expectations (e.g. for contributions, volume level and concentration).
- Applying rules, sanctions and rewards in line with school policy, escalating behaviour incidents as appropriate.
- Acknowledging and praising pupil effort and emphasising progress being made .
- Never be considered to have taken advantage of your Position of Trust.

Professionals or individuals in a 'Position of Trust' with children

- Ensure you understand your role, practice and appropriate behaviours and adhere to these, seeking clarity where in doubt.
- Work, and be seen to work in an open and transparent way.
- Apply the same professional standards regardless of racial origin, culture, disability, gender, religious belief and/ or sexual orientation.
- Successfully undertake and maintain the necessary employment checks and professional registration (e.g., DBS, HCPC, TRA, SW England etc.), where appropriate.
- Satisfactorily complete training required for your work.
- Promote relationships between participants and others that are based on openness, honesty, trust, and respect.
- Maintain confidentiality about sensitive information, except where required to disclose under the Safeguarding Policy or by law.
- Communicate with parents and carers proactively and making effective use of parents' evenings to engage parents and carers in their children's schooling.
- Seeking ways to support and work as part of a team.

Schools will

- Ensure that employees undergo and maintain the relevant employment checks and professional registration.
- Provide training, support, and information for employees to discharge their responsibilities within this guidance and ensure that records are kept of all provision.
- Support all staff with access to professional services.

No matter how close the relationship is, you must always be aware of the power and influence of your position, and the vulnerability of service users with whom you are in contact.

Where your practice deviates from this guidance and/ or your professional code or any locally agreed protocol, your suitability to work with service users is likely to be brought into question and you may find yourself subject to the Schools Formal/ Disciplinary procedures and/ or other investigation or legal action which could result in your dismissal and referred to criminal and/ or professional regulators.

The school aims to employ the best people to do the best job. It expects employees not to bring the school into disrepute and to set exacting standards both in and out of work.

The school is committed to protecting all vulnerable groups in Kirklees from harm.

All school workers are expected to safeguard any vulnerable group who comes to their notice, where it is believed they may be suffering harm.

The guidance is intended to complement existing professional and local procedures, protocols, legislation, and guidance. Where in doubt, employees are expected to seek clarification from their Headteacher or DSL.

We hope that you enjoy your role collaborating with our community and vulnerable groups. We would urge that you approach it thoughtfully, so that you can fulfil your duty of care, and avoid any misunderstanding.

1. Reporting a safeguarding concern

If your contact is regarding concern for the safety of a child, and requires an urgent response, please contact the Police on the numbers below:

- in an emergency, do not wait – call 999
- call the police on 101 if you suspect a crime.

1.1 Children

Children includes everyone under the age of 18. If you are concerned that a child living in Kirklees is being abused, you can telephone or email:

- Kirklees Duty & Advice **01484 414960** or DutyAdvice.Admin@kirklees.gov.uk
- Kirklees Designated Officer (LADO) **01484 221126** or LADOCases@kirklees.gov.uk

NB: You should note that any concerns they have, can be treated in confidence, as set out in the schools Whistleblowing Policy.

If you have concerns that abuse may have happened or is happening, you must report concerns to your Headteacher or Designated Senior Lead within your school within the same working day.

Do not worry that you might have it wrong, and that abuse is not taking place. It is more important that you report any concerns that you might have, as quickly as possible, so that adult or children's social care services can take responsibility for deciding what needs to happen next.

2. Duty of care

You have a responsibility to safeguard children, and to take reasonable care for the health and safety of yourself and others and are expected to be always vigilant.

You need to be aware of your duty to respond to and/or report any safeguarding or welfare concerns without delay.

Schools will discuss any specific safeguarding responsibilities which apply to your role, and you must ensure that you are familiar with relevant policies, local practices, and legislation. Those working in specific safeguarding roles should be familiar with local procedures and protocols.

3. Advice and professional judgments

3.1 Seeking advice

If at any time you feel that you do not have sufficient knowledge or experience to manage a situation, you must seek guidance from a manager. Where this is out of hours, a Headteacher or DSL should be on call to assist. You will be advised of the arrangements and contact details relevant to your school.

3.2 Making professional judgements

There may be rare occasions when you are unable to seek advice and will have to make urgent decisions or act in the best interests and safety of a child or children. In these circumstances, you are expected to make the most robust professional judgements that you can for the child/ children. The judgement and supporting rationale should always be recorded immediately and shared with your Headteacher / DSL without delay. In undertaking these actions, individuals will be seen to be acting reasonably.

3.3 Reporting misunderstandings

You are required to record and report to a Headteacher or DSL, without delay, any incident that could result in a misunderstanding or complaint being made against you or where professional boundaries may have lapsed.

3.4 Sharing concerns and recording incidents

You must ensure that you are aware of basic safeguarding procedures, plus any specific procedures relating to your area of work, for example, where allegations are made against those working with children. If you have any concerns about colleagues, practice, or individual service users, you must raise this promptly through the appropriate channels. If in doubt, you should speak to your Headteacher or DSL. Where you witness events that concern you, it is essential that you make clear and prompt records for future reference and evidence and ensure that you take action to report this.

You should always feel able to discuss with your line manager any difficulties or problems that may affect your relationship with service users so that appropriate support can be provided, or action can be taken. This could include both circumstances at work and outside of work which you may consider impacting on your professional role.

Please see 'Reporting safeguarding concerns' in [section 1 \(page 6\)](#).

4. Confidentiality & keeping confidences

4.1 Confidentiality

All information received by the school which relates to any safeguarding matter will be treated in confidence and will be shared appropriately (need to know) where we feel you or someone else is at 'risk of harm.'

You have a responsibility to comply with school policy throughout your time employed by the school. The policy includes:

- Responsibility for the security of information, systems, equipment, and premises as far as these are within your control
- Awareness of the need to avoid unauthorised or unintended disclosure, loss, or damage to the school's information; unofficial access to any school system; loss or damage to any school equipment, and unofficial access to school premises.

4.2 Keeping confidences

Whilst you should be aware of the need to listen to children, you must also understand the importance of not promising to keep confidences or secrets. Neither should you request that a person keeps a secret. Any concerns and allegations about third parties should be passed confidentially to an appropriate DSL without delay.

5. Professional role and interactions with service users

5.1 Behaviour and conduct

You must ensure that your conduct is consistent with the school's behaviour expectations. The school has a good reputation with its community and expects those representing it to help to maintain and strengthen this. You should ensure that you are familiar with the expectations and seek clarity from your line manager where in any doubt.

5.2 Positions of power and trust

Those working with children are in a position of power and trust by virtue of your role. You must recognise this position and the responsibility that you have because of this relationship. There is the potential for exploitation and harm, whether actual or alleged, and you must ensure that you do not abuse your position for personal advantage or gratification or could be interpreted as abusing your position of power and trust. You are required to record and report any incident with this potential without delay.

All concerned (including your employer) will have expectations of how you relate to the children you are working with, and it is important that you are clear in your own mind that the relationship is a professional, and not a personal, one. You must also remember that others may see the relationship differently.

No matter how close the relationship is, you must always be aware of the power and influence of your position, and the vulnerability of individuals with whom you are in contact.

5.3 Professional boundaries

You must, always, maintain professional boundaries with children, past or present, to avoid being open to allegations of favouritism or, in some cases, allegations of abuse. You should ensure that you avoid behaviour which might be misinterpreted by others.

As far as possible, the school respects an individual's right to a private life. The school appreciates that many employees live in Kirklees and are likely to meet people they know whilst they are conducting your job.

- You are required to be open and transparent and to inform your line manager where there is the potential that this could present a problem or puts you or the school in a demanding situation.

5.4 Close relationships with children or parent/ carers of children

It maybe a concern for you to have any intimate relationship or friendship with a child/ children, or their close family members, or allow or encourage a relationship to develop in a way which might lead to, or be perceived as being, a sexual relationship. The activity does not have to be physical, it may also include non-contact activities, such as viewing pornographic material. This may constitute a criminal offence and is likely to result in prosecution and disciplinary action, potentially leading to dismissal.

5.5 Social contact with children

You should never seek to have social contact with children or their families. If a child/ children or their family tries to make social contact, you should exercise professional judgement in making a response but should always discuss the situation with their Headteacher / DSL and/ or with the parent, carer. Social contact in certain situations can be misconstrued as grooming or an inappropriate activity.

5.6 Rewards and favouritism

In some situations, gifts or rewards may form part of an agreed policy for supporting positive behaviour or recognising achievements of children. There may be specific occasions when you may wish to give a child / children a personal gift. This must be approved, in line with schools' policy, and recorded by your line manager/ DSL and agreed with the parent, carer of the child / children. Any gifts must be given openly, with transparent and fair selection criteria and not be based on favouritism.

You should be aware that the giving of gifts can be misinterpreted by others as a gesture to bribe, groom or to inappropriately obtain the trust of a child/ children.

5.7 Unacceptable behaviour

The following are examples of unacceptable behaviour which fall outside of the boundaries of professional or position of trust relationship with children. This list is not exhaustive.

- Physical and/ or personal relationships.
- Any form of grooming behaviour.
- Planned social meetings in public or in private which are not related to professional duties and responsibilities.
- Consuming alcohol, smoking, vaping, or using illegal drugs that impact on your ability to fulfil your role.
- Contact with a child / children, via any social media, for anything other than legitimate and agreed work activity and never from a personal account
- Inviting a child / children to your own home or visiting their home outside of the work context (similar applies to visits to/ from friends or families of children).
- Allowing a child / children to undertake personal jobs or errands for them or their family, which could risk allegations of favouritism or modern slavery or put the child / children at risk.

5.8 Fixations

There may be occasions when a child / children develops a fixation with you. This should be dealt with sensitively and appropriately to maintain the dignity and safety of all concerned. Such situations have a considerable risk of words or actions being misinterpreted; you should make every effort to ensure you and your own behaviour is above reproach.

Where you become aware a child / children is developing a fixation, you should discuss this with your manager, without delay, to decide on an appropriate course of action to avoid any hurt, distress or embarrassment to the child / children and protect yourself from potential misunderstandings.

6. Challenging behaviour

All children have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour. You should not use any form of degrading or physical treatment to punish a child / children, this includes the use of sarcasm, demeaning, or insensitive comments. Any sanctions or rewards used should be part of a behaviour management policy or personal care plan.

There are circumstances in which you may be required to intervene in response to extreme behaviour by using physical interventions. This is a complex area and must only be conducted by trained staff and with strict adherence to policies, practice, and legislation. You should seek further guidance from your Headteacher / DSL, as required.

7. Physical contact

Many jobs will require some physical contact with children and there are also occasions when it is entirely appropriate for other people to have some physical contact with the child/ children with whom they are working.

You should only touch the service user in ways which are appropriate to your professional or agreed role and responsibilities. In some cases, this will be clear in the personal care plan.

The act of touching must always be acceptable to the child / children, and never in a way, or on a part of the body, where it could be construed as sexual or over familiar.

People working with children need to consider the individual's own signals, and factors such as cultural difference, age, gender, and maturity, so that the touch is not unwelcome or misunderstood.

Physical contact should always be appropriate to the circumstances and need and you should always use your professional judgement.

Only employees who have accredited training for physical intervention should undertake this type of contact which must be in accordance with statutory and local policies and procedural requirements.

8. Dress and appearance

Whilst it is acknowledged that appearance is a matter of personal taste, it is expected that, as representatives of the school, all employees will present themselves in a professional manner which sets a good example and exhibits the importance of the job you undertake. However, it is recognised that clothes should be practical for the tasks required and compliant with health and safety requirements.

You should not dress in a manner which could cause offence or embarrassment to others, is culturally sensitive or is likely to be viewed as provocative.

9. Changes in the status of employment checks, requirements for work, professional registration, and health

You must disclose to your Headteacher or senior member of staff, without delay, if there are any changes to, or events which could result in a change to, your employment checks. This could include changes to your DBS or other qualifications / checks, or changes to a necessary requirement for your job, such as driving license, UK residency status, or personal health concerns which impact on your role.

Failure to do so may constitute a criminal offence and/or may result in your dismissal.

10. Personal conduct outside of work

Whilst the school acknowledges that time outside of work is an employee's own, you are expected to behave lawfully, in a manner that does not call into question your suitability to conduct your job role and does not bring the school into disrepute. You are expected to exercise personal judgement in relation to how members of the public may interpret comments, actions, or gestures that you make and should be mindful of any reputational issues that may arise for the school because of these. This is particularly important where they can be associated with the school due to uniform or a name badge or at an out of hours function linked to work.

It should be remembered that people use personal electronic equipment, often covertly, to record events, good and bad, and this has the potential to embarrass or incriminate individuals and the school. Where events bring your actions into question, the school may be forced to consider appropriate action which may involve disciplinary proceedings and could lead to dismissal.

10.1 Employee notifiable events outside of schoolwork

Where you participate in the provision of services to children outside of your school role you are expected to notify your school without delay of any other event in your lives which could pose a risk to children, or conflict with your school role, or affect the reputation of the school. Information will be treated as confidential, however the school may need to take action to ensure children, and the services it provides, are protected.

You must disclose, without delay, any incidents or allegations of wrongdoing arising from any alternative or additional employment or voluntary work, or from recent previous employment which may not be covered by pre-employment checks. You must disclose any social care involvement you may have outside of your work role.

11. Allegations, criminal charges, and police involvement

Where you engage in any interaction with the police, face allegations, criminal charges or any other event in your life which could affect the reputation of the school, you must disclose this without delay to your Headteacher / DSL. This should happen in all circumstances, irrespective of whether you feel the matter is relevant or not.

For example, employees working in roles with an element of safeguarding (or in a position of trust) with children, who have children or dependents in their direct or indirect care and are subject to safeguarding or child's social care involvement, you should disclose this information to your Headteacher / DSL. All information will be treated sensitively and confidentially.

You should consider how the behaviour of your close associates may raise concerns and potentially compromise your position of trust and responsibility. Where you have concerns that these could have, or be interpreted as having, a bearing on their role and/ or on the school's reputation, you must raise them with your Headteacher / DSL.

It is important that you seek advice from your Headteacher to protect yourself, and our children. If you have any doubt, you must discuss with your Headteacher. Failure to do so may result in disciplinary action which could lead to dismissal.

12. Confidentiality

All information provided will be treated confidentially unless it is illegal to do so, or in doing so causes risk to children, colleagues, or the school. Where management need to take further action, this will be dependent on the circumstances. Whilst a range of options may be

considered, this may include removing the employee from their role, either temporarily or permanently, and possible disciplinary action. The school may also have a duty to notify other agencies.

13. Gifts and other financial benefits

Accepting money and gifts - Employees must not benefit financially, either directly or indirectly, from service users or their families and should never accept money as a gift.

Whilst the general rule is that employees should not accept any gift or money from a service user, there are circumstances when they are occasionally allowed to accept small gifts.

14. Other financial involvement

Employees must not have any financial dealings with any child/ children except where it is a specific requirement of their post, and then only within the boundaries of their duties. You must not borrow money or other property.

If you discover that you have been made a beneficiary of any gift or will of a parent/ child of any kind of value, monetary or otherwise you must inform your Headteacher.

15. Use of electronic communication & social media

All school electronic communications equipment is there to help provide a high-quality service to our children/ parents. See the policy for further information.

15.1 Social media

Communication between employees and a child/ children, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology, such as text messaging and social media (for example, Facebook, twitter, snap-chat, internet-based chat rooms, etc.).

It should be remembered that information is often not private on the internet and there is always a danger of it being inadvertently shared by employees themselves, or their group contacts. A child/ children and other interested parties may search for personal details.

- Employees should do all they can to keep their personal profiles secure and should take personal responsibility, by regularly checking, to ensure that they apply appropriate privacy settings to their profiles.
- Employees must not knowingly share any personal information with a child/ children, nor should they not give out any personal contact details unless agreed with a manager and the child/ children's parent, carer, or representative.

- Employees must not request, or respond to, any personal information from the child/ children, other than that which might be appropriate as part of your professional role. All communication must be transparent and open to scrutiny.
- Employees should inform their Headteacher of any incidents that may be open to misinterpretation.

Any employee who witnesses improper use of social media, or other electronic communications should inform their Headteacher.

16. Low level concerns

As set out in KCSIE 2023 governing bodies and proprietors should set out their low-level concerns policy within their staff code of conduct. The governing body or proprietor should ensure their staff code of conduct, is implemented effectively, and ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school or college approach to dealing with any concerns.

Low-level concerns about a member of staff should be reported to the designated safeguarding lead (or deputy). Where a low-level concern is raised about the designated safeguarding lead, it should be shared with the Headteacher or principal.

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in a school or college, that concern should be shared with the designated safeguarding lead (or deputy), and/ or Headteacher, and their employer notified about the concern, so that any potential patterns of inappropriate behaviour can be identified.

Responding to low-level concerns

When addressing Low Level concerns, you should seek to provide a responsive, sensitive, and proportionate response when managing such concerns.

Concerns about safeguarding should be reported to the designated safeguarding lead or their deputy. Where the concern has been raised via a third party, the designated safeguarding lead should collect as much evidence as possible by speaking:

- directly to the person who raised the concern unless it has been raised anonymously
- to the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All this needs to be recorded along with the rationale for their decisions and action taken.

What is a low-level concern?

The term 'low-level' concern does not mean that it is insignificant, a low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favorites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating, or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is intended to enable abuse.

It is crucial that any such concerns, including those which do not meet the LADO allegation/ risk of harm threshold, are shared responsibly and with the right person, and recorded and dealt with appropriately.

Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

This means that schools and settings should:

- be familiar with their establishments arrangements for reporting and recording concerns and allegations
- have, as part of their safeguarding and child protection policy, clear procedures for dealing with allegations against persons working in or on behalf of the school or setting

- know how to contact the LADO and Ofsted/ regulatory body directly if required.

This means that education settings should:

- have an effective and confidential system for recording and managing concerns raised by any individual regarding adults conduct and any allegations against staff and volunteers.

References

You should only include LADO substantiated safeguarding allegations in references. Low level concerns should not be included in references unless a low-level concern (or group of low-level concerns) has met the threshold for referral to the LADO and found to be substantiated, only then should it be referred to in a reference. However, if Low-level concerns relate to misconduct or poor performance, then these may be included within references.

Recording low-level concerns

All low-level concerns should be recorded in writing by the designated safeguarding lead (or deputy). The Low-level concerns should be recorded in writing and shared with the individual who is the subject of the concern, including:

- details of the concern
- context of the concern
- context in which the concern arose
- action taken
- name of the individual sharing the concerns*.

**The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.*

Schools and colleges must keep these records are kept confidential, held securely, and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO.

18. LADO Criteria

LADO Threshold

Allegation – Where it is alleged that a person who works with children has:

- behaved in a way that has harmed a child or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This can be in connection with any individual's employment or voluntary activity, or in relation to a person's private life where they have behaved in a way that indicates that they may pose a risk of harm to children.

Low-Level Concerns

Any concern – no matters how small, even if no more than a 'nagging doubt' - a record made of actions taken to evidence how the information has been shared and managed – where an adult may have acted in a manner which:

- is not consistent with an organisation's Code of Conduct, and/ or
- relates to their conduct outside of work which, even if linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

Keeping Children Safe in Education 2023 – states that 'If staff have safeguarding concerns, or an allegation is made about another member of staff (including supply staff and volunteers) this should be referred to the Headteacher/ Principle or DSL'.

Working Together to safeguard Children 2018 – 'Any allegation against people who work with children should be reported immediately to a senior manager within the organisation or agency. The LADO should be informed within one working day of all allegations.

Appropriate Conduct

Behaviour which is entirely consistent with the organisation's Code of Conduct, and the Law.

Appendix 1 – Glossary of terms used within this Code of Conduct Guidance

Employees – anyone employed paid or unpaid by the school in a position of trust or under a contract of service

Service users – anyone who is a citizen of Kirklees or other user of the Council's services

Vulnerable service users – all children and young people (under 18) and any adult with (i) a care and/ or support need, or (ii) at risk of abuse and/ or neglect

Headteacher – or a member of Senior Leadership Team, with suitable seniority to address any concerns.

DSL – Designated Senior Leader a role within school

Close associate – could mean a spouse, partner, other relative, friend, business, or other associate with whom the employee has a relationship closer than that of a professional or casual nature

Safeguarding role – any role working (paid or unpaid) for or on behalf of the school

Grooming – the NSPCC defines grooming as when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, sexual exploitation, or trafficking. Children and young people can be groomed online or face-to-face, by a stranger or by someone they know - for example a family member, friend or professional. Similar could apply to adults at risk.

