

# **Safeguarding Policy: Children/young people, apprentices and adults at risk**

# SCC Group Safeguarding Children and Adults At Risk

## 1 Introduction

The college has a statutory and moral duty to ensure that it safeguards and promotes the welfare of all its students specifically ensuring it protects those who are suffering or are likely to suffer significant harm. This policy has been developed to address the legal duties set out in: 'Working Together to Safeguard Children 2018' "Keeping Children Safe in Education 2022" and the "Care Act 2014".

College staff are required to do all that is reasonable to protect the health, safety and welfare of students. These legal responsibilities derive from three sources:

- Common law duty of care (in loco parentis)
- Statutory duty of care
- Duty arising from the contract of employment

In relation to **children/young people/young apprentices**, our policy adopts the definition of safeguarding used in the Department for Education guidance "Keeping Children Safe in Education, updated September 2022":

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

**"Children"** as defined in the Children Acts of 1989 and 2004 is **"any person who has not reached their 18<sup>th</sup> birthday"**

The legal framework for responding to concerns regarding the safeguarding and welfare of adults at risk is different from that of children/young people. In relation to **adults at risk and adults at risk apprentices**, our policy adopts the definition used in the "Care Act 2014":

The Care Act came into force in May 2014. Sections 42-46 relate to Safeguarding Adults, it extended the definition of an adult at risk for safeguarding purposes from someone 'who is or may be in need of community care services' to an adult who:

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

Everyone who comes into contact with children/young people, adults at risk and their families has a role to play in safeguarding. College staff are particularly important as they are in a position to

identify concerns early and provide help in order to prevent concerns from escalating. Schools and colleges and their staff form part of the wider safeguarding system for children. As a college, we are committed to working with social care, the police, health services and other services to promote the welfare of our students and protect them from harm.

We are proud to foster an ethos throughout our organisation of “Safeguarding is everyone’s responsibility”. We are committed to creating a culture of listening to and engaging in dialogue with students in a manner appropriate to their age, understanding and individual needs. All staff should be able to reassure victims 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 abuse, sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

## 2 Objectives

- Ensure we have a clear commitment to safeguarding and promoting the welfare of our students and apprentices by complying with our legal duty in addition to a “duty of care” to all students
- Contribute to inter-agency working in line with statutory guidance and provide a “co-ordinated” offer of early help where needs are identified
- Ensure that our safeguarding arrangements take into account the procedures and practices set up by local safeguarding boards
- Ensure that a member of the governing body/link governor is nominated to liaise with the local authority and/or partner agencies on issues of child protection/safeguarding adults at risk and in the event of allegations being made against the principal
- Provide appropriate training in relation to safeguarding procedures ensuring that all staff are aware of their safeguarding responsibilities and duty to report concerns
- To nominate a senior lead with responsibility for safeguarding with operational responsibility overseen by the Safeguarding Managers
- Make the appropriate referrals in the event that there is **a risk of immediate or serious harm**
- Ensure that the Safeguarding Manager and Safeguarding Team undergo updated child protection training every two years in line with advice from the local safeguarding board
- Make effective provision to teach children/young people/ adults at risk about safeguarding and promote ways in which they might access help and support
- Ensure the safe recruitment of all staff working with students across the organisation
- Ensure that there is a robust and transparent system in place to manage allegations against staff members and/or other students, specifically making referrals to the LADO/DBS
- Ensure the student’s wishes or feelings are taken into account when determining what action to take and what services to provide to protect individuals. In doing this however, we will also ensure that staff members do not promise confidentiality and always act in the interests of the student.
- Ensure that we promote the education and achievement of children/young people who are looked after
- Ensure a dedicated Apprenticeship Safeguarding Officer is in place

## 3. The role of college and apprenticeship staff

- All staff members have a responsibility to provide a safe environment in which all our students can learn.
- All staff members have a responsibility to identify children/young people/adults at risk who may be in need of extra help or who are suffering, or are likely to suffer, significant harm. All staff then have a responsibility to take appropriate action, working with other services as needed.

- In addition to working with the designated Safeguarding Team, staff members are aware that they may be asked to support other agencies in making decisions about promoting the welfare of the individual concerned
- All staff members have a responsibility to identify emerging concerns and provide early intervention with support from the safeguarding team.

#### **4. What college and apprenticeship staff need to know**

- All staff members are made aware of systems within the college which support safeguarding and these are explained to them as part of staff induction, where they undertake their 'Introduction to Safeguarding' training course. This training specifically includes: the college's Code of Conduct policy for staff, this Safeguarding Policy and the latest Keeping Children Safe in Education document.
- Staff are then required to complete the 'Advanced Safeguarding' Course within 12 months of the commencement of their employment.
- Staff members receive subsequent safeguarding training which is regularly updated. Our Safeguarding introduction training provides specific detail about types of abuse/case studies and how and when to report concerns to the Safeguarding Team.
- All staff should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful. For example, children may feel embarrassed, humiliated, or being threatened. This could be due to their vulnerability, disability and/or sexual orientation or language barriers. This should not prevent staff from having a professional curiosity and speaking to the DSL if they have concerns about a child. It is also important that staff determine how best to build trusted relationships with children and young people which facilitate communication.

#### **5. What college and apprenticeship staff should look out for**

- Staff members are made aware of the signs of abuse and neglect so that they are able to identify cases of children/young people/ adults at risk who may be in need of help or protection
- Staff members working with children/young people/adults at risk are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned
- There are various expert sources of advice on the signs of abuse and neglect. Our Local Safeguarding Boards can advise on useful material, another good source of advice is provided on the NSPCC website. Types of abuse and neglect, and examples of specific safeguarding issues, are described on pages six and seven of this policy
- Knowing what to look for is vital to the early identification of abuse and neglect. If staff members are unsure they should always speak to a member of the Safeguarding Team who can contact adult or children's social care where appropriate
- A child (if under 18) going missing from an education setting is a potential indicator of abuse or neglect. College staff should act to identify any risk of abuse and neglect, including sexual abuse or exploitation and immediately notify the Safeguarding Team.

#### **6. What all college staff should do if they have concerns about a child/young person, apprentice or adult at risk**

Staff working with children are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned. When concerned about the welfare of a child, staff should always act in the best interests of the child. If staff members have concerns about a student they should raise these with the most immediate member of the **college's designated safeguarding team**. This will

usually be the Head of Pastoral Studies responsible for the welfare of that particular student. Details of team members are on notice boards across the college and include details of whom to contact in an emergency/out of hours. Also on this page is a list of “Useful Safeguarding Contact Numbers”.

The safeguarding team member will usually decide whether to make a referral to children’s or adult social care in the relevant local authority area. It is important to note however: any staff member or member of the public can refer their concerns directly using the local authority referral process or seek advice from the NSPCC. However, we would only expect this to occur in exceptional circumstances or where a member of the safeguarding team is not available.

Where a child/young person/adult at risk and family would benefit from co-ordinated support from more than one agency (for example education, health, housing, police) the college will work with other agencies. This should identify what help that individual and family require to prevent needs escalating to a point where intervention would be needed via a statutory assessment.

**If, at any point, there is a risk of immediate serious harm to a child/young person/adult at risk a referral should be made to social care immediately, or contact made with the police.**

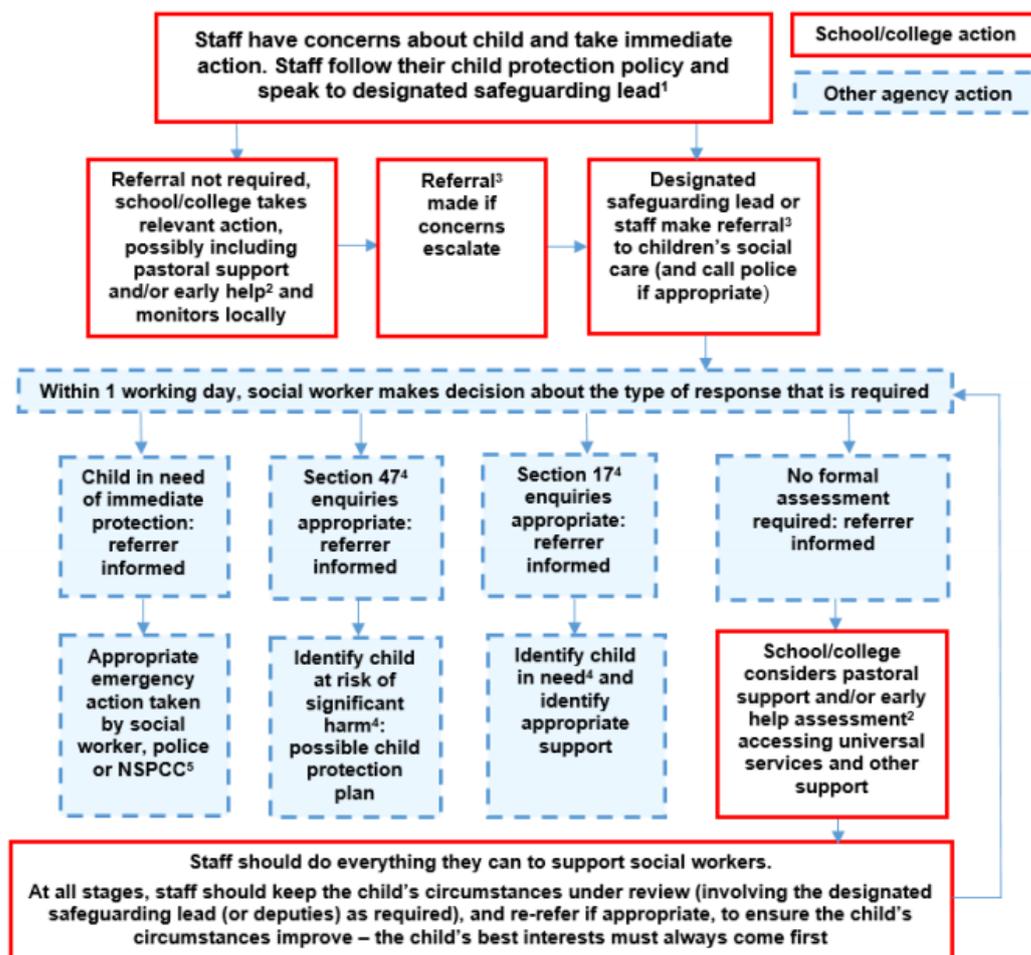
It is important that students at risk receive the right help at the right time to address risks and prevent issues escalating. Research and Serious Case Reviews have repeatedly shown the dangers of failing to take effective action.

In all cases, if staff are unsure, they should always speak to the designated safeguarding lead of any member of the safeguarding team.

See referral flow chart below: a similar process applies where adults at risk are concerned however the referral would be made via adult services.

Please note the reference to “safeguarding lead” in this diagram refers to the appropriate “safeguarding team member” in the context of SCC Group

## Actions where there are concerns about a child



## 7. Indicators of Abuse and Neglect

**Abuse:** 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. Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

**Physical abuse:** a form of abuse which 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.

**Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child 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 a child's developmental capability as well as overprotection and

limitation of exploration and learning or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), 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 of a child, although it may occur alone.

**Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving 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. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue (also known as peer on peer abuse) in education and all staff should be aware of it and of their school or college's policy and procedures for dealing with it, (see paragraph 49 of KCSIE)

**Neglect** 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, for example, 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); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional need.

## **Safeguarding Issues**

All staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking and or alcohol misuse, deliberately missing education, serious violence (including that linked to county lines), radicalisation and consensual and non-consensual sharing of nude and semi-nude images and/or videos can be signs that children are at risk. Other safeguarding issues all staff should be aware of include:

## **Child on Child Abuse**

All staff should be aware that children can abuse other children (often referred to as peer on peer abuse). And that it can happen both inside and outside of school or college and online. All staff should be clear as to the school's or college's policy and procedures with regard to child-on-child abuse and the important role they have to play in preventing it and responding where they believe a child may be at risk from it

All staff should understand, that even if there are no reports in their schools or colleges it does not mean it is not happening, it may be the case that it is just not being reported. As such it is important if staff have any concerns regarding child on child abuse they should speak to their designated safeguarding lead (or deputy).

It is essential that all staff understand the importance of challenging inappropriate behaviours between peers, many of which are listed below, that are actually abusive in nature. Downplaying certain behaviours, for example dismissing sexual harassment as "just banter", "just having a laugh", "part of growing up" or "boys being boys" can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

**Child on child abuse is most likely to include, but may not be limited to:**

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- abuse in intimate personal relationships between children (sometimes known as 'teenage relationship abuse');
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse);
- sexual violence, such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence);
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse;
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;
- consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery);
- upskirting, which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm; and
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).

All staff should be clear as to the college's policy and procedures with regard to peer on peer abuse and the important role they have to play in preventing it and responding where they believe a child may be at risk from it. See Appendix 1

**Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE):** Both CSE and CCE are forms of abuse that occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into taking part in sexual or criminal activity, in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator and/or through violence or the threat of violence. CSE and CCE can affect children, both male and female and can include children who have been moved (commonly referred to as trafficking) for the purpose of exploitation.

**Child Criminal Exploitation (CCE)**

Some specific forms of CCE can include children being forced or manipulated into transporting drugs or money through county lines, working in cannabis factories, shoplifting or pickpocketing. They can also be forced or manipulated into committing vehicle crime or threatening/committing serious violence to others.

Children can become trapped by this type of exploitation as perpetrators can threaten victims (and their families) with violence, or entrap and coerce them into debt. They may be coerced into carrying weapons such as knives or begin to carry a knife for a sense of protection from harm from others. As children involved in criminal exploitation often commit crimes themselves, their vulnerability as victims is not always recognised by adults and professionals, (particularly older children), and they are not treated as victims despite the harm they have experienced. They may still have been criminally exploited even if the activity appears to be something they have agreed or consented to. It is important to note that the experience of girls who are criminally exploited can be very different to that of boys. The indicators may not be the same, however professionals should be aware that girls are at risk of criminal exploitation too. It is also important to note that both boys and girls being criminally exploited may be at higher risk of sexual exploitation

## **Child Sexual Exploitation (CSE)**

CSE is a form of child sexual abuse. Sexual abuse may involve physical contact, including assault by penetration (for example, rape or oral sex) or nonpenetrative acts such as masturbation, kissing, rubbing, and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse including via the internet.

CSE can occur over time or be a one-off occurrence, and may happen without the child's immediate knowledge e.g. through others sharing videos or images of them on social media.

CSE can affect any child, who has been coerced into engaging in sexual activities. This includes 16 and 17 year olds who can legally consent to have sex. Some children may not realise they are being exploited e.g. they believe they are in a genuine romantic relationship

## **Domestic Abuse**

Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. That abuse can be, but is not limited to, psychological, physical, sexual, financial or emotional. Children can be victims of domestic abuse. They may see, hear, or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). All of which can have a detrimental and long-term impact on their health, well-being, development, and ability to learn.

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

Whilst all staff should speak to the designated safeguarding lead (or deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific legal duty on teachers. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, this must be reported to the police.

## **Mental Health**

All staff should be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation.

Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Education staff, however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. Schools and colleges can access a range of advice to help them identify children in need of extra mental health support, this includes working with external agencies.

If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, by speaking to the designated safeguarding lead or a deputy

## **Serious violence**

All staff should be aware of the indicators, which may signal children are at risk from, or are involved with, serious violent crime. These may include increased absence from school or college, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation.

## **In relation to adults at risk and adults at risk apprentices the Care Act also specifies:**

*“Abuse” includes financial abuse; and for that purpose “financial abuse” includes:*

*having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.*

## **Other Safeguarding Issues**

Expert and professional organisations are best placed to provide up-to-date guidance and practical support on specific safeguarding issues. For example NSPCC offers information for schools and colleges on the TES website and also on its own website [www.nspcc.org.uk](http://www.nspcc.org.uk). Schools and colleges can also access broad government guidance on the issues listed below via the GOV.UK website:

- bullying including cyberbullying
- county lines
- domestic violence
- drugs
- fabricated or induced illness
- faith abuse
- forced marriage
- gangs and youth violence
- gender-based violence/violence against women and girls (VAWG)
- private fostering
- sexting
- teenage relationship abuse
- trafficking

## **Children who are lesbian, gay, bi, or trans (LGBT)**

The fact that a child or a young person may be LGBT is not in itself an inherent risk factor for harm. However, children who are LGBT can be targeted by other children. In some cases, a child who is perceived by other children to be LGBT (whether they are or not) can be just as vulnerable as children who identify as LGBT. Risks can be compounded where children who are LGBT lack a trusted adult with whom they can be open. **It is therefore vital that staff endeavour to reduce** the additional barriers faced, and provide a safe space for them to speak out or share their concerns with members of staff.

## **Children with special educational needs and disabilities or health issues**

Children with special educational needs or disabilities (SEND) or certain medical or physical health conditions can face additional safeguarding challenges both online and offline. Additional barriers can exist when recognising abuse and neglect in this group of children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child’s condition without further exploration
- these children being more prone to peer group isolation or bullying (including prejudice-based bullying) than other children
- the potential for children with SEND or certain medical conditions being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs, and
- communication barriers and difficulties in managing or reporting these challenges.

- cognitive understanding – being unable to understand the difference between fact and fiction in online content and then repeating the content/behaviours in schools or colleges or the consequences of doing so.

Any reports of abuse involving children with SEND will therefore require close liaison with the designated safeguarding lead (or deputy) and the SENCO or the named person with oversight for SEND in a college.

## Radicalisation

### **The Counter Terrorism & Security Act (2015) & The Prevent Duty**

Prevent is 1 of the 4 elements of CONTEST, the government's counterterrorism strategy. It aims to stop people becoming terrorists or supporting terrorism.

The Prevent strategy:

- responds to the ideological challenge we face from terrorism and aspects of extremism, and the threat we face from those who promote these views.
- provides practical help to prevent people from being drawn into terrorism and ensure they are given appropriate advice and support.
- works with a wide range of sectors (including education, criminal justice, faith, charities, online and health) where there are risks of radicalisation that we need to deal with.

The strategy covers all forms of terrorism, including far right extremism and some aspects of non-violent extremism.

The Home Office works with local authorities, a wide range of government departments, and community organisations to deliver the Prevent strategy. The police also play a significant role in Prevent, in much the same way as they do when taking a preventative approach to other crimes. The Home Office uses a range of measures to challenge extremism in the UK, including:

- where necessary, preventing apologists for terrorism and extremism from travelling to this country.
- giving guidance to local authorities and institutions to understand the threat from extremism and the statutory powers available to them to challenge extremist speakers.
- funding a specialist police unit which works to remove online content that breaches terrorist legislation.
- Supporting community-based campaigns and activity which can effectively rebut terrorist and extremist propaganda and offer alternative views to our most vulnerable target audiences - in this context they work with a range of civil society organisations.
- supporting people who are at risk of being drawn into terrorist activity through the Channel process, which involves several agencies working together to give individuals access to services such as health and education, specialist mentoring and diversionary activities.

This Act places a duty on specified authorities including Further and Higher Education, to have due regard to the need to prevent people from being drawn into terrorism (the Prevent Duty).

The College is committed to supporting students at risk (or may be vulnerable) through its safeguarding policies and procedures and recognises that this can support the College's contribution to the Prevent duty.

The College is represented within the Local Authority task groups.

## 8. Local Partnerships and information sharing

- A college representative is a member of both the Local Safeguarding Children Board and the Safeguarding Adult Board (statutory as of April 2015). As a college, SCC follows working practices/guidance agreed by the local Children and Adult Safeguarding Boards.
- The college has working partnerships with the police both in Salford and Greater Manchester through our Safeguarding and Wellbeing & Safety groups. Community Police Officers regularly attend college and are well known to staff and students and apprentices.
- The College also works with local schools and the local authority and supports transition arrangements for vulnerable students as they come to college or take up an apprenticeship.
- The college has a commitment to inter-agency working and the sharing of information in accordance with the principles outlined in government guidance: "Information Sharing updated 2018". We have regard for the sharing of information to be "necessary, proportionate, relevant, adequate, accurate, timely and secure"
- The college has procedures in place to refer to the Local Authority Designated Officer (LADO) in the event that there is an allegation made against a staff member (pages 9-13)
- The college has a "joint protocol" with Salford Next Steps (Leaving Care Service) to promote the educational achievement of children who are looked after
- Information sharing is vital in identifying and tackling all forms of abuse and neglect, and in promoting children's welfare, including their educational outcomes. Schools and colleges have clear powers to share, hold and use information for these purposes
- School and college staff should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care.
- It is important that governing bodies and proprietors are aware that among other obligations, the Data Protection Act 2018, and the UK General Data Protection Regulation (UK GDPR) place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure.
- Governing bodies and proprietors should ensure relevant staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the UK GDPR. This includes:
  - • being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information, which is sensitive and personal, and should be treated as 'special category personal data'.
  - • understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner, but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.
  - • for schools, not providing pupils' personal data where the serious harm test under the legislation is met. For example, in a situation where a child is in a refuge or another form of emergency accommodation, and the serious harms test is met, they must withhold providing the data in compliance with schools' obligations under the Data

Protection Act 2018 and the UK GDPR. Where in doubt schools should seek independent legal advice.

- **The Data Protection Act 2018 and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.**

## 9. Safer Recruitment

It is vital that the college creates a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children. As such, all recruitment and appointment processes and practices at the College are carried out in accordance with Part 3 of the Keeping Children Safe in Education 2022.

An offer of appointment to a successful candidate, including one who has lived or worked abroad, is conditional upon satisfactory completion of relevant pre-employment checks including overseas' checks where appropriate. The level of DBS check required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in college.

### **DBS Checks:**

For appropriate appointments, an enhanced DBS check with barred list information is obtained as the majority of staff will be engaging in regulated activity. The definition of "regulated activity" can be found in the Keeping Children Safe in Education 2022 Guidance. The same approach is applied to volunteers, visitors (if unsupervised), governors, contractors and work placement officers depending on "regulated activity".

All applicants are required to have had a DBS check before they take up post or as soon as practicable afterwards. Alternatively, if the applicant has subscribed to it and gives permission, the college may undertake an online update check through the DBS Update Service. If the college allows an individual to start work in regulated activity before the DBS certificate is available then we will ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed satisfactorily.

### **Teacher Prohibition Checks:**

In addition to the DBS checks described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching.

**Single central record:** The college keeps a single central record covering the following people:

- all staff (including supply staff) who work at the college, this means those providing education to children;
- all others who work in regular contact with children in the college, including volunteers and contracted staff.

Generally, the information recorded on these individuals is whether or not the relevant checks have been carried out or certificates obtained, and the date on which the checks were completed.

For Individuals who have lived or worked outside the UK the college will implement the same checks as all other staff in college. In addition, where appropriate overseas criminal records checks may be made so that any relevant events that occurred outside the UK can be considered.

For agency and third-party staff, the college will obtain confirmation that the relevant checks have been carried out and similarly with trainee teacher's if they are not salaried by the college.

If the college has concerns about an existing staff member's suitability to work with children, we will carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the college moves from a post that was not regulated activity, into work which is regulated activity, the relevant checks for the regulated activity must be carried out.

### **Online Checks:**

As part of the shortlisting process, line managers may consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the college might want to explore with the applicant at interview.

## **10. Allegations of Abuse made against teachers and other staff**

The college uses the guidance from "Keeping Children Safe in Education 2022" in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers, agency staff and contractors) has:

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

The guidance relates to members of staff who are currently working at the college regardless of whether the college is where the alleged abuse took place or how small the allegation may be. This guidance should be read in conjunction with the College's Disciplinary Procedure. Where appropriate, allegations against a teacher who is no longer teaching at the College are referred to the police.

The following definitions are used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

### **Initial considerations**

Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care

services. In these cases, local arrangements are followed to resolve these low-level cases without delay.

Some allegations will be so serious they require immediate intervention by children's social care services and/or police. The Local Authority Designated Officer (LADO) is informed of all allegations that come to a college's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate. This includes allegations against ex-members of staff.

**If a member of college staff has a concern (even a low-level concern) that a person may have behaved inappropriately (including another member of college staff) they should:**

- Report this directly to their Head of Centre and the Safeguarding Lead
- Make a written record of their concerns, observations or the information received
- Maintain confidentiality and guard against publicity while an allegation is being considered or investigated
- Give consideration to the college's Whistleblowing Policy where applicable

They should not:

- Keep the concern to themselves, promise confidentiality or attempt to deal with the situation themselves
- Make assumptions, offer alternative explanations or diminish the seriousness of the behaviour or incident
- Discuss the allegation/incident with colleagues other than the Head of Centre /Safeguarding Lead
- Take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim(s) or potential witness(es), or inform the alleged perpetrator or parents/carers

All staff and volunteers should feel able to raise any concerns about poor or unsafe practice and potential failures in the college's Safeguarding practice. They should feel able to raise concerns with the Senior Leadership Team. If staff need further advice regarding a concern about Safeguarding practice they can also seek support from the NSPCC whistleblowing helpline: 0800 028 0285 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

**The Head of Centre must immediately be informed of any allegation (even low-level concerns) regarding a staff member.** If there is any indication, however small that the staff member has behaved in any of the ways described overleaf the Head of Centre must immediately inform HR who will in the first instance consult the LADO.

#### **Initial LADO Discussion:**

The purpose of an initial discussion is for the LADO and HR to consider the nature, content and context of the allegation and agree a course of action. The Safeguarding Lead will provide support if required at this point to help determine the level of risk in child protection terms. The LADO may ask for relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children/young people.

There may be situations when HR /Head of Centre will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children/young people or there is

evidence of a possible criminal offence. Where there is no such evidence, HR should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

### **No Further Action:**

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 which case this decision and a justification for it should be recorded by both HR and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. HR should then consider with the LADO what action should follow both in respect of the individual and consult with the Head of Centre, as case manager, in regards to those who made the initial allegation.

### **Strategy Meeting:**

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion would be convened in accordance with *Working Together to Safeguard Children*. In a strategy discussion or the initial evaluation of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

### **Disciplinary Procedure:**

If the matter requires investigation via the College's Disciplinary Procedure, HR in conjunction with the Head of Centre will inform the employee facing the allegation as soon as possible after consulting the LADO. The college will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children in their role or whether alternative arrangements can be put in place until the allegation or concern is resolved / investigated in line with the College's Disciplinary Procedure. All options to avoid suspension will be considered prior to taking that step (see further information on suspension which follows below).

### **Confidentiality**

When an allegation is made, the college will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school or college (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

HR will take advice from the LADO, police and children's social care services and consult with the Head of Centre to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it should arise.

## **Suspension**

The possible risk of harm to children/young people posed by an accused person will be evaluated and managed in respect of the child(ren) involved in the allegations. Suspension is not an automatic response when an allegation is reported; all options to avoid suspension will be considered prior to taking that step. If HR in consultation with the Head of Centre/Safeguarding Lead is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police.

In cases where the college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school or college it will be necessary to immediately suspend that person from teaching pending the findings of the Teaching Regulation Agency (TRA) investigation.

## **Resignations**

If the accused person wishes to resign, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. Any investigation regarding Safeguarding will be concluded regardless of whether the employee/worker resigns from their role or not. **A referral to the DBS *must* be made, if the criteria are met.**

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children/young people, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it.

## **Following a criminal investigation or a prosecution**

The police will inform the employer and LADO 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 LADO should discuss with HR whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

## **On conclusion of a Disciplinary Process:**

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with HR whether the college will decide to make a referral to the DBS for consideration of inclusion on the barred lists is required and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

**The college has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.** The DBS will consider whether to bar the person. A referral would be made as soon as possible after the resignation or removal of the individual.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, HR /Head of Centre will consider how best to facilitate that. Consideration will also be given to the person's contact with the child/young person or children/young people who made the allegation.

**In respect of malicious or unsubstantiated allegations:** If an allegation is determined to be unsubstantiated or malicious, the LADO should refer the matter to the children's social care services to determine whether the child/young person concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Head of Centre should consider whether any disciplinary action is appropriate against the student who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a student.

**Learning lessons:** At the conclusion of a case in which an allegation *is* substantiated, the LADO will review the circumstances of the case with HR /Safeguarding Lead 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. This will include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated.

## **Leaders and Managers with Safeguarding Responsibility**

Overall strategic responsibility:  
Head of Centre

Responsibility for Safeguarding learners:  
Safeguarding Lead

Overall responsibility for Safer Recruitment and Employee Allegations:  
Director of Human Resources

Responsibility for implementing Safer Recruitment and dealing with staff allegations  
Director of Human Resources

Author: K. Cash  
Date: October 2022

## Appendix 1

### Actions following a disclosure (child on child abuse)

- **Manage Internally** – In some cases of child on child abuse, for example, one-off incidents, the College may take the view that the children/ adults at risk concerned are not in need of early help or that referrals need to be made to statutory services, and that it would be appropriate to handle the incident internally, through utilising their behaviour policy and by providing pastoral support.
- **Early Help** – The College may decide that the children/ adults at risk involved do not require referral to statutory services but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a student's life. Providing early help is more effective in promoting the welfare of children/ adults at risk than reacting later.
- **Referrals to children's (or adult) social care** - Where a child has been harmed, is at risk of harm, or is in immediate danger, the College will make a referral to local children's (or adult) social care. At the point of referral to children's (or adult) social care, the College will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the child/ an adult at risk at additional risk). Any such decision should be made with the support of children's (or adult) social care. If a referral is made, children/adult social care will then make enquiries to determine whether any of the children/ adults at risk involved are in need of protection or other services.
- Where statutory assessments are appropriate, the College (especially the designated safeguarding lead or a deputy) will work alongside, and cooperate with, the relevant lead social worker. The College will be mindful that early information sharing is vital for the effective identification, assessment, and allocation of appropriate service provision, whether this is when problems first emerge, or where a child/ adults at risk is already known to local authority children's/adult social care (such as a child in need, a child with a protection plan, Look after Children).
- Providing Safeguarding Services to Children, Young People, Parents and Carers supports staff who must make decisions about sharing information. For further information see:

<https://www.gov.uk/government/publications/safeguarding-practitionersinformation-sharing-advice>

Considerations with regard to the Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (UK GDPR). DPA and UK GDPR do not prevent the sharing of information for the purposes of keeping children/ adults at risk safe and promoting their welfare. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare of children/ adults at risk. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children/ adults at risk that require support.

- **Reporting to the Police** - Any report to the police will generally be in parallel with a referral to children's/adult social care (as above). Where a report has been made to the police, the College will consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. The College will also discuss the best way to protect the victim and their anonymity. In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, the College continue to engage with specialist support for the victim and alleged perpetrator(s) as required.