

# SAFEGUARDING POLICY

**Version 2019**

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## **1. INTRODUCTION**

Joseph Chamberlain College has a statutory and moral duty to safeguard and promote the welfare of children and adults at risk who are engaged in any activity at the college. The College ensures that all staff are aware of the signs and symptoms of abuse so that they are able to respond promptly and appropriately to all safeguarding concerns. Where appropriate, the College works with other professionals to ensure a co-ordinated response to safeguarding.

Joseph Chamberlain College is committed to safeguarding and promoting the welfare of all its students. We believe that all students;

- have the right to be protected from harm, abuse and neglect
- have the right to an education and to be safe in college
- need support that matches their individual needs, including those who may have experienced abuse
- are entitled to express their views, feelings and wishes and voice their own values and beliefs
- must be encouraged to respect each other's values and support each other
- should be supported to meet their emotional and social needs as well as their educational needs – a happy, healthy, sociable child/young person will achieve better educationally

In addition, Joseph Chamberlain College believes that;

- the college must contribute to the prevention of abuse, victimisation, bullying (including homophobic, bi-phobic, trans-phobic and cyber-bullying), exploitation, extreme behaviours, discriminatory views and risk-taking behaviours
- all staff and visitors have an important role to play in safeguarding individuals and protecting them from abuse.

## **2. STATUTORY FRAMEWORK**

Joseph Chamberlain College takes all reasonable steps to promote and safeguard the welfare of students engaged in any activity. The College pays close attention to, and works within the legislative safeguarding requirements documented in Keeping Children Safe in Education, Working Together to Safeguard Children and the statutory Prevent duty.

The College has a duty, under the Children Act 1989, to promote and safeguard the welfare of children under the age of 18. The Education Act 2002 requires governing bodies to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. The College also has a duty, under the Care Act 2014 to promote and safeguard the welfare of adults at risk.

In order to safeguard and promote the welfare of all, the College will act in accordance with the following legislation and statutory guidance:

- The Children Act 1989 and 2004
- The Education Act 2002 (section 175)
- The Education (Pupil Information) (England) Regulations 2005
- The Care Act 2014
- Dealing with Allegations of Abuse Against Teachers and Other Staff

- Working Together to Safeguard Children July 2018
- Keeping Children Safe in Education – September 2019
- The Prevent Duty 2015
- The FGM Mandatory Reporting Duty 2015
- Procedures set out by the Birmingham Safeguarding Children Partnership, and Birmingham Safeguarding Adults Board

### 3. DEFINITIONS

**Safeguarding** and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment
- preventing impairment of children’s health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes

**A child in need** is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989.

**Child** - for the purposes of this policy a child is defined as any individual who is under the age of 18.

**Adults at Risk** - The College recognises that some adults are vulnerable to abuse. The Care Act 2014 states that safeguarding responsibilities apply to any adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs)
- is experiencing, or at risk of abuse or neglect
- as a result of those care and support needs, is unable to protect themselves from either the risk of, or the experience of abuse or neglect

Children and adults at risk will include those who: are in care; have been previously ‘looked after’ by Social Services; are living independently and are under the age of 18; have had (or are still experiencing) mental health issues; have disabilities; are children that are also carers; have suffered abuse (as defined by the government).

**Abuse** is a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults or by another child or children.

**Adult Abuse** - is mistreatment by any other person or persons that violates a person’s human and civil rights. The abuse can vary, from treating someone with disrespect in a way that significantly affects the person’s quality of life, to causing actual physical or mental suffering.

**Domestic Abuse** is any incident or pattern of incidents of controlling, coercive, 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.

**Early help** means providing support as soon as a problem emerged at any point in a child’s life, from the foundation years to the teenage years.

**Significant Harm** - Sometimes, a single traumatic event may constitute significant harm, e.g. violent assault, suffocation or poisoning. More often, significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage the adult’s physical and psychological development.

## 4. KEY CONTACTS

### 4.1 Internal Contacts

Senior Designated Safeguarding Lead	Jo Lawrence
Designated Safeguarding Leads	Kal Kunor Lisa Barton Robert Allsop Samantha Bills
Staff member with responsibility for Looked after Children	Lisa Barton
Governor with Responsibility for Safeguarding	Wendy Sharples
College Nurse	Lorretta Starling

### 4.2 External Contacts

Local Authority Designated Officer Team	<a href="mailto:Ladoteam@birminghamchildrenstrust.co.uk">Ladoteam@birminghamchildrenstrust.co.uk</a>
DFE Prevent Coordinator	Hifsa Haroon-Iqbal
West Midlands Police	Sharon Worrallo- Allison

### 4.3 The Local Authority Designated Officer Team

Birmingham City Council have a Local Authority Designated Officer (LADO) Team who will:

- Receive reports about allegations and to be involved in the management and oversight of individual cases
- Provide advice and guidance to employers and voluntary organisations, including faith based educational settings
- Liaise with the police and other agencies; monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process

- Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the GMC etc. and
- Chair strategy meetings where there is concern about a person in a position of trust

## **5. PURPOSE AND SCOPE**

- The purpose of this policy is to take all reasonable steps to promote and safeguard the welfare of any young person or vulnerable adult engaged in college activity.
- This policy provides a framework that informs procedures related to the College's statutory obligations to protect children and adults at risk who are suffering, or who are at risk of suffering abuse.
- This policy applies to all students, staff, governors, temporary staff, agency workers and volunteers.

## **6. AIMS OF THE POLICY**

- To promote and safeguard the welfare of students studying at Joseph Chamberlain College.
- To provide staff and students with information on how to contact appropriately qualified and experienced members of staff, who are able to deal with all safeguarding concerns in a timely manner.
- To enable staff to take appropriate action if there is a cause for concern, and for Joseph Chamberlain College to play a full and active part in the multi-agency response to children's and adults at risk' protection concerns.
- To ensure that all students have a safe and stimulating environment in which they can fulfil their potential.

## **7. LINKED POLICIES**

This policy links to the following policies (not an exhaustive list);

- Staff Code of Conduct
- Learner Behaviour Policy
- Consensual Relationships between Staff and Learners Policy
- E-Safety Policy
- Anti-bullying and Harassment Policy
- Health and Safety Policy

## **8. MONITORING AND EVALUATION**

To monitor and evaluate the effectiveness of this policy the College will;

- Appoint a senior designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children's social care
- Identify students that may benefit from early help and ensure that the most appropriate support is in place for them.
- Address any situation where concerns arise regarding the safeguarding of children, young people under the age of 18, and adults at risk.
- Review this policy annually, and in response to major changes in legislation or significant events.
- Ensure that this policy is displayed on the College website and is accessible to all staff, students, parents, visitors and members of the local community
- Provide regular reports to members of the Senior Leadership Team and the governing body around safeguarding matters.

## **Appendix 1 - Definitions and Indicators of Abuse**

### **1.1 Neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- Protect a child from physical and emotional harm or danger
- Ensure adequate supervision (including the use of inadequate care-givers)
- Ensure access to appropriate medical care or treatment

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

The following may be indicators of neglect (not an exhaustive list);

- Constant hunger
- Stealing, scavenging and/or hoarding food
- Frequent tiredness or listlessness
- Frequently dirty or unkempt
- Often poorly or inappropriately clad for the weather
- Poor College attendance or often late for College
- Poor concentration
- Affection or attention seeking behaviour
- Illnesses or injuries that are left untreated
- Failure to achieve developmental milestones, for example growth, weight
- Failure to develop intellectually or socially
- Responsibility for activity that is not age appropriate such as cooking, ironing, caring for siblings
- The child is regularly not collected or received from College
- The child is left at home alone or with inappropriate carers

### **1.2 Physical Abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

The following may be indicators of physical abuse (not an exhaustive list);

- Multiple bruises in clusters, or of uniform shape
- Bruises that carry an imprint, such as a hand or a belt
- Bite marks
- Round burn marks
- Multiple burn marks and burns on unusual areas of the body such as the back, shoulders or buttocks
- An injury that is not consistent with the account given
- Changing or different accounts of how an injury occurred
- Bald patches
- Symptoms of drug or alcohol intoxication or poisoning
- Unaccountable covering of limbs, even in hot weather

- Fear of going home or parents being contacted
- Fear of medical help
- Fear of changing for PE
- Inexplicable fear of adults or over-compliance
- Violence or aggression towards others including bullying
- Isolation from peers

### **1.3 Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

The following may be indicators of sexual abuse (not an exhaustive list);

- Sexually explicit play or behaviour or age-inappropriate knowledge
- Anal or vaginal discharge, soreness or scratching
- Reluctance to go home
- Inability to concentrate, tiredness
- Refusal to communicate
- Thrush, persistent complaints of stomach disorders or pains
- Eating disorders, for example anorexia nervosa and bulimia
- Attention seeking behaviour, self-mutilation, substance abuse
- Aggressive behaviour including sexual harassment or molestation
- Unusual compliance
- Regressive behaviour, enuresis, soiling
- Frequent or open masturbation, touching others inappropriately
- Depression, withdrawal, isolation from peer group
- Reluctance to undress for PE or swimming
- Bruises or scratches in the genital area

### **1.4 Emotional Abuse**

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may also involve seeing or hearing the ill-treatment of another person. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or

corruption of children. Some level of emotional abuse is involved in all types of maltreatment.

The following may be indicators of emotional abuse (not an exhaustive list);

- The child consistently describes him/herself in very negative ways – as stupid, naughty, hopeless, ugly
- Over-reaction to mistakes
- Delayed physical, mental or emotional development
- Sudden speech or sensory disorders
- Inappropriate emotional responses, fantasies
- Neurotic behaviour: rocking, banging head, regression, tics and twitches
- Self-harming, drug or solvent abuse
- Fear of parents being contacted
- Running away
- Compulsive stealing
- Appetite disorders - anorexia nervosa, bulimia
- Soiling, smearing faeces, enuresis

## **The Care Act 2014 – The Types of Adult Abuse**

**Physical Abuse** – This relates to any form of malpractice involving an individual's physical wellbeing. More commonly known examples include hitting or kicking a patient or adult in a care setting, but can also extend to misuse of medication and inappropriate use of restraint.

**Emotional/ Psychological Abuse** – Usually a repeated form of verbal abuse, where an individual is subjected to threats of harm, isolation or seclusion from services, harassment or intimidation, as well anything that alters the person's behaviour from the way they'd like to live.

**Financial Abuse** – Where someone in a caring role misuses the finances of the individual they care for. This could be for personal gain or in a way originally intended to help the adult receiving care, but using someone's money without their consent is a crime.

**Sexual Abuse** – If the adult in need of social care is subjected to sexual activity that they did not or could not consent to, including anything from inappropriate touching to rape, the perpetrator is guilty of sexual abuse.

**Organisational Abuse** – This is defined as a service, agency or care home putting its own needs before those of the service users. From imposing inflexible daily routine to reorganising a staff rota to suit its own costs, organisational abuse can damage the service users' lives.

**Neglect** – Instances of a care worker ignoring the care needs of an individual and failing to provide the care services they require is neglect. Extreme cases can lead to irreparable psychological damage and even death.

**Discriminatory Abuse** – Refusing to acknowledge the different care needed for each individual. This could mean purposefully ignoring someone's religion, personal beliefs, dietary views or any number of personal preferences.

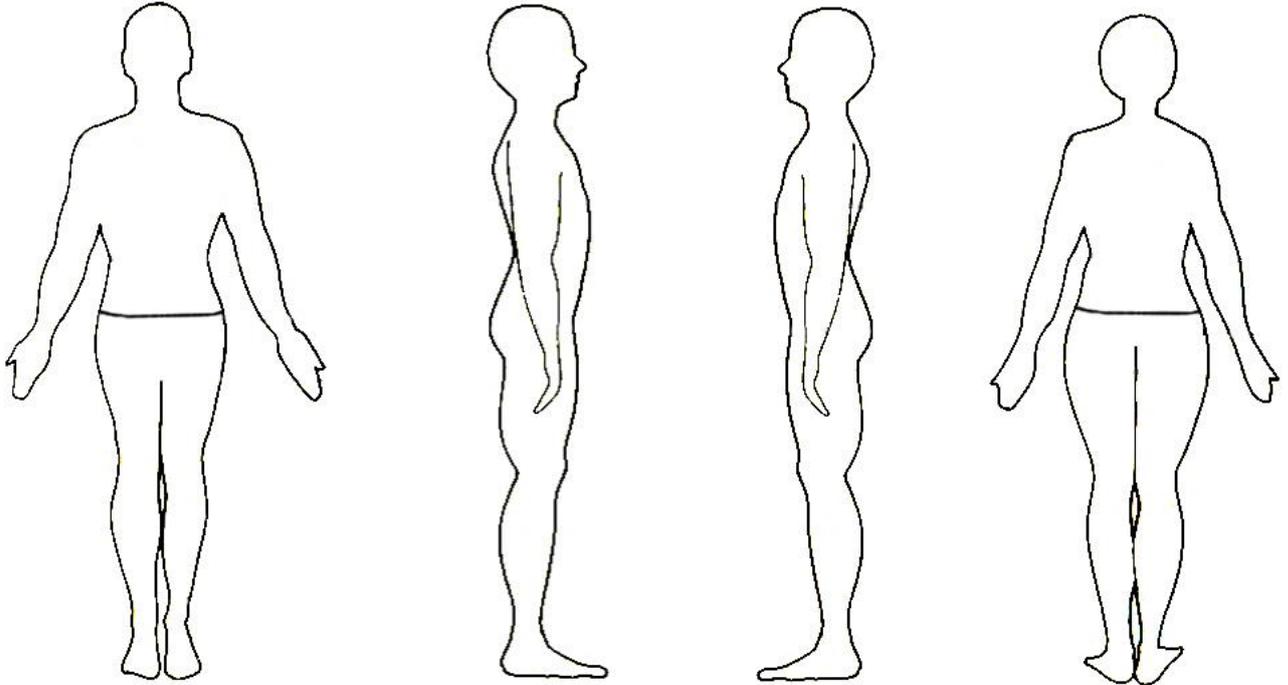
**Domestic Violence** –domestic violence is now recognised as the jurisdiction of the Safeguarding Adults Boards across the country when it is committed against an adult in need of care services.

**Modern Slavery** –the use of individuals working for little or no wages. This could be perpetrated by care service employers, the adult in need to care themselves, or someone connected to that person.

**Self-Neglect** –is a condition affecting behaviour, where the individual refuses to attend to their personal care and hygiene, their environment or even refusal of care services offered to them.

## Appendix 2 – Indicators of Abuse Body Map

**INDICATE ON THE GRAPH BELOW THE POSITION OF ANY MARKS OBSERVED INCLUDING THE SIZE AND COLOUR**



Name of Student:

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Signed:

\_\_\_\_\_  
(Sign and attach any additional pages if needed)

Date:

\_\_\_\_\_  
\_\_\_\_\_

Signed:

\_\_\_\_\_  
(Sign and attach any additional pages if needed)

Date:

\_\_\_\_\_  
\_\_\_\_\_

Signed:

\_\_\_\_\_  
(Sign and attach any additional pages if needed)

Date:

\_\_\_\_\_

## Appendix 3 – Safeguarding Responsibilities

### All Staff will:

- Make themselves familiar with the College’s Safeguarding Policy and Procedures, which will be provided at induction, is available on JCC Connect and the College website.
- Read Part 1 of Keeping Children Safe in Education, which can be found on JCC Connect. This will be circulated when updates are released and all staff will be expected to sign to confirm that they have read and understood the guidance.
- Be alert to the signs of abuse as detailed in appendix 1 of this policy and act in accordance with this policy if a student presents with indicators of abuse.
- Report any concerns immediately to any of the designated safeguarding leads and identify children who may benefit from early help.
- Raise concerns about poor or unsafe practice with the senior designated safeguarding lead.
- Participate in annual safeguarding training.
- Understand the College’s procedure for dealing with peer on peer abuse.

### The Principal will:

- Ensure that appropriate policies and procedures are adopted by the governing body and are appropriately monitored.
- Where appropriate, act as support to the designated safeguarding lead in relation to their safeguarding responsibilities.

### The Senior Designated Lead for Safeguarding (Vice Principal Welfare & Progression) will:

- Act as the point of contact for all matters concerning safeguarding in relation to students, co-ordinate action within the College, and liaise with external agencies where appropriate.
- Monitor all safeguarding concerns and ensure that these are followed up in a professional and timely manner.
- Ensure that appropriate strategies for recording and reporting incidents are in place and reviewed regularly.
- Act as a source of support, advice and expertise to staff on all matters of safeguarding, including supporting staff when they are deciding whether to make a referral to an external agency including a referral to the Channel programme where there is a radicalisation concern.
- Encourage a culture of listening to children and taking account of their wishes and feelings, among all staff.
- Liaise with the Principal to inform them of issues, especially on-going enquiries under section 47 of the *Children Act 1989*, and police investigations.
- Ensure that there are appropriately qualified designated safeguarding leads in place across the College.
- Ensure that all those within the College, including Governors, are familiar with the College’s Safeguarding Policy and that this is reviewed and updated annually.
- Ensure the Safeguarding Policy is available publicly, and parents are aware of the fact that referrals about suspected abuse or neglect may be made, and the role of the College in this.
- Link with the Local Children’s Safeguarding Partnership to make sure staff are aware of training opportunities and the latest local policies on safeguarding.
- Liaise with Human Resources to ensure that the College complies with its responsibilities with regard to training staff and Governors on safeguarding.

- Liaise with families and the appropriate child protection agencies on individual cases and make referrals to appropriate agencies in consultation with the Local Authority Designated Officer.
- Ensure that appropriate action is taken to exclude, refuse admission or employment, to any individual who may pose a risk to children or adults at risk.
- Ensure that all staff are aware of the early help that is available within the college and externally and support staff to access this as appropriate.
- Undertake every 2 years appropriate training relevant to the role of the designated senior lead for safeguarding and Prevent.

#### **The Designated Safeguarding Leads will:**

- Ensure that they receive regular training and updates on current safeguarding practice.
- Ensure that they follow up any safeguarding concerns reported to them, and that they are dealt with in a timely and professional manner.
- Make appropriate referrals to social/community services and/or the police, where there are concerns that the child or vulnerable adult is or may be, being abused.
- Acknowledge the receipt of all safeguarding referrals and provide feedback to the referee where appropriate.
- Provide an annual safeguarding report to members of the governing body.

#### **Human Resources will:**

- Be committed to operating safer recruitment procedures.
- Monitor compliance with the DBS Policy and Procedure by ensuring that there are sound arrangements for appropriate checks on staff (including List 99 checks and DBS checks).
- Maintain a single central record of all checks on staff, including agency staff and volunteers.
- Ensure that appropriate action is taken to refuse employment to any individual who may pose a risk to children or adults at risk.
- To notify the Local Authority Designated Officer Team of any allegations made against a member of staff and to instigate appropriate College HR processes where appropriate.

#### **The Governing Body will:**

- Appoint a member of the College's leadership team to the role of Senior Designated Safeguarding Lead.
- Nominate a member of the governing body to liaise with the Senior Designated Safeguarding Lead.
- Ensure that the college has the following policies and procedures in place;
  - A safeguarding policy which complies with the statutory guidance and is updated annually.
  - A staff behaviour policy which includes acceptable use of technologies, staff student relationships and communications including the use of social media
  - Recruitment and selection policies and procedures in place which prevent people who pose a risk of harm from working with children
- Ensure that the College contributes to inter-agency working, in line with the statutory guidance Working Together to Safeguard Children 2018.
- Monitor safeguarding arrangements to ensure that they consider the procedures and practices set up by the Local Safeguarding Children's Partnership.
- Ensure that there is an appropriate safeguarding response to any children who go missing from education.

- Appoint a designated teacher to promote the educational achievement of children who are looked after.
- Ensure that students are taught about keeping themselves safe, in a way that is appropriate to their age and understanding.
- Ensure that any member of staff found not suitable to work with students, will be notified to the Disclosure and Barring Service (DBS) for consideration for barring.
- Ensure that there are procedures in place to handle allegations against the Principal, members of staff, volunteers and other children.

## Appendix 4 – Preventing Violent Extremism and Radicalisation

All educational establishments have a responsibility to promote values of openness and respect and to facilitate free debate which is characteristic of being a British citizen. Section 21 of the *Counter Terrorism and Security Act 2015* places a duty on certain bodies to have “due regard to the need to prevent people from being drawn into terrorism”.

The Government’s Prevent Strategy was published in 2011 and forms part of an overall Counter Terrorism Strategy known as **CONTEST**. The Contest Strategy has four elements which are detailed below:

- Pursue
- Protect
- Prepare
- Prevent

Prevent is a key part of the Contest Strategy which aims to stop people from becoming terrorists or supporting terrorism. Early intervention is at the heart of Prevent in diverting people away from being drawn into terrorist activity as Prevent happens before any criminal activity takes place. It is about recognising, supporting and protecting individuals who might be susceptible to radicalisation.

**Radicalisation** is defined as the process by which people come to support terrorism and extremism and, in some cases, then participate in terrorist groups.

**Extremism** is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.

To ensure that the College effectively manages risks and is able to deal appropriately with issues around radicalisation and extremism the College will:

- Understand the nature of the threat from extremism and how this may impact directly or indirectly on the College.
- Understand and manage potential risks within the College and from external influences including the display of extremist materials and the hiring of College premises.
- Respond rapidly and appropriately to events in local, national or international news that may impact on the College community.
- Ensure measures are in place to minimise the potential for acts of extremism within the College.
- Ensure plans are in place to respond appropriately to a threat or incident within the College.
- Adopt effective ICT security and responsible user policies and promote these to all staff and students.

Where there is an identified/potential risk that a student may be involved in supporting or following extremism, further investigation by the police will be requested, prior to other assessments and interventions. The designated Leads for Safeguarding are responsible for contacting

either the West Midlands Police or the DFE Prevent Coordinator for further advice and guidance.

Any member of staff who identifies such concerns will report these to the designated Lead for Safeguarding. This is done via the My Concern database where all relevant information will be documented.

Examples in relation to extremism are expected to be very rare but emergency procedures will be adopted when there is information that a violent act is imminent, or where weapons or other materials may be in the possession of a student or a community member. In this situation, a 999 call will be made and the college's Senior Leadership Team informed as soon as practicably possible.

Where a child or vulnerable adult is thought to be in need or at risk of significant harm or where investigations need to be carried out a referral to the Social Services will be made in line with the College Safeguarding procedures following advice from the Police or DFE Prevent Coordinator.

### **The Channel Process**

Referrals to the Channel process are often likely to be made in the first instance by individuals who come into contact with vulnerable people. At College, the referral will most likely be made by the Senior Designated Safeguarding Lead.

Further information on how the college meets its statutory duty with regards to Prevent can be found in the Prevent Strategy, Risk Assessment and Action Plan.

## **Appendix 5 – Safeguarding Students**

### **5.1 Child Sexual Exploitation**

Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual.

Child sexual exploitation does not always involve physical contact: it can also occur through the use of technology. Like all forms of child sex abuse, child sexual exploitation:

- can affect any child or young person (male or female) under the age of 18 years, including 16- and 17-year olds who can legally consent to have sex
- can still be abuse even if the sexual activity appears consensual
- can include both contact (penetrative and non-penetrative acts) and noncontact sexual activity;
- can take place in person or via technology, or a combination of both
- can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence
- may occur without the child or young person's immediate knowledge (e.g. through others copying videos or images they have created and posted on social media)
- can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse
- is typified by some form of power imbalance in favour of those perpetrating the abuse. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources.

Some of the following signs may be indicators of child sexual exploitation (not an exhaustive list):

- children who appear with unexplained gifts or new possessions
- children who associate with other young people involved in exploitation
- children who have older boyfriends or girlfriends
- children who suffer from sexually transmitted infections or become pregnant
- children who suffer from changes in emotional well-being
- children who misuse drugs and alcohol
- children who go missing for periods of time or regularly come home late
- children who regularly miss school or education or do not take part in education

### **5.2 Child Criminal Exploitation - County Lines**

Criminal exploitation of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity, drug networks or gangs groom and exploit children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns. Key to identifying potential involvement in county lines are missing episodes, when the

victim may have been trafficked for the purpose of transporting drugs and a referral to the multi-agency safeguarding hub should be considered.

Like other forms of abuse and exploitation, county lines exploitation:

- can affect any child or young person (male or female) under the age of 18 years
- can affect any vulnerable adult over the age of 18 years
- can still be exploitation even if the activity appears consensual
- can involve force and/or enticement-based methods of compliance and is often accompanied by violence or threats of violence
- can be perpetrated by individuals or groups, males or females, and young people or adults; and
- is typified by some form of power imbalance in favour of those perpetrating the exploitation. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, cognitive ability, physical strength, status, and access to economic or other resources

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

Female Genital Mutilation (FGM): professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a girl being at risk of FGM, or already having suffered FGM. There are a range of potential indicators that a learner or young person may be at risk of FGM, which individually may not indicate risk but if there are two or more indicators present this could signal a risk to the learner or young person. Victims of FGM are likely to come from a community that is known to practise FGM. Professionals should note that girls at risk of FGM may not yet be aware of the practice or that it may be conducted on them, so sensitivity should always be shown when approaching the subject. Staff should refer any concerns to the designated safeguarding leads who will adopt existing national and local protocols for multi-agency liaison with police and children's social care.

Section 5B of the *Female Genital Mutilation Act 2003* (as inserted by section 74 of the *Serious Crime Act 2015*), will place a statutory duty upon **teachers**, along with social workers and healthcare professionals, to report to the police where they discover (either through disclosure by the victim or visual evidence), that FGM appears to have been carried out on a girl under 18. Those failing to report such cases will face disciplinary sanctions.

### **5.4 So Called Honour Based Violence**

So-called 'honour-based' violence (HBV), encompasses crimes which have been committed to protect or defend the honour of the family and/or the community, including Female Genital Mutilation (FGM), forced marriage, and practices such as breast ironing. All forms of so called HBV are abuse (regardless of the motivation) and should be handled and escalated as such. If in any doubt, staff should speak to the designated safeguarding lead. Staff need to be alert to the possibility of a child being at risk of HBV, or already having suffered HBV.

### **5.5 Forced Marriage**

Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats, or any other form of coercion is used to

cause a person to enter into a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some communities use religion and culture as a way to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage.

## **5.6 Sexting**

Sexting' may be defined as images or videos generated:

- by young people under the age of 18, or
- of young people under the age of 18 that are of a sexual nature or are indecent.

These images are shared between young people and/or adults via a mobile phone, handheld device or website with people they may not even know. Young people often do not anticipate the implications and consequences of sharing things online as they would offline; however, the consequences of sexting can be devastating. Once the image is in the public domain, it is difficult to control, to know who has seen it and what they have done with it. The social and psychological effects on individuals can be significant; in extreme cases it can result in suicide or a criminal record, isolation and vulnerability. Because of the prevalence of sexting, young people are not always aware that, in the context of the law, sexting is illegal.

As with all safeguarding issues and concerns, it is vitally important for all staff to be vigilant, noticing any concerns about young people sending, receiving and/or disseminating indecent images of themselves and other young people.

If staff notice any concerns, they must report them to the Designated Safeguarding Lead as with any other safeguarding concern. Staff should not make their own judgements about whether a 'sexting' issue is more or less serious enough to warrant a report. What may seem like less serious concerns to individual members of staff, may be more significant when considered in the light of other information known to the DSL of which the member of staff may not be aware.

## **5.7 Upskirting**

'Upskirting' typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence.

## **5.8 Children Missing in Education**

All staff should be aware that children going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and child criminal exploitation. It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks

of a child going missing in future. Staff should be aware of their school or college's unauthorised absence and children missing from education procedures.

### **5.9 Early Help**

Any child may benefit from early help, but all school and college staff should be particularly alert to the potential need for early help for a child who:

- is disabled and has specific additional needs;
- has special educational needs (whether or not they have a statutory education, health and care plan);
- is a young carer;
- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home
- is misusing drugs or alcohol themselves
- Is at risk of modern slavery, trafficking or exploitation;

### **5.10 Peer on Peer Abuse**

Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to) bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiating/hazing type violence and rituals.

### **5.11 Sexual Violence & Sexual Harassment**

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment.

Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk.

Evidence shows girls, children with SEND and LGBT children are at greater risk. Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as "banter", "part of growing up", "just having a laugh" or "boys being boys"; and
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

It is important that staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

- **Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.
- **Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include: non-consensual sharing of sexual images and videos; sexualised online bullying; unwanted sexual comments and messages, including, on social media; and sexual exploitation; coercion and threats

Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Preplanning, effective training and effective policies will provide the college with the foundation for a calm, considered and appropriate response to any reports.

It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or

sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

Effective safeguarding practice includes not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead or children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to.

Recognising an individual is likely to disclose to someone they trust and this could be anyone on the college staff. It is important that the person to whom the individual discloses recognises that they have placed them in a position of trust. They should be supportive and respectful; listening carefully, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the individual where necessary with open questions – where, when, what, etc.;

Considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, it is essential a written record is made; only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools and colleges should be aware that notes of such reports could become part of a statutory assessment by children's social care and/or part of a criminal investigation;

Where the report includes an online element, being aware of searching screening and confiscation advice (for schools) and UKCCIS sexting advice (for schools and colleges). The key consideration is for staff not to view or forward illegal images of a child. The highlighted advice provides more details on what to do when viewing an image is unavoidable.

### **5.12 Children with Special Educational Needs or Disabilities**

Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. The college recognises the fact that additional barriers can exist when recognising abuse and neglect in this group of individuals. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the individual's disability without further exploration;
- being more prone to peer group isolation than others;
- the potential for individuals with SEN and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs; and communication barriers and difficulties in overcoming these barriers.

The College recognises that all students have a right to be safe, When the College is considering excluding, either fixed term or permanently, a student with SEND

or one who is the subject of a child protection plan or where there is an existing child protection file, the college will call a multi-agency risk assessment meeting prior to making the decision to exclude.

### **5.13 Online Safety**

The use of technology has become a significant component of many safeguarding issues. The college takes online safety very seriously by educating staff and in their use of technology and establishes mechanisms to identify, intervene in, and escalate any incident where appropriate. The college has appropriate filters and monitoring systems in place to ensure that staff and students are safe when online.

The breadth of issues classified within online safety is considerable, but can be categorised into three areas of risk:

- **content:** being exposed to illegal, inappropriate or harmful material; for example, pornography, fake news, racist or radical and extremist views;
- **contact:** being subjected to harmful online interaction with other users; for example, commercial advertising as well as adults posing as children or young adults; and
- **conduct:** personal online behaviour that increases the likelihood of, or causes, harm; for example, making, sending and receiving explicit images, or online bullying.

## **Appendix 6 - What to do if you suspect abuse**

If it is believed that a student is suffering or may be at risk of suffering significant harm, even in the absence of any physical evidence, this must be brought to the attention of a Designated Safeguarding Lead, who will liaise with the statutory bodies immediately, or as a minimum within 24 hours, in writing, or with written confirmation of a telephone referral. In cases of serious harm, the police will be informed from the outset.

If a student makes a disclosure about abuse, staff must do the following:

- Allow the student to lead the discussion, never stop a student who is freely recounting significant events, and do not press for details by asking questions e.g. "what did they do next?".
- Listen and be supportive – staff should not investigate, put words in the student's mouth or ask leading questions. Questions such as "Is there anything else you'd like to tell me?", may be used as part of a discussion.
- Accept what the student says without challenge - staff should reassure them that they are doing the right thing, and that they recognise the difficulty of the situation.
- Not lay blame or criticise either the student or the alleged perpetrator.
- Never promise complete confidentiality – staff should advise students that they will be passing the information on to the appropriate person in the College in order to keep them and other students safe.
- Report the information immediately to a Designated Safeguarding lead via the My Concern database and do not discuss the matter with anyone else unless requested to do so by a Designated Safeguarding Lead.
- Write an account of the conversation immediately afterwards, including the time, date and location of the conversation, and the name of anyone else present. This should be added to My Concern as soon as possible.
- Follow up with a Designated Safeguarding Lead if you have further concerns.
- Remember that it is not the responsibility of the College to investigate suspected cases of abuse. It is, however, the College's responsibility to follow local safeguarding procedures, and to recognise that a student making a disclosure, may be the beginning of a legal process as well as the process of recovery for the young person or vulnerable adult. Legal action against the perpetrator can be seriously damaged by any suggestion that the victim's account has, in any way, been influenced by the person they may have told.

### **Allegations of Peer-on-Peer Abuse**

Staff should recognise that young people and adults at risk may also be vulnerable to physical, sexual and emotional bullying and abuse by their peers. There is no clear boundary between incidents that should be regarded as abusive, and incidents that are more properly dealt with as bullying, sexual experimentation, etc. However, it may be appropriate to regard an individual's behaviour as abusive if:

- There is a large difference in power (for example age, size, ability, development) between the individuals concerned; or
- The perpetrator has repeatedly tried to harm one or more other young/vulnerable people; or
- There are concerns about the intention of the alleged perpetrator.

If the evidence suggests that there was an intention to cause severe harm to the victim, this should be regarded as abusive whether or not severe harm was actually caused. College staff should not automatically dismiss some abusive behaviour as 'normal' between learners. Concerns must be raised with a Designated Safeguarding Lead using My Concern.

## **Appendix 7 - Our Role in the Prevention of Abuse**

### **7.1 – Opportunities to Teach Safeguarding**

Joseph Chamberlain College will provide opportunities for students to develop skills, concepts, attitudes and knowledge that promote their safety and well-being. Safeguarding issues will be addressed through the tutorial curriculum.

### **7.2 College Policies**

All Joseph Chamberlain College policies which address issues of safeguarding and potential harm, for example bullying, discrimination, equal opportunities, positive behaviour, will be inter-linked to ensure a whole College approach. This policy cannot be separated from the general ethos of the College, which should ensure that students are treated with respect and dignity, taught to treat each other with respect, feel safe, have a voice which is listened to.

### **7.3 Involving Parents/Carers**

Where appropriate the college will discuss any safeguarding or child protection concerns with parents/carers before approaching other agencies, and will seek their consent to making a referral to another agency. Appropriate staff will approach parents/carers after consultation with a Designated Safeguarding Lead. However, there may be occasions when the College will contact another agency before informing parents/carers because it considers that contacting them may increase the risk of significant harm to the child.

Parents/carers will be informed about our safeguarding policy through the college website.

### **7.4 Multi-Agency Work**

The college works in partnership with other agencies to promote the best interests of students. The College will, where necessary, liaise with these agencies and make requests for support from children's social care. These requests will be made by a Designated Safeguarding Lead to the Children's Advice Support Service (CASS) - 0121 303 1888. Where the child already has a safeguarding social worker or family support worker, the request for support should go immediately to the team involved, or in their absence to their team manager.

When invited a DSL will participate in a MASH strategy meeting, usually by conference phone, adding College held data and intelligence to the discussion so that the best interests of the child are met.

The college will co-operate with any child protection enquiries conducted by children's social care and will ensure representation at appropriate inter-agency meetings such as integrated support plan meetings initial and review child protection conferences, and core group meetings. Appropriate reports will be provided for these meetings. If the College is unable to attend, a written report will be sent. The report will, wherever possible, be shared by Social Care with parents/carers at least 24 hours prior to the meeting.

Where a student is subject to an inter-agency child protection plan or a multi-agency risk assessment conference (MARAC) meeting, the College will

contribute to the preparation, implementation and review of the plan as appropriate.

### **Section 42 Enquiries for Adults**

The Care Act 2014 (Section 42) requires that each local authority must make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom. Safeguarding adults' is the name given to the multi-agency response used to protect adults with care and support needs from abuse and neglect.

When an allegation about abuse or neglect has been made, an enquiry is undertaken to find out what, if anything, has happened. The findings from the enquiry are used to decide whether abuse has taken place and whether the adult at risk needs a protection plan. A protection plan is a list of arrangements that are required to keep the person safe.

The Safeguarding Adults Manager is a professional manager from Adult Social Care or an NHS Organisation who has been appointed to oversee the safeguarding enquiry.

The Safeguarding Enquiry Practitioner is the person appointed to undertake the enquiry. This will usually be a social worker, a nurse or the manager in the service where the concerns have arisen.

The purpose of a safeguarding enquiry is to decide what action is needed to help and protect the adult. The enquiry may involve a wide range of activities depending on the circumstances. It will include interviewing people who have witnessed or been involved in the incident. It might also involve reviewing records or policies and procedures.

### **7.5 Supporting Staff**

The Senior Leadership Team recognise that staff working in the College who have become involved with a child or vulnerable young person who has suffered harm or who is likely to suffer harm may find the situation stressful and upsetting. The college will support such staff by providing an opportunity to talk through specific referrals with the Senior designated lead for safeguarding and to seek further support as appropriate

## **Appendix 8 - Allegations of Abuse Against Members of Staff**

These procedures should be used in all cases in which it is alleged that a member of staff has:

- Behaved in a way that has harmed, or may have harmed, a young person or vulnerable adult;
- Possibly committed a criminal offence against, or related to a young person or vulnerable adult; or
- Behaved towards a young person or vulnerable adult in a way that indicates he/she would pose a risk of harm.

The College also has a duty of care to its employees, and will act to manage and minimise the stress inherent in the allegations process. Support will be made available to anyone facing an allegation; such support may include access to counselling/medical advice, or, where applicable, support from a trade union representative or work place colleague. It is essential that any allegation of abuse made against a member of staff is dealt with very quickly, in a fair and consistent way that provides effective protection for the young person/vulnerable adult, and at the same time supports the person who is the subject of the allegation.

### **8.1 Receiving an allegation from a young person or vulnerable adult**

If a member of staff receives an allegation against a member of staff, this should be reported immediately to the Director of Human Resources, unless this manager is the person against whom the allegation is made. In these circumstances, the report should be made to the Principal. In the event of the Principal being unavailable, the allegation will be reported to the Vice Principal Welfare & Progression. The Principal will be subsequently notified of the allegation at the earliest opportunity. In the case of allegations against the Principal, the report should be made to the Chair of Governors.

Due regard must be given to the statutory guidance Working Together to Safeguard Children 2018 when dealing with any allegations against staff. The following procedures take account of that guidance accordingly.

### **8.2 Receiving an allegation from a member of staff**

Where a member of staff has a concern about another member of staff, the concern should be referred to the Director of Human Resources. Where the concern relates to the Principal, the Chair of Governors should be informed.

In the first instance, the Director of Human Resources (case manager) will immediately discuss the allegation with the Local Authority's Designated Officer Team. The purpose of the initial discussion will be for the Designated Officer and the case manager to consider the nature, content and context of the allegation, and agree a course of action. The Designated Officer may also ask the case manager to provide or obtain relevant additional information, such as previous history, whether the young person/vulnerable adult or their family have made similar allegations previously, and the individual's current contact with young people/adults at risk.

There may be situations when the case manager will want to involve the police immediately, for example, if the person is deemed to be an immediate risk to young people/adults at risk, or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager will discuss the allegations with the Designated Officer in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern. In such circumstances this decision and a justification for it will be recorded by both the case manager and the Designated Officer, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager will then consider with the Designated Officer what action should follow both in respect of the individual and the person who made the initial allegation.

The case manager will inform the member of staff about the allegation as soon as possible after consulting the Designated Officer. Wherever possible, the case manager will provide him/her with as much information as possible at that time; however, where a strategy discussion is needed, or the police or Social Care need to be involved, this will not be possible until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

The case manager will provide the employee with a named contact who will keep the employee informed of progress of the case and consider what other support may be available to the individual.

If there is cause to suspect a young person/vulnerable adult is suffering, or is likely to suffer significant harm, a strategy discussion will be convened in accordance with the statutory guidance contained within the 'Working Together to Safeguard Children' document. Where the strategy discussion or initial evaluation decides that it is clear that an investigation by the police or Social Care is unnecessary, the Designated Officer will discuss the next steps with the case manager. In those circumstances, the options open to the College will depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action, dismissal after proceeding to the College's disciplinary procedure, the provision of relevant training, or, where the individual concerned is not an employee of the College, taking the decision not to use the person's services in the future.

If further enquiries are needed to enable a decision to be made about how to proceed, the Designated Officer will discuss with the case manager, how and by whom, any investigation will be undertaken. It is likely that in straightforward cases, any investigation would normally be undertaken in line with the College's own Disciplinary Policy.

### **8.3 Suspension**

The case manager must consider whether the circumstances of the case warrants the member of staff being suspended from contact with young people/adults at risk, or whether alternative arrangements can be put in place until the allegation or concern is resolved. Suspension will not be an automatic response when an allegation is reported; all options to avoid suspension will be considered prior to taking that step. Suspension should be considered only in cases where there is cause to suspect a young person/vulnerable adult, or other

young people/adults at risk at College, is/are at risk of harm, or the case is so serious that it might be grounds for dismissal.

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by the case manager and the Designated Officer. This will also include what alternatives to suspension were considered, and why they were rejected.

Where it has been deemed appropriate to suspend the individual, written confirmation of this decision will be issued within one working day, and will give as much detail as appropriate for the reasons for the suspension. The individual will also be informed who their named contact is within the organisation and be provided with their contact details.

#### **8.4 Confidentiality**

It is extremely important that when an allegation is made, every effort is made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The case manager will take advice from the Designated Officer, police and Social Care services (if applicable), to agree the most appropriate way in which to manage the situation.

Parents/carers of the young person/vulnerable adult (without mental capacity) involved in the safeguarding issue, will be told about the allegation as soon as possible, if they do not already know of it. However, where a strategy discussion is required, or police or Social Care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents/carers.

Parents/carers will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. Although the deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, the parents/carers will be told the outcome in confidence.

Parents/carers should also be made aware of the requirement to maintain confidentiality about any allegations made against individuals while investigations are on-going.

#### **8.5 Disciplinary Action**

The College shall hold in abeyance its own internal enquiries while any formal police or Social Care investigations proceed; to do otherwise may prejudice the investigation.

At the point at which criminal/Social Care proceedings have been completed, or where, after consideration of the allegation such proceedings are not deemed necessary, the College will instigate disciplinary proceedings where appropriate. If there are on-going safeguarding concerns whilst managing the allegation through the College's internal processes, the case manager will discuss these with the Designated Officer.

Where the College does proceed to disciplinary action as a result of a safeguarding concern, the statutory guidance Working Together to Safeguard Children 2018 will be followed in respect of timescales and inter-agency sharing

of information where appropriate, and will take precedent over the College's internal disciplinary processes.

Where the police have been involved, wherever possible the case manager will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the College's disciplinary process. This will be done as the police investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

If the accused member of staff resigns, or ceases to provide their services, this will not prevent an allegation being followed up in accordance with the statutory guidance. The College will make every effort to reach a conclusion in all cases of allegations relating to the safety or welfare of young people or adults at risk, including any in which the person concerned refuses to co-operate with the process. Wherever possible the accused will be given a full opportunity to answer the allegation and make representations about it. However, the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, will continue even if that cannot be done, or the accused does not co-operate. Whilst it may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, it is nevertheless important to reach and record a conclusion.

## **8.6 Timescales**

It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. The statutory guidance Keeping Children Safe in Education 2019 outlines clear expectations in relation to timescales for the resolution of cases of allegations against staff, which will take precedence over any timescales outlined in the College's internal disciplinary procedure.

## **8.7 Specific Actions**

Following a criminal investigation or a prosecution, the police will inform the case manager and Designated Officer immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged.

In those circumstances, the Designated Officer will discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or Social Care services should inform that decision. The options will depend on the circumstances of the case and consideration will need to consider the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

## **8.8 On conclusion of a case**

If the allegation is substantiated and the individual is dismissed following a disciplinary hearing, or the College ceases to use the individual's services, or the individual resigns or otherwise ceases to provide his/her services, the Designated Officer will discuss with the case manager whether the College needs to make a referral to the Disclosure and Barring Service (DBS), for consideration of whether inclusion on the barred lists is required.

If an allegation is shown to be deliberately invented or malicious, the case manager should consider whether any disciplinary action is appropriate against the individual who made it, or whether the police should be asked to consider if action might be appropriate against the person responsible.

### **8.9 Effectiveness and Monitoring**

At the conclusion of a case in which an allegation is substantiated, the Designated Officer will review the circumstances of the case with the case manager and other colleagues as appropriate to determine whether there are any improvements to be made to the College's procedures or practice to help prevent similar events in the future, including staff training. This should include issues arising from the decision to suspend the member of staff if applicable, the duration of the suspension and whether or not suspension was justified. The Designated Officer and case manager should also consider how future investigations of a similar nature could be carried out without suspending the individual.

### **8.10 Record Keeping**

Details of allegations that are found to have been malicious will not be kept on an individual's personnel file. However, for all other allegations, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on the personnel file of the staff member concerned, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will also provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and will help to prevent unnecessary re-investigation if an allegation re-surfaces after a period of time.

The record should be retained at least until the member of staff concerned has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

## **Appendix 9 - What staff should do if they have concerns about safeguarding practices within the College**

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's or college's safeguarding regime, and know that such concerns will be taken seriously by the senior leadership team.

Appropriate whistleblowing procedures are in place for such concerns to be raised with the College's senior leadership team. Where a staff member feels unable to raise an issue with the College, or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them.

The NSPCC's what you can do to report abuse dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by the college.

Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).16