

## **PETER SYMONDS COLLEGE**

### **Safeguarding of Children, Young People And Vulnerable Adults Policy**

Date Reviewed by SMT:	22 <sup>nd</sup> September 2020
Date Approved by Governors:	12 <sup>th</sup> October 2020
Member of Staff Responsible:	Deputy Principal (Welfare & Progression)
Next Review Date:	September 2021

Child Protection is part of safeguarding and promoting welfare and refers to activities that are undertaken to: protect children and young people from maltreatment; prevent impairment of health or development; prevent radicalisation; ensure they grow up in circumstances consistent with the provision of safe and effective care; and action is taken to enable all to have the best outcomes.

The College will work in accordance with guidance set out in 'Working Together to Safeguard Children' (DFE July 2019), 'Keeping Children Safe in Education' (DFE September 2020), 'What to do if you're worried a child is being abused' (DFE 2015) and 'Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers' (DFE July 2018). The College will also adhere to the guidance set out in 'COVID-19; safeguarding in schools, colleges and other providers' (DfE May 2020) when appropriate.

This policy outlines the guidance for Peter Symonds College staff in dealing with allegations, suspicions or disclosures of abuse or radicalisation by students. Where the term 'child protection' is used, it includes reference to children, young people and vulnerable adults.

The underlying principles are:

- To support the student and put their interests first
- To act at all times with the knowledge and consent of the student
- To maintain the confidentiality of any matter within the context of the protection of children, young people and vulnerable adults (see below)

#### **1. Background Information**

Peter Symonds College has a statutory and moral duty to ensure that it functions with a view to safeguarding and promoting the welfare of all those who are students at the College.

The governing body is committed to ensuring that the College:

- Provides a safe environment for students to learn in
- Provides opportunities for students to learn about keeping safe
- Identifies children, young people and vulnerable adults who may be in need of extra help or who are suffering, or are likely to suffer, significant harm, and

- Takes appropriate action to see that such children, young people and vulnerable adults are kept safe, in partnership with other services as appropriate

In pursuit of these aims, the governing body will ensure that the College designates an appropriate senior member of staff to take lead responsibility for safeguarding and child protection and approve and annually review policies and procedures with the aim of:

- Raising awareness of issues relating to the welfare of students and the promotion of a safe environment for all those learning at the college
- Aiding the identification of students at risk of significant harm or radicalisation and providing procedures for reporting concerns
- Establishing procedures for reporting and dealing with allegations of abuse or radicalisation against members of staff
- Establishing procedures and checks for the safe recruitment of staff

Every member of staff must be aware of their responsibilities for dealing with allegations or suspicions of abuse or radicalisation and must take all allegations or suspicions seriously and respond to them sensitively and put the interests of the student first. Staff members must be aware that they may be asked to support social workers to take decisions about individual students.

## 2. Definitions

- Child abuse is defined as: 'when there is evidence of a cause for concern that a child or young person has suffered from or is at significant risk of, any one or more of the following: neglect, physical abuse, sexual abuse and/or emotional abuse.' See Appendix 1.
- The term 'children and young people' is used to refer to those students who are under the age of eighteen. In addition, this policy applies to students under the age of twenty-five who have learning difficulties and/or disabilities as they are 'vulnerable adults' also in need of protection.
- The term 'member of staff' includes all academic and support staff employed by the College, be they full time, fractional, part time, permanent or temporary, and volunteers; this also includes staff employed by contractors.
- 'Radicalisation' refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups. (Prevent Duty Guidance 2019)

## 3. Confidentiality

Young people from 16 to 18 have rights to confidentiality which must be respected. Young people under the age of 16 have similar rights, qualified by their age, understanding and vulnerability (i.e. they are 14 or over and are judged to have the capacity to understand and make their own decisions).

However, in matters concerning the protection of children, young people and vulnerable adults the law permits the disclosure of confidential information to external agencies, like Children's Services and the Police, necessary to safeguard a child, young person or vulnerable adult. **Therefore, full confidentiality cannot be promised to a student.**

Within College, information about a student in relation to the protection of a child, young person or vulnerable adult should be shared on a 'need to know' basis. Early sharing of information is key to providing effective early help and support where there are emerging problems. At the other end of the continuum, sharing information will be essential to put in place effective child protection services. Be open and honest with students and explain why information needs to be shared and with whom it will be shared.

The College will ensure that 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 GDPR.

#### **4. Designated staff with responsibility for the protection of children, young people and vulnerable adults**

**The designated senior member of staff with lead responsibility for child protection (Designated Safeguarding Lead – DSL)** is the Deputy Principal (Welfare & Progression) - who is responsible for:

- Overseeing the referral of cases of suspected abuse or allegations of abuse or radicalisation
- Providing advice and support to other staff on issues relating to the protection of children, young people and vulnerable adults
- Ensuring proper records of any referral, complaint or concern are kept
- Ensuring that the parents of children and young people within the College are aware of this policy; in the Adult & Higher Education Division the Director of Adult & Higher Education will ensure that the parents of young people studying there and the carers of vulnerable adults are aware of this policy
- Liaising with external agencies, local schools, employers and training providers over child protection matters for sixth form students; in the Adult & Higher Education Division this responsibility lies with the Director of Adult & Higher Education
- Ensuring that staff in the sixth form college receive basic training in child protection issues and are aware of the College child protection procedures; in the Adult & Higher Education Division this responsibility lies with the Director of Adult & Higher Education
- Keeping up to date with developments in child protection issues and raising awareness of the College's policy and procedures
- Providing an annual report to the governing body of the College setting out how the College has discharged its duties
- Liaising with the Director of Adult & Higher Education if a young person under 18 years of age or a vulnerable young adult under 25 years of age studying at the Adult & Higher Education Division is considered to be at risk

**Designated members of staff** with responsibility for child protection and safeguarding, who can deputise for the DSL include:

- The Head of Student Welfare
- The Director of Adult & Higher Education
- The Senior Management Team and the Heads of Faculty

- The Head of Study Support
- The Head of Boarding

These staff will:

- Report all cases to the senior member of staff with lead responsibility
- Know how to make an appropriate referral
- Be available to provide advice and support to other staff on issues relating to child protection
- Be available to listen to children, young people and vulnerable adults studying at the College
- Deal with individual cases, including attending case conferences and review meetings as appropriate
- The contact details for Hampshire Children's Services are: 0300 555 1384 or 0300 555 1373 (out of hours number); or [childrens.services@hants.gov.uk](mailto:childrens.services@hants.gov.uk) ; the contact details for Hampshire Adult Services is: 0300 555 1386

**The Designated Governor** with responsibility for child protection is responsible for:

- Ensuring that the College has policies and procedures in place that are consistent with guidance from the Hampshire Safeguarding Children Board
- Ensuring that the governing body considers the College policy on child protection each year
- Ensuring that each year the governing body, via the C&QA sub-committee, is informed of how the College and its staff have complied with the policy and discharged its duties
- Overseeing liaison with the Principal and senior staff member with lead responsibility over matters regarding child protection
- Overseeing liaison between appropriate agencies in connection with allegations against the Principal or senior staff member with lead responsibility. This will not involve undertaking any form of investigation, but will ensure good communication between parties and provide information to assist enquiries. To facilitate this, the Designated Governor and Chair of Governors will be informed immediately of any allegation against a member of the senior management team

To assist in these duties, the designated governor will receive appropriate training.

**5. Responsibilities of all staff when responding to an allegation, suspicion or disclosure of abuse or neglect** *(further guidance is contained within the Staff File on the College Intranet)*

- All staff should be aware of the signs of abuse and neglect and radicalisation and are responsible for responding appropriately to a disclosure and must act with the knowledge of the student
- All allegations or suspicions of abuse or neglect or radicalisation must be taken seriously. Staff are required to respond with sensitivity and tact to any student who confides in them, recognising that it requires courage to share such painful and personal concerns
- Staff members are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned

- Staff are **not** responsible for the investigation of abuse or neglect or radicalisation and should not attempt to deal with it beyond listening to and supporting the student and then referring the matter immediately to a designated member of staff
- An immediate record should be kept of the conversation between staff and the discloser of abuse. The record-keeping must comply with the General Data Protection Regulation (GDPR)
- The designated member(s) of staff will liaise with Children's Services and other agencies on behalf of the College
- All internal communication about the case must be kept to a minimum, on a 'need to know' basis
- The student will be informed of all actions to be taken
- Students with specific needs may require a different approach from other young people. Staff must be aware of any special considerations with regard to communication difficulties and equal opportunities
- If the allegation of abuse is about a member of the College staff (including supply staff and volunteers), this should be reported immediately to the Principal, unless the Principal is the person against which the allegation is made in which case the report should be made to the designated Senior member of staff or designated governor, who will follow the appropriate staffing policies and procedures
- If the allegation is about another student, the guidance set out in Appendix 5 on Peer on Peer Abuse should be followed
- If staff have concerns about poor or unsafe practice and potential failures in the College's safeguarding procedures, they should raise these with the senior management team and/or designated governor; the College's whistleblowing procedures can be followed if such concerns are not addressed. The NSPCC operates a whistleblowing advice line: 0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

## 6. Early Help

Any child or young person may benefit from early help, but all College staff should be particularly alert to the potential need for early help for a student 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
- is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse
- has returned home to their family from care
- is showing early signs of abuse and/or neglect
- is at risk of being radicalised or exploited
- is a privately fostered child

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

(Keeping Children Safe in Education, DfE Sept 2020)

## **7. Monitoring and Review**

The governing body will receive an annual report from the designated senior member of staff with lead responsibility for child protection. This report will review how the College and its staff have complied with the policy and how it has discharged its duties. The governing body will also review this policy each year.

## **8. Training and Staff Development**

All designated staff will receive training in child protection issues and inter-agency working along with refresher training at least every two years.

Training and briefings will be provided, as appropriate, to all members of staff via the College's normal staff training routes (including the staff induction programme for new staff and scheduled staff training days) to ensure that they are aware of these guidelines, with refresher training at least every three years. The designated members of staff are available to discuss with colleagues any areas/cases that give cause for concern.

## **9. Other relevant policies and procedures:**

The following policies and procedures all form part of the College's overall policy for the protection of children, young people and vulnerable adults:

- Child Protection and Abuse Disclosure Guidelines
- Code of Conduct & Abuse of Trust (Practice for All Employees)
- Drugs and Alcohol Policy & Procedures
- Prevention of Bullying & Harassment (students)
- Guidance on the Use of Reasonable Force & Restraint with Students
- Staff Recruitment procedures
- Criminal Records & Disclosure Policy
- Equality and Diversity Policy for Students
- Data Protection Policy
- Whistleblowing Policy
- Fitness to Study Policy
- IT- Student Conditions of Use of Peter Symonds College Network
- Prevent Policy and Procedures

The College's Equality and Diversity Policy encompasses the nine 'protected characteristics' defined under the 2010 Equality Act.

*When this policy was reviewed, consideration was given to equality and diversity in the context of the 2010 Equality Act and any necessary updates agreed.*

## **Appendix 1: Information about different types of child protection issue**

### **In relation to all students:**

Abuse and neglect are forms of maltreatment of a child or young person. Somebody may abuse or neglect a child or young person by inflicting harm, or by failing to act to prevent harm. Children and young people 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 another child or children/young person or young people.

Children and young people with disabilities and learning difficulties may be particularly vulnerable to abuse.

Furthermore, abuse, neglect and safeguarding issues are rarely stand-alone events that can be covered by one definition or label. In reality, multiple issues are likely to overlap with each other.

### **Physical Abuse**

Physical abuse causes harm to a student's person. It may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating. It may be done deliberately or recklessly, or be the result of a deliberate failure to prevent injury occurring. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child or young person.

### **Neglect**

Neglect is the persistent or severe failure to meet a child or young person's basic physical and/or psychological needs, likely to result in serious impairment of the child's health or development. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

### **Sexual Abuse**

Sexual abuse involves a child or young person being forced or enticed to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child or young person is aware of what is happening. The activities may involve physical contact, including assault by penetration or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. It may also include non-contact activities, such as involving children and young people in looking at, or in the production of, sexual images, watching sexual activities, encouraging children and young people to behave in sexually inappropriate ways, or grooming a child or young person in preparation for abuse (including via the internet).

### **Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE)**

Both CSE and CCE are forms of abuse and both occur where an individual or group take advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual or criminal activity. Where age maybe 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. In some cases, the abuse will be in exchange for something the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator. The abuse 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. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual and it should be noted exploitation as well as being physical can be facilitated and/or take place on line.

CSE occurs where a child or young person is sexually exploited. CSE can affect any child or young person under the age of 18, including 16- and 17-year olds who can legally consent to have sex. It can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity and 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).

CCE is where a child or young person is exploited to be involved in criminal activity. CCE can include children being forced to work in cannabis factories, being coerced in to moving drugs or money across the country (county lines), forced to shoplift or pickpocket, or to threaten other young people.

## **County Lines**

County Lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line".

Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to move and store drugs and money. Offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Students can be recruited in to county lines in a number of locations including at College, children's homes and care homes. Young people are often used to move drugs and money between locations and are known to be exposed to techniques such as "plugging" where drugs are concealed internally to avoid detection. Victims can often become trapped as gangs create drug debts and can threaten serious violence and kidnap if they attempt to leave the network.

One of the ways to identify involvement is missing episodes from either College or home, when the victim may have been trafficked for the purpose of transporting drugs.

## **Domestic Abuse**

Domestic abuse involves 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. The abuse can encompass but is not limited to: psychological, physical, sexual, finance and emotional.



Young people can witness and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members. Exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on young people. In some instances, the young person may blame themselves for the abuse or may have had to leave home as a result.

### **Emotional Abuse**

Emotional abuse occurs where there is persistent emotional maltreatment of a child or young person. It causes severe and persistent adverse effects on the child's or young person's emotional development. It may involve conveying to a child or young person that they are worthless and unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child or young person 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, which 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 or young person participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children and young people 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 or young person, though it may occur alone.

### **Homelessness**

Being homeless or being at risk of becoming homeless presents a real risk to a young person's welfare. Indicators that a family may be at risk include household debt, rent arrears, domestic abuse and anti-social behaviour, as well as the family being asked to leave the property.

The homelessness reduction Act 2017 places a legal duty on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help to help them retain their accommodation or find a new place to live. Concerns about homelessness should therefore be referred to Hampshire County Council Housing Authority as well as Children's services if there is a child protection concern.

Young people who are 16 or 17 years old who are living independently for example through exclusion from their family home or from leaving of their own volition are equally at risk and should be referred to Children's Services.

### **So-called Honour-Based Abuse**

So-called 'honour-based' violence (HBV) encompasses crimes that 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 doubts staff should speak to the designated safeguarding lead.

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

Female Genital Mutilation (FGM): we need to be alert to the possibility of a female student being at risk of FGM, or already having suffered FGM. Victims of FGM are likely to come from a community that is known to practise FGM. Females 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. If in any doubts staff should speak to the designated safeguarding lead.

*NB: If any member of staff discovers that an act of Female Genital Mutilation appears to have been carried out on a girl under the age of 18, that member of staff MUST report this to the police. This is a statutory duty as FGM is illegal in this country.*

## **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. If in any doubts staff should speak to the designated safeguarding lead.

## **Mental Health**

Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Staff however, are well placed to observe students day-to-day and identify those whose behaviour suggests they may be experiencing a mental health problem or be at risk of developing one.

Where a student has suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood.

If staff have a mental health concern about a student that is also a safeguarding concern, immediate action should be taken in the same way as with any other child protection concern and speaking to the DSL or a deputy.

## **Children and Young People who go missing from college**

The college has a clear procedure for the monitoring of attendance and following up absence, as set out in the staff file on the College intranet. It is essential that all staff are aware of potential safeguarding concerns (such as travelling to conflict zones, Female Genital Mutilation and forced marriage) when students have a period of unauthorised absence. Tutors are expected to view the weekly attendance report for their tutor group on line and liaise with their Faculty Administrator, Lead Tutor or Head of Faculty where they have concerns about absence. If in any doubts staff should speak to the designated safeguarding lead. *Source: Working Together to Safeguard Children (DFE 2019); What to do if you're worried a child is being abused (DFE 2015); Keeping Children Safe in Education (DFE 2020).*

## **Preventing Radicalisation**

The Prevent Duty came in to effect on 1 July 2015. The Counter-Terrorism and Security Act 2015 requires the college to have due regard to the need to prevent people from being drawn into terrorism. Child protection legislation requires all staff in educational settings to be alert to those who might be vulnerable to extremist ideologies.

'Radicalisation' refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups. (Prevent Duty Guidance 2019)

In respect of safeguarding individuals from radicalisation, the College works to the Prevent element of the Government's Counter Terrorism Strategy and, where deemed appropriate, seeks external support for learners through referrals to the Channel Programme. This programme aims to work with the individual to address their specific vulnerabilities, prevent them becoming further radicalised and possibly entering the criminal justice system because of their actions.

It is recognised that radicalisation can occur to an individual from any section of society and is not particular to any racial, ethnic or social group. It is further recognised that in many instances the process of radicalisation is essentially one of grooming by others and can occur through many different methods (such as social media or the internet) and settings (such as within the home).

**In relation to vulnerable adults, the following also applies:**

### **Financial Abuse**

Financial abuse occurs when someone steals from or bullies a vulnerable person in to handing over money or possessions.

## **Appendix 2: Procedures for dealing with allegations of abuse against members of Staff (including Supply Staff and Volunteers)**

*These procedures should be read in conjunction with staff disciplinary procedures and apply to all staff, whether teaching, administrative, management or support, as well as to volunteers. The word "staff" is used for ease of description.*

### **1. Introduction**

- 1.1. The College recognises that an allegation of child abuse made against a member of staff may be made for a variety of reasons and that the facts of the allegation may or may not be true. It is imperative that those dealing with an allegation maintain an open mind and that those investigations are thorough and not subject to delay.
- 1.2. The College recognises that the welfare of the student is the paramount concern. It is also recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Therefore, those dealing with such allegations within the College will do so with sensitivity and will act in a careful, measured way.

### **2. Receiving an Allegation from a Student**

- 2.1. A member of staff who receives an allegation about another member of staff from a student should follow the guidelines set out in the Staff File, Child Protection & Abuse Disclosure Guidelines
- 2.2. The allegation should be reported immediately to the Principal, unless the Principal is the person against whom the allegation is made, in which case the report should be made to the Designated Governor or the Designated Safeguarding Lead who will inform the Designated Governor. The Principal (or designated person if the allegation is against the Principal) will:
  - Obtain written details of the allegation from the person who received it, that are signed and dated. The written details should be countersigned and dated by the Principal (or designated person).
  - Record information about times, dates, locations and names of potential witnesses.

NB: All allegations about a former employee should be referred directly to the police. Historical allegations of abuse should also be referred to the police.

### 3. Allegations Against Support Staff

If an allegation is brought against a member of support staff or individual not directly employed by the College, where the disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business, the College will ensure the allegation is dealt with properly.

In no circumstances will the College decide to cease to use a supply teacher due to safeguarding concerns without finding out the facts and liaising with the Local Authority Designated Officer (LADO) to determine a suitable outcome.

The College will fully co-operate with any enquiries from the LADO, police or children's services and will attend a management meeting if one is arranged by the LADO. The College will usually take the lead in collecting the facts of the incident, and will take in to account any previous concerns or allegations raised by the LADO in its investigation.

The supply teacher will be advised to contact their trade union representative if they have one or a colleague for support. The teacher's agency will be informed of the College's process for managing allegations and their human resources manager or equivalent will be invited to meetings.

### 4. Initial Assessment by the Principal (or designated person)

4.1. The Principal (or designated person) will make an initial assessment of the allegation, consulting with the Designated Safeguarding Lead, the Designated Governor, HCC Children's Services and the Hampshire Safeguarding Children Board, as appropriate. **Advice should always be sought from the Local Authority Designated Officer (LADO) and where the allegation is considered to be either a potential criminal act or indicates that the student has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the Police and Children's Services.** It is important that the Principal (or designated person) does not investigate the allegation. The initial assessment will be on the basis of the information received and is a decision whether or not the allegation warrants further investigation.

If a person in regulated activity has been dismissed or removed due to a safeguarding concern, or would have been had they not resigned, the College will make a referral to the Disclosure and Barring Service (DBS)

4.2. Other potential outcomes are:

4.2..1. The allegation represents inappropriate behaviour or poor practice by the member of staff and is neither potentially a crime nor a cause of significant harm to the child, in which case the matter will be addressed in accordance with the College disciplinary procedures.

4.2..2. The allegation can be shown to be false because the facts alleged could not possibly be true.

## **5. Enquiries and Investigations**

- 5.1. The College will assist external agencies (the police and/or children's services) with their enquiries. The Principal (or designated person) will ensure that appropriate confidentiality is maintained in connection with the enquiries, in the interests of the member of staff about whom the allegation is made. The Principal (or designated person) will advise the member of staff that he/she should consult with a representative, for example, a trade union.
- 5.2. The College will hold in abeyance its own internal enquiries while the formal police or children's services investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries will follow the existing staff disciplinary procedures.
- 5.3. Subject to objections from the police or other investigating agency, the Principal (or designated person) will:
  - inform the student or parent/guardian making the allegation that the investigation is taking place and what the likely process will involve.
  - ensure that the parent/guardian of the student making the allegation have been informed that the allegation has been made and what the likely process will involve.
  - inform the member of staff against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve.
  - inform the Chair of Governors and/or the designated governor of the allegation and the investigation.
- 5.4. The principal (or designated person) will keep a written record of the action taken in connection with the allegation.

## **6. Suspension of Staff**

- 6.1. Suspension will not be automatic. In respect of staff other than the Principal, suspension can only be carried out by the Principal. In respect of the Principal, suspension can only be carried out by the Chair of Governors (or in his/her absence, the Vice Chair).
- 6.2. Suspension may be considered at any stage of the investigation. It is a neutral, not a disciplinary act and shall be on full pay. Consideration will also be given to alternatives: eg paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties.
- 6.3. Suspension will only occur for a good reason. For example:
  - where a student is at risk.
  - where the allegations are potentially sufficiently serious to justify dismissal on the grounds of gross misconduct.
  - where necessary for the good and efficient conduct of the investigation.

- 6.4. If suspension is being considered, the member of staff will be encouraged to seek advice; for example, from a trade union.
- 6.5. Prior to making the decision to suspend, the Principal (or Chair or deputy Chair of Governors) will interview the member of staff. If the police are engaged in an investigation, the officer in charge of the case may be consulted.
- 6.6. The member of staff will be informed that an allegation has been made and that consideration is being given to suspension. This initial interview is not a formal disciplinary hearing, but a means for raising a serious matter which may lead to suspension and further investigation.
- 6.7. If the Principal (or Chair or deputy Chair of Governors) considers that suspension is necessary, the member of staff will be informed that he/she is suspended from duty. Written confirmation of the suspension, with reasons, will be within two working days.
- 6.8. The suspension will remain under review in accordance with the College disciplinary procedures.

## **7. The Disciplinary Investigation**

- 7.1. The disciplinary investigation will be conducted in accordance with the existing staff disciplinary procedures.
- 7.2. The member of staff will be informed of:
  - the disciplinary charge against him/her.
  - his/her entitlement to be accompanied or represented by a trade union representative or friend.
- 7.3. Where the member of staff has been suspended and no disciplinary action is to be taken, the suspension will be lifted immediately and arrangements made for the member of staff to return to work.
- 7.4. The student making the allegation and/or their parent/guardian will be informed of the outcome of the investigation and proceedings. This should occur prior to the return to College of the member of staff (if suspended).

## **8. Allegations without foundation**

In consultation with the Designated Safeguarding Lead and/or the Designated Governor, the Principal will:

- inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or child protection action will be taken. Consideration should be given to offering counselling/support.
- inform the parent/guardian of the alleged victim that the allegation has been made and of the outcome.

- prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken.

## **9. Records**

- 9.1. Documents relating to an investigation will be retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken, details retained on the member of staff's personal and confidential file.
- 9.2. If a member of staff is dismissed or resigns before the disciplinary process is completed, he/she will be informed about the College's statutory duty to inform the DBS (Disclosure and Barring Service).
- 9.3. The following definitions should be 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).

## **10. Monitoring Effectiveness**

Where an allegation has been made against a member of staff, the Designated Governor together with the Principal and Designated Safeguarding Lead will, at the conclusion of the investigation and any disciplinary procedures, consider whether there are any matters arising from it that could lead to the improvement of the College's procedures and/or policies. Consideration will also be given to the training needs of staff.

## **11. Duty of Care**

- 11.1 As an Employer, the college recognises its duty of care to their employees and will act to manage and minimise the stress inherent in the allegations process. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to welfare counselling or medical advice where this is provided by the employer.
- 11.2 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.
- 11.3 Parents/guardians or carers of a student involved 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 children's social care services need to be involved, the college will not normally do so until those agencies have been consulted and have agreed what information can be



disclosed to the parents/guardians or carers. Parents/guardians or carers will 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. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed, but the parents/guardians or carers of the student will be told the outcome in confidence

### **Appendix 3: Safe practice guidance for the avoidance of allegations against staff**

The following guidelines are intended to be a common-sense approach that reduce opportunities for the abuse of children, young people and vulnerable adults and help to protect staff from any false allegation.

Furthermore, these guidelines should be read in conjunction with the staff Code of Conduct and apply to all staff, whether teaching, administrative, management or support, as well as to volunteers. The word "staff" is used for ease of description.

#### **You should:**

- Treat all children, young people and vulnerable adults with respect and respect their right to personal privacy
- Avoid private 1 to 1 discussions with students; where they take place they should do so in a room with visual access or an open door, and with the knowledge of another member of staff or as part of your scheduled duties (e.g. 1 to 1 tutorials for a personal tutor). For online 1 to 1 discussions with students, staff should follow the '1-2-1 Online Meetings – Safeguarding Guidance' in the Staff File on the College Intranet.
- Exercise caution when discussing sensitive issues with children, young people and vulnerable adults
- Avoid any inappropriate discussion and insensitive, disparaging or sarcastic comments
- Avoid physical contact with a student; it is unwise to attribute touching to your teaching style
- Challenge unacceptable behaviour and report all allegations or suspicions of abuse
- Keep parents/carers informed of all anticipated activities (e.g. on trips and visits)
- Avoid informal out of college relationships with students (e.g. via social networking sites, texting, email etc.)

**Most importantly,** following any incident where you feel that your actions or comments have been misconstrued, you should discuss the matter with your line-manager

#### **You should not:**

- Spend excessive time alone with a student, away from others
- Take students alone in a car journey, however short
- Take students to your home in your capacity as a member of staff
- Engage in physical or sexually suggestive games
- Allow or engage in inappropriate touching of any form
- Make over-familiar or sexually suggestive comments, even as a joke
- Enter changing rooms (or bedrooms in the boarding houses) unless there is an emergency
- Let unacceptable comments or behaviour from a student go unchallenged
- Do things of a personal nature that a student can do for themselves
- Take photographs, films or any other image of a student without their permission, except in extra-ordinary circumstances e.g. an incident which might be a disciplinary matter
- Contact students via social media, text messages or email, unless this is directly related to a college matter

## **Appendix 4: Safeguarding statement and procedures in view of the Prevent Duty**

The Prevent Duty came in to effect on 1 July 2015. The Counter-Terrorism and Security Act 2015 requires the college to have due regard to the need to prevent people from being drawn into terrorism.

'**Radicalisation**' refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups and is very much a safeguarding matter.

### **Who are we safeguarding?**

Everyone. There is no stereotype for people who hold extremist views. People can become vulnerable for many reasons, including: low self-esteem; guilt; loss; isolation; fear; anger; family breakdown; peer pressure. These factors will not necessarily drive someone to terrorism, but a sense of injustice (be that on a personal or more far reaching scale) can be exploited by people who have their own agenda.

Signs of radicalisation are difficult to define, but will look a lot like troubling behaviour:

- Emotional – short tempered, withdrawn, outbursts, mood swings, new found arrogance
- Verbal – fixated on a subject, change in language / use of words, inappropriate questions, expressing opinions that are at odds with generally shared values
- Physical – changes in appearance; changes in routine, distancing from family or friends, inappropriate graffiti or doodles, tattoos and symbols, extended use of internet, impact on study, change of dress, change in level of health

### **What should you do if you believe someone to be at risk of radicalisation?**

In essence, follow the now well-established safeguarding procedures for student concerns: listen; observe; record; report on; don't promise confidentiality.

#### **Notice; Check; Share:**

- **Notice** any changes in behaviour or appearance
- **Check** out your concerns with someone else who knows the student, but trust your instinct if you are still concerned
- **Share** your concerns with a Head of Faculty or member of the Senior Management Team.

### **What will then happen next?**

As with any other safeguarding matter the situation will be explored further, which may include talking with the student and his/her parents and advice being sought from an external agency. A formal referral may then be made to the police or Children's Services.

If the Multi Agency Safeguarding Hub deem that the level of risk is significant the case may be referred to Channel, a multi-agency support scheme. Channel may decide on a bespoke plan of support for the young person. This might include police officers or members of Children's Services visiting the young

person at home and/or at College. They may ask that the College put intervention in place.

**Concerns about a member of staff:**

If your concern is about a member of staff, please speak with a member of the Senior Management Team. The appropriate personnel procedures will then be followed.

*The College's full Prevent Policy and Procedures can be found in the Staff File on the College Intranet.*

## **Appendix 5 - Managing allegations against other students - Peer on Peer Abuse**

All students have a right to attend college and learn in a safe environment. In most instances, the conduct of students towards each other will be covered by the Student Code of Conduct and the Disciplinary Policy and Procedures or the College's Policy on Prevention of Bullying and Harassment.

### **Allegations against other students, which are safeguarding issues**

Some allegations may be of such a serious nature that they may raise safeguarding concerns. These allegations are most likely to include physical abuse, emotional abuse, sexual abuse and sexual exploitation.

Situations involving sexual activity between students will require difficult professional judgments. It is important to distinguish between consensual sexual activity between students of a similar age and sexual activity involving a power imbalance, or some form of coercion or exploitation. It may also be difficult to be sure that what has, or has been alleged to have, taken place definitely does have a sexual component.

Allegations will be dealt with on a case by case basis and in the best interests of the student(s) concerned, and to avoid risk to themselves and/or others. Referral to Children's Services and/or the police under safeguarding arrangements may be necessary, guided by the following considerations:

- The age of the student;
- Any disability or special needs of the student;
- Their social and family circumstance;
- Any evidence in the behaviour or presentation of the student that might suggest they have been harmed;
- Any evidence of pressure to engage in sexual activity;
- Any indication of sexual exploitation;
- Any indication of a criminal activity.

There are also contextual factors. Gender, sexuality, race and levels of sexual knowledge can all be used to exert power. A sexual predator may sometimes be female and the victim male.

### **Examples of safeguarding issues against a student could include:**

#### **Physical Abuse**

- Violence, particularly pre-planned
- Forcing others to use drugs or alcohol

#### **Emotional Abuse**

- Blackmail or extortion
- Threats and intimidation

#### **Sexual Abuse**

- Including sexual violence or sexual harassment
- Indecent exposure, indecent touching or serious sexual assaults

- Forcing others to watch pornography or take part in sharing Youth Produced Sexual Imagery

### **Sexual Exploitation**

- Encouraging other children to engage in inappropriate sexual behaviour (for example, having an older boyfriend/girlfriend, associating with unknown adults or other sexually exploited young people, staying out overnight)
- Photographing or videoing other children performing indecent acts

### **Criminal Exploitation**

- Encouraging other children to engage in criminal behaviour

### **Upskirting**

- Taking a persons' picture under their clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or to cause the victim humiliation, stress or alarm. It is now a criminal offence and anyone of any gender, can be a victim.

### **Sexual violence and sexual harassment between students**

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.

Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and offline (both physically and verbally) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support.

We are clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up.

### **Responding to reports of sexual violence and sexual harassment:**

- Students making a report of sexual violence or sexual harassment will be taken seriously, kept safe and be well supported.
- If the report includes an online element, staff will be mindful of the Searching, Screening and Confiscation: advice for schools (DfE 2018) guidance.
- Staff taking the report will inform the DSL or a Deputy as soon as practicably possible, but at least within 24 hours.
- Staff taking a report will never promise confidentiality.
- Parents or carers will normally be informed (unless this would put the student at greater risk).
- If a student is at risk of harm, is in immediate danger, or has been harmed, a referral will be made to Children's Social Care.

### **Risk Assessment:**

Following a report, the DSL will make an immediate risk and needs assessment on a case-by-case basis.

The Risk Assessment will consider;

- The victim, especially their protection and support.

- The alleged perpetrator, their support needs and any disciplinary action.
- All other students at the College.
- The victim and the alleged perpetrator sharing classes and space at College.

The risk assessment will be recorded and kept under review.

Where there has been other professional intervention and/or other specialist risk assessments, these professional assessments will be used to inform the school's approach to supporting and protecting pupils.

**Taking Action: the DSL will consider:**

- The wishes of the victim.
- The nature of the incident, including whether a crime has been committed and the harm caused.
- Ages of the students involved.
- Any power imbalance between the students.
- Any previous incidents.
- Ongoing risks.
- Other related issues or wider context.

**Options: the DSL will manage the report with the following options:**

- Managing the situation internally.
- Referral to the Early Help Hub.
- Referral to Children's Social Care.
- Reporting to the police (generally in parallel with a referral to Social Care).

**Ongoing Response:**

- The DSL will manage each report on a case-by-case basis and will keep the risk assessment under review.
- Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator should be removed from any classes they share with the victim.
- The DSL will consider where appropriate how best to keep the victim and perpetrator a reasonable distance apart on College premises and on transport, including the use of a suspension pending investigation under the College's Disciplinary Policy.
- Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the College will take suitable action. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain at College would seriously harm the education or welfare of the victim (and potentially other students).
- Where a criminal investigation into sexual assault leads to a conviction or caution, the College will, if it has not already, consider any suitable sanctions in light of the Student Disciplinary Policy, including consideration of permanent exclusion. Where the perpetrator is going to remain at College, the principle would be to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on College premises. The

nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

### **Physical Abuse**

While a clear focus of peer on peer abuse is around sexual abuse and harassment, physical assaults and initiation violence and rituals from students to students can also be abusive.

These are equally not tolerated and, if it is believed that a crime has been committed, will be reported to the police.

The principles from the College's Prevention of Bullying & Harassment Policy as well as the College's Disciplinary Policy and Procedures will be applied in these cases, with recognition that any police investigation will need to take priority.