

# **Barton Peveril Sixth Form College**

## **Child Protection and Safeguarding Policy, Procedure and Guidance<sup>1</sup>**

**Updated to reflect Keeping Children Safe in Education from  
5 September 2016.**

**Approved by Corporation 3 July 2017**

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<sup>1</sup> based on Hampshire Model Policy Hampshire Safeguarding Children Board *Model Child Protection Policy, Procedure and Safeguarding Guidance, Schools and Education*, published May 2015, for review May 2016, <http://www3.hants.gov.uk/childrens-services/schoolsandcolleges/safeguarding-children-in-education/statutory-safeguarding.htm>, accessed 7 May 2015)

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## Barton Peveril Sixth Form College

### Child Protection and Safeguarding Policy, Procedure and Guidance

#### 1. Purpose

Barton Peveril Sixth Form College fully recognises its responsibility to safeguard and promote the welfare of students at our College; “it could happen here” and safeguarding is everyone’s responsibility.

We recognise that, as well as children, some adults are also vulnerable<sup>2</sup> to abuse and, accordingly, College Staff are trained and expected to apply these policies, procedures and guidance to allegations or suspicions of abuse against, and for the protection of, all students, whether or not they are under the age of 18. For the purposes of this Policy, Procedures and Guidance, **Children** and **Child** are taken to include all students. This Policy, Procedures and Guidance also extends to Children visiting the College from other establishments.

This policy provides staff, volunteers and governors with the guidance they need in order to keep Children safe and secure in our College and to inform students, parents and guardians how we will safeguard Children whilst they are in our care. For the purposes of this Child Protection and Safeguarding Policy, Procedures and Guidance, **College Staff** is taken to include staff, supply staff, temporary staff, volunteers (including those on work experience and teaching placements) and governors, and **Parents** is taken to include parents and guardians of Children.

#### 2. Context

We recognise that Children have a right to be, and feel, safe and secure, and cannot learn effectively unless they do so.

Parents, carers and other people can harm Children either by direct acts or failure to provide proper care or both. Children may suffer neglect, emotional, physical or sexual abuse or a combination of such types of abuse. All Children have a right to be protected from abuse.

Children have a right to expect that College will prioritise the safeguarding of Children, identify and respond to their welfare concerns and work with other agencies and professionals to achieve this.

Whilst the College will work openly with Parents as far as possible, the College reserves the right to contact Social Services or the Police, without notifying Parents, if this is in the Child’s best interests.

#### 3. Child Protection and Safeguarding Aims

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<sup>2</sup> A “vulnerable” adult is a person, over the age of 18, who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm (Department of Health, *No Secrets: Guidance on Developing and Implementing Multi-agency Policies and Procedures to Protect Vulnerable Adults from Abuse* (March 2000) (<https://www.gov.uk/government/publications/no-secrets-guidance-on-protecting-vulnerable-adults-in-care>, accessed 1 June 2016)

This Child Protection Policy, Procedures and Guidance apply to all College Staff. The aim is to prevent Children from being abused, and to safeguard and promote the welfare of students at Barton Peveril Sixth Form College in the following ways:

- Raise awareness of child protection and safeguarding roles and responsibilities with College Staff through training of all College Staff upon taking up a position at College and then regularly thereafter, providing updates at least annually.
- Develop, implement and review procedures in our College that enable all College Staff to identify and report cases, or suspected cases, of abuse and to take appropriate action when they identify a child protection or safeguarding concern.
- Support students who have been abused in accordance with their agreed Child Protection plan.
- Ensure the practice of safe recruitment in checking and recording the suitability of College Staff to work with Children.
- Establish a safe environment in which Children can learn and develop.
- Ensure that allegations or concerns against College Staff and against other Children are dealt with in accordance with local and national guidelines.

#### **4. Whole College Responsibilities**

Barton Peveril Sixth Form College recognises that because of their day to day contact with Children, College Staff are well placed to observe the outward signs of abuse.

The College will therefore:

- Ensure that there is a member of the senior leadership team who is the Designated Safeguarding Lead (and who is also a Child Protection Liaison Officer) (**DSL**), to whom concerns must be reported and that this is recorded in their job description.
- Ensure that there is/are appropriately trained Child Protection Liaison Officer(s) (**CPLO(s)**) among the College Staff, including the DSL, to handle child protection and safeguarding matters, and that this is recorded in their job description.
- Train all College Staff to become familiar with their safeguarding responsibilities, to recognise the signs of abuse and neglect and know what to do when they identify a safeguarding concern. The College will maintain a register of staff safeguarding training, use the register to identify members of College Staff requiring safeguarding training and provide training to these individual members of College Staff as the need arises, in accordance with best practice.
- Establish and maintain an environment where Children feel secure, are encouraged to talk and are heard.
- Ensure Children know that there are adults in the College whom they can approach if they have concerns or wish to make a disclosure.
- Treat all disclosures with the strictest confidence, to the extent this is compatible with College's obligations to disclose information to other agencies to protect Children or to share with other individuals within College who "need to know".
- Include opportunities through College health and wellbeing initiatives and promotions for Children to develop the skills they need to stay safe.
- Ensure that College off-site activities are conducted in accordance with the College off-site procedures which include specific guidance relating to child protection and safeguarding.
- Ensure that Parents have an understanding of the responsibility placed on the College and College Staff for child protection by publishing this Policy on the College website.
- Notify Parents of our concerns, and provide them with opportunities to change the situation, where this does not place the Child at greater risk.

- Develop effective links with Social Services and co-operate as required with their enquiries regarding child protection matters including attendance at Child Protection Case Conferences.
- Liaise with other agencies that support Children such as during the Early Help process, Child and Adolescent Mental Health Service, Locality Team and the Educational Psychology Service through normal referral routes and the Early Help assessment process.
- Liaise with other institutions, such as feeder schools and other colleges, to transfer child protection information as required by law when Children transfer between such institutions.
- Conduct an annual survey of College students asking how safe they feel in College, and report the results of this survey to the Corporation.
- Ensure that appropriate policies and procedures are in place to safeguard the e-safety of Children and College Staff, as set out in the College E-Safety Policy.
- Ensure that the progress of potentially vulnerable groups of students, such as students in receipt of free school meals and looked after children, is actively monitored and appropriate interventions are put in place to address concerns.
- Comply with its duties under the Counter-Terrorism and Security Act 2015 and associated guidance (the **Prevent Duty**).

## 5. Principal's Responsibilities

The Principal is responsible for ensuring that:

- The policies and procedures adopted by the Corporation are fully implemented, and followed by all staff, including policies and procedures relating to the safe use of IT equipment, for example the E Safety Policy, Staff and Student Acceptable Use of IT Policies and the Staff and Student Social Media Policies.
- All staff and volunteers feel able to raise concerns about poor or unsafe practice with regard to Children, and such concerns are addressed sensitively and effectively in a timely manner in accordance with agreed whistle blowing policies, where appropriate.
- The College complies with the Prevent Duty.

## 6. Designated Safeguarding Lead responsibilities

In Barton Peveril Sixth Form College the DSL is a member of the Senior Leadership Team nominated by the Principal. (S)he is also a CPLO (see below).

The DSL will:

### **Policy and Procedures**

- Review this Child Protection and Safeguarding Policy, Procedure and Guidance annually, working with the governing body, and update as necessary, and ensure that it is published on the College intranet and website.
- Ensure that the College has assessed and understands the risk of students or staff being radicalised and/or drawn into terrorism, and, if risks have been identified, has an action plan in place to mitigate the risks.
- Ensure that the E Safety Policy is regularly updated in light of local and national guidance, fully implemented and followed.
- Ensure that all College Staff read Part One of Keeping Children Safe in Education.

## **Safeguarding and Child Protection Concerns**

- Along with the other CPLOs, be the point of contact for College Staff who have safeguarding or child protection concerns about a Child, including concerns that a Child is at risk of radicalisation and/or being drawn into terrorism.
- Ensure that there is always referral route for College Staff during College hours.
- Ensure that child protection and safeguarding concerns are handled in accordance with the procedures attached to this policy and other applicable College policies<sup>3</sup>, keeping the Principal informed of ongoing referrals and investigations and inter-agency transfer of information.
- Ensure that any allegations against a member of College Staff are handled in accordance with the attached Allegations Against a Member of Staff Procedures.
- Where appropriate, ensure that a designated CPLO works with a Child and their family and/or other professionals to identify need and coordinate provision in accordance with the Early Help assessment guidelines and the other guidance set out in “Working Together to Safeguard Children”<sup>4</sup>.
- Ensure that all CPLOs liaise with external agencies such as Social Services, the Police and feeder schools to ensure child protection information is shared and transferred appropriately.
- Ensure that allegations made against a College student that potentially involve a child protection and/or safeguarding issue are handled in accordance with the Student Disciplinary Policy and Procedures and, if appropriate, the attached Allegations Against another Child Procedures.
- As possible and appropriate, report back to the person who referred the concern to let them know what happened and support any College Staff who are involved in referrals.
- Ensure that cases where a member of College Staff is dismissed or left due to risk or harm to a Child are referred to the Disclosure and Barring Service as required.

## **Training**

- Provide support to College Staff on matters of safeguarding and child protection, including Prevent, online safety and assisting them in understanding Part One of Keeping Children Safe in Education.
- Ensure that they and any other members of College Staff who are working as CPLOs are appropriately trained:
  - as required under national and local guidelines (including completing the one-day CPLO initial training course offered by Hampshire County Council and follow-up refresher training as required and Prevent awareness training);
  - by refreshing their knowledge at regular intervals as required, but at least annually, to ensure they keep up with any developments relevant to their role; and
  - to ensure that they are able effectively to carry out their role within College, as set out in this Policy, Procedures and Guidance.
- Ensure every member of College Staff knows the name of the DSL and CPLOs, their role, their contact details and how to refer child protection and safeguarding concerns,

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<sup>3</sup> For example, but not limited to the College Anti-Bullying Policy and Student Disciplinary Policy

<sup>4</sup> Professionals should, in particular, be alert to the potential need for Early Help for a child who: • is disabled and has specific additional needs; • has special educational needs; • is a young carer; • is showing signs of engaging in anti-social or criminal behaviour; • is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems and domestic violence; • has returned home to their family from care;<sup>4</sup> and/or • is showing early signs of abuse and/or neglect (*Working Together to Safeguard Children (DfE, March 2015)*).

including to whom referrals must be made if the DSL is not on site. The training will include awareness of the Prevent Duty, how to recognise factors that make people vulnerable to being drawn into terrorism and challenge extremist ideas, and how to refer concerns.<sup>5</sup>

- Ensure that whole College training occurs regularly, that staff receive updates at least annually, and that new staff receive training on taking up employment, so that every member of College Staff can fulfil their child protection and safeguarding responsibilities effectively and keep themselves safe, and that the Child Protection Quick Guidelines are made available to College Staff on the College intranet.
- Ensure that the College maintains a register of staff safeguarding training, uses the register to identify members of College Staff requiring safeguarding training and provides training to these individual members of College Staff as the need arises, in accordance with best practice.
- Ensure that updates in local/national guidance are shared with College Staff and captured in the next whole College training.
- Ensure that appropriate members of College Staff (such as the Personnel team, members of the Senior Leadership Team and other members of the College management team who are involved in recruitment of College Staff) have received training in Safer Recruitment, in accordance with best practice.
- Ensure that the Corporation understands its responsibilities under s.175 of the Education Act 2002 and the most up to date edition of Keeping Children Safe in Education, and has received appropriate training every 2 years.
- Ensure that the progress of potentially vulnerable groups of students, such as students in receipt of free school meals and looked after children, is being actively monitored and appropriate interventions are being put in place to address concerns.
- Link with local safeguarding children boards, police, local authorities and Prevent coordinators for the latest policies and training on safeguarding matters, including the Prevent Duty.

## Records

- Ensure that written records of child protection and safeguarding concerns, including those relating to the Prevent Duty, are kept securely and separately from the main student file and that these records are used to assess the likelihood of risk.
- Ensure that written child protection and safeguarding records are accessible to other members of the College Senior Leadership Team and the other CPLOs in the event that a particular CPLO is not on site.
- Ensure that brief details of concerns for each Child are recorded on a Model Reporting Form in the form attached to this policy, where appropriate.
- Ensure that child protection and safeguarding records and/or records of concern are kept in accordance with the College Data Protection Policy and transferred accordingly (separate from student files) when a student enrolls at or, if appropriate<sup>6</sup>, leaves the College; secure transit should be ensured and confirmation of receipt obtained.
- Ensure that where a student on a Child Protection Plan or who is a looked after child, leaves the College, their information is transferred to the new college, if they move to another college, and that the student's social worker is informed

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<sup>5</sup> Extremism is “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs...[it also includes] calls for the death of members of our armed forces, whether in this country or overseas” (*Prevent Duty Guidance for England and Wales (HM Government, 2015)*)

<sup>6</sup> For example, if the student is moving to another college

- Ensure that records are being kept of the progress of potentially vulnerable groups of students, such as students in receipt of free school meals and looked after children, and these are being actively monitored and used to identify concerns and track the impact interventions.
- Ensure that records of child protection and safeguarding concerns are archived and subsequently destroyed in accordance with data protection legislation.

### **Reporting**

- Provide an annual report on child protection and safeguarding to the Corporation on the form attached as an Appendix to this policy.
- Ensure that actions arising from the annual report on child protection and safeguarding are incorporated into the College Self Assessment Report, if appropriate.

### **Recruiting**

- Ensure compliance with the requirements set out in ‘Keeping Children Safe in Education’ guidance (DfE September 2016), including the keeping of a central register of College Staff who have received child protection and safeguarding training and for whom employment checks have been conducted. The training register will be used to identify members of College Staff requiring safeguarding training and training will be provided to these individual members of College Staff as the need arises, in accordance with best practice.
- Ensure that, in accordance with the College procedures for the induction of new College Staff, temporary and supply staff, and volunteers (including those on work experience and teaching placements), receive and understand a copy of the attached Briefing Sheet for Temporary, Supply Staff and Volunteers working with Students.
- Ensure that the College operates safe recruitment processes making sure, for example, that job advertisements clearly state the College’s commitment to the safeguarding of young people and that statutory duties and guidance to check College Staff who work with Children are complied with (including pre-appointment Enhanced DBS checks on College governors and volunteers where appropriate).
- Ensure that at least one person on any appointment panel has undertaken safer recruitment training.

## **7. CPLO responsibilities**

The DSL may arrange for additional members of College Staff to be trained as CPLOs.

All CPLOs will:

### **Safeguarding and Child Protection Concerns**

- Where appropriate, and in consultation with the DSL as far as possible, work with a Child and their family and/or other professionals to identify need and coordinate provision in accordance with the Early Help assessment guidelines.
- In consultation with the DSL, handle child protection and safeguarding concerns in accordance with the procedures attached to this policy and other applicable College policies, keeping the DSL and/or Principal informed of inter-agency transfer of information.

- In consultation with the DSL, liaise with external agencies such as Social Services, the Police and feeder schools to share information appropriately in the circumstances of an individual child protection or safeguarding concern.
- As possible and appropriate, report back to the person who referred the concern to let them know what happened.

### **Records**

- Ensure that written records of child protection and safeguarding concerns are kept securely and separately from the main student file and that these records are used to assess the likelihood of risk.
- Ensure that written child protection and safeguarding records are accessible to members of the College Senior Leadership Team and the other CPLOs in the event that a particular CPLO is not on site.
- Ensure that brief details of concerns for each Child are recorded on a Model Reporting Form in the form attached to this policy, where appropriate.
- Ensure that copies of child protection records and/or records of concern are kept in accordance with Data Protection legislation and, in consultation with the DSL as far as possible, transferred accordingly (separate from student files) when a student enrolls at or, if appropriate, leaves the College.
- In consultation with the DSL, ensure that where a student on a Child Protection Plan or who is a looked after child, leaves the College, their information is transferred to the new college, if they move to another college, and that the student's social worker is informed.

## **8. Responsibilities of the Corporation**

The Corporation will:

- Ensure effective safeguarding policy and practices are in place at the College, in compliance with local and national guidance, including the Prevent Duty.
- Ensure that there is a member of the senior leadership team who is the DSL and that this is recorded in their job description.
- Nominate one of its members to link with the College on safeguarding matters.
- Consider and, as appropriate, approve the DSL's annual report on child protection and safeguarding and any associated actions subsequently included in the College Self Assessment Report.
- Be involved as appropriate with allegations against members of College Staff, in accordance with the attached Allegations Against a Member of Staff Procedures.
- Ensure that it undertakes appropriate training in safeguarding and child protection, including the Prevent Duty, as required.
- Ensure that the College operates safe recruitment processes making sure that statutory duties and guidance to check College Staff who work with Children are complied with.
- Be aware of the child protection law as it applies to Governors, referring to the attached Child Protection – A Guide to the Law for Governors.

## **9. Responsibilities of College Staff**

College Staff within the Barton Peveril Sixth Form College community will:

- Establish and maintain an environment where Children feel secure, are encouraged to talk and are heard.
- Be aware of and alert to the signs of abuse and potential safeguarding issues, referring to the attached Further Guidance for College Staff - Children Volunteering Information and the attached guidance on What is Abuse?
- If they identify that a Child may be in an abusive situation or they have safeguarding concerns about a Child, including a concern that a Child is at risk of radicalisation and/or being drawn into terrorism, follow the Child Protection and Safeguarding Procedures (attached to this policy).
- Notify the DSL if a Child on a Child Protection Plan has an unexplained absence from College.
- Follow the guidelines set out in Appendix 7 – Intimate Care Guidelines if they are involved in intimate care of a Child.
- If the disclosure is an allegation against a member of College Staff, follow the Allegations Against a Member of Staff Procedures (attached to this Policy).
- Ensure that they comply with the attached Guidance for College Staff – Keeping Yourself Safe.
- Be aware of the College Whistleblowing Policy which sets out the procedures for College Staff to report major concerns which fall outside the scope of other College policies.
- Comply with the guidance and procedures set out in the College Off-Site Activities Handbook if they are responsible for, or accompany, such an activity.

***As a College we will educate and encourage students to keep safe through:***

- A College ethos which promotes British values<sup>7</sup> and a positive, supportive and secure environment, and gives students a sense of being valued and of respect for others.
- The creation of a culture which helps Children to feel safe and able to talk freely about their concerns, to their personal tutor and/or other adults in the College community, believing that they will be listened to and valued.
- College policies, initiatives and promotions, including running safeguarding sessions as part of the tutor programme (such as Prevent, sexting, child sexual exploitation etc).

***Complaints***

Any complaints about safeguarding or child protection arrangements at the College should be made in writing to the Principal or in accordance with the College Whistleblowing Policy.

***Annual review***

This policy is reviewed and approved annually by the Senior Leadership Team and the Corporation.

**Date Approved by Corporation:**

**Next review date:** July 2018

**Date of DSL Training/Refresher:** October 2017 (Assistant Principal (Quality and Students))

**Dates of additional CPLO Training:** September 2017

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<sup>7</sup> There is a requirement on maintained schools to “promote fundamental British values of democracy, rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs” (*Promoting fundamental British values as part of SMSC in schools, departmental advice for maintained schools, November 2014*)

## Appendix I - Child Protection and Safeguarding Procedures

The prime concern at all stages must be the best interests and safety of the Child. Where there is a conflict of interests between the Child and Parent, the interests of the Child must be paramount.

**If a member of College Staff suspects abuse of a student or has significant safeguarding concerns about a student, including a concern that they are at risk of radicalisation and/or being drawn into terrorism, they MUST:**

- Record their concerns in writing. In the case of a disclosure being made by a student, the record should use the student's words as far as possible.
- Consider if there is a requirement for immediate medical intervention and if so, call for assistance either from a College first aider or, if more significant medical intervention is required, the College Nurse.
- Summarise their concerns on the attached College Child Protection/Safeguarding Reporting Form (available on the College Intranet (under Safeguarding)) and report their concerns by **speaking** to the DSL (or, if the DSL is not available, to the Principal) immediately, **in person**. If they are unable to speak to the DSL or Principal, they should speak to a Student Progress Adviser. They should hand the notes they have made about their concerns and their completed College Child Protection/Safeguarding Reporting Form to the DSL (or, if the DSL is not available, to the Principal, or, if neither are available, to a Student Progress Adviser) when they report their concerns.

If the concerns about a Child include having seen physical injuries, they must also complete the skin map which is attached to the Child Protection/Safeguarding Reporting Form, marking with an "x" where they have seen physical injuries on the Child. Note that College Staff should not **require** Children to reveal physical injuries.

- If the student could be in need of immediate protection, they should take them with them when they speak to the Designated Safeguarding Lead; otherwise, they should find out where the student will be for the remainder of the day so that they can tell the Designated Safeguarding Lead.
- If they are UNABLE to speak to the DSL, Principal or any Student Progress Adviser and a Child may be at immediate risk of significant harm, they should contact Social Services or the Police themselves by telephoning:

- |  |
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| <ul style="list-style-type: none"><li>• Students resident in Hampshire: 0300 555 1384 (or, out of hours, 0300 555 1373);</li><li>• Students resident in Southampton: 023 8083 3336 (or, out of hours, 023 8023 3344)</li><li>• Students resident Portsmouth: 023 9283 9111 (or, out of hours, 0300 555 1373)</li><li>• Police: 999</li></ul> |
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**If a member of College Staff contacts Social Services or the Police about a Child themselves, they MUST inform the DSL in person** (or, if the DSL is not available, the Principal, or, if neither are available, the Child's Student Progress Adviser) **AS SOON AS POSSIBLE thereafter.**

- Make a full and accurate record (which may be used in any subsequent Court proceedings) as soon as possible, and within 24 hours of the occurrence, of all that has happened, including details of:
  - Dates and times of their observations
  - Dates and times of any discussions they were involved in
  - Any injuries
  - Explanations given by the Child and any other parties involved
  - What action was taken.

The records must be signed and dated by the author and given to the DSL.

- Any copies of the Child Protection/Safeguarding Reporting Form and any notes, records or accounts (including electronic copies) must be destroyed after the signed and dated versions have been given to the DSL.
- Report any additional concerns in accordance with these Procedures after they have made an initial referral; they must not assume that their initial referral in itself will protect the Child.

**Following a report of concerns from a member of College Staff, the DSL (or the Principal or Student Progress Adviser, if the concern was reported to them) will:**

***Reporting to Social Services and/or the Police***

1. Decide whether or not there are sufficient grounds for suspecting significant harm in which case ensure that a referral to Social Services and/or the Police (as appropriate) is made by a CPLO. If the DSL feels unsure about whether a referral is necessary they, or one of the other CPLOs, will phone Social Services or the Police to discuss concerns. To do so will not constitute a referral and may well help to clarify a situation.
2. If there is not a risk of significant harm, ensure that a designated CPLO actively monitors the situation or liaises with Social Services about instigating the Early Help assessment process. **Note** that if an Early Help assessment is to be conducted, the designated CPLO must gain the consent of the Child and their Parents before any assessment is undertaken.
3. If:
  - a. there are grounds to suspect a Child is suffering, or is likely to suffer, significant harm; or
  - b. if the Child or their Parent do not consent to an Early Help assessment and it is the DSL's judgement that, without help, the needs of the Child will escalate,

ensure that a designated CPLO makes a referral to Social Services.

When making a referral to Social Services, the CPLO will make a clear statement of:

- c. the known facts
  - d. any suspicions or allegations
  - e. whether or not there has been any contact with the Child's family
4. If required by Social Services, the CPLO who made the referral to Social Services will, within 24 hours, confirm the details in writing, including the actions that have been taken, in the form required by the relevant Social Services team.

5. If a Child is in immediate danger and urgent protective action is required, ensure that a designated CPLO, in consultation with the DSL as far as possible, calls the police, notifies Social Services of the occurrence and what action has been taken, and seeks advice from the police / Social Services about informing Parents.

### ***Informing Parents***

Normally the College will discuss any concerns about a Child's welfare with the family and where possible seek their agreement before making a referral to Social Services. However, in accordance with DfE guidance, this will only be done when it will not place the Child at increased risk and the Child's views will also be taken into account (in relation to taking into account the views of Children, see Annex 7 - Legislative framework - for further information about "Gillick competency" and the "Fraser guidelines").

Where there are doubts or reservations about involving the Child's family, a CPLO should, in consultation with the DSL as far as possible:

1. Clarify with Social Services or the police whether the Parents should be told about the referral and, if so, when and by whom.
2. Where appropriate, help the Parents understand that a referral is in the interests of the Child and that, if necessary, the College will be involved in any enquiry undertaken in accordance with the Children Act 1989 or a police investigation.

### ***When Urgent Medical Attention is Required***

When a student is in need of *urgent* medical attention and there is suspicion of abuse a CPLO, in consultation with the DSL as far as reasonably possible, should:

1. Call for emergency ambulance assistance.
2. Inform Social Services and/or the Police (as above).
3. Seek advice from Social Services about informing Parents (remembering that Parents should normally be informed that a Child requires urgent hospital attention).
4. Inform the paramedic or other medical practitioner as soon as possible that there is a suspicion of abuse and that Social Services and/or the Police have been informed.
5. If a decision is made not to inform the Parents, ensure that there will be a responsible adult with the Child at all times, whether from the College, Social Services or the Police, making a note of name, position and contact details.

## Appendix 2 - Barton Peveril Child Protection/Safeguarding Reporting Form

This form, and any notes or other records you have made, must be GIVEN to the Designated Safeguarding Lead at the College (DSL). If (s)he is not present give it to the Principal or, if neither are present, to a Student Progress Adviser.

**Do not e mail this form to the designated member of College Staff, it may delay procedure.**

**You must destroy any copies of this form and any other notes or records (including electronic copies) after you have given them to the DSL.**

If you are reporting physical injuries, also complete the accompanying Skin Maps, marking with an “x” all places where you have seen (or the Child has reported) physical injuries on the Child.

Date and time of record:	
Name of student:	
Current contact address or current whereabouts:	
Telephone numbers:	
Home (Student):	Mobile (Student):
Home (First Contact):	Mobile (First Contact):
Date of birth:	
Details of any other family members known:	
Name of member of College Staff making the referral:	
Details of the issue/cause for concern (in the student’s own words as far as possible) and any observation of signs/indicators:	
Staff signature:	Date: ...../...../.....

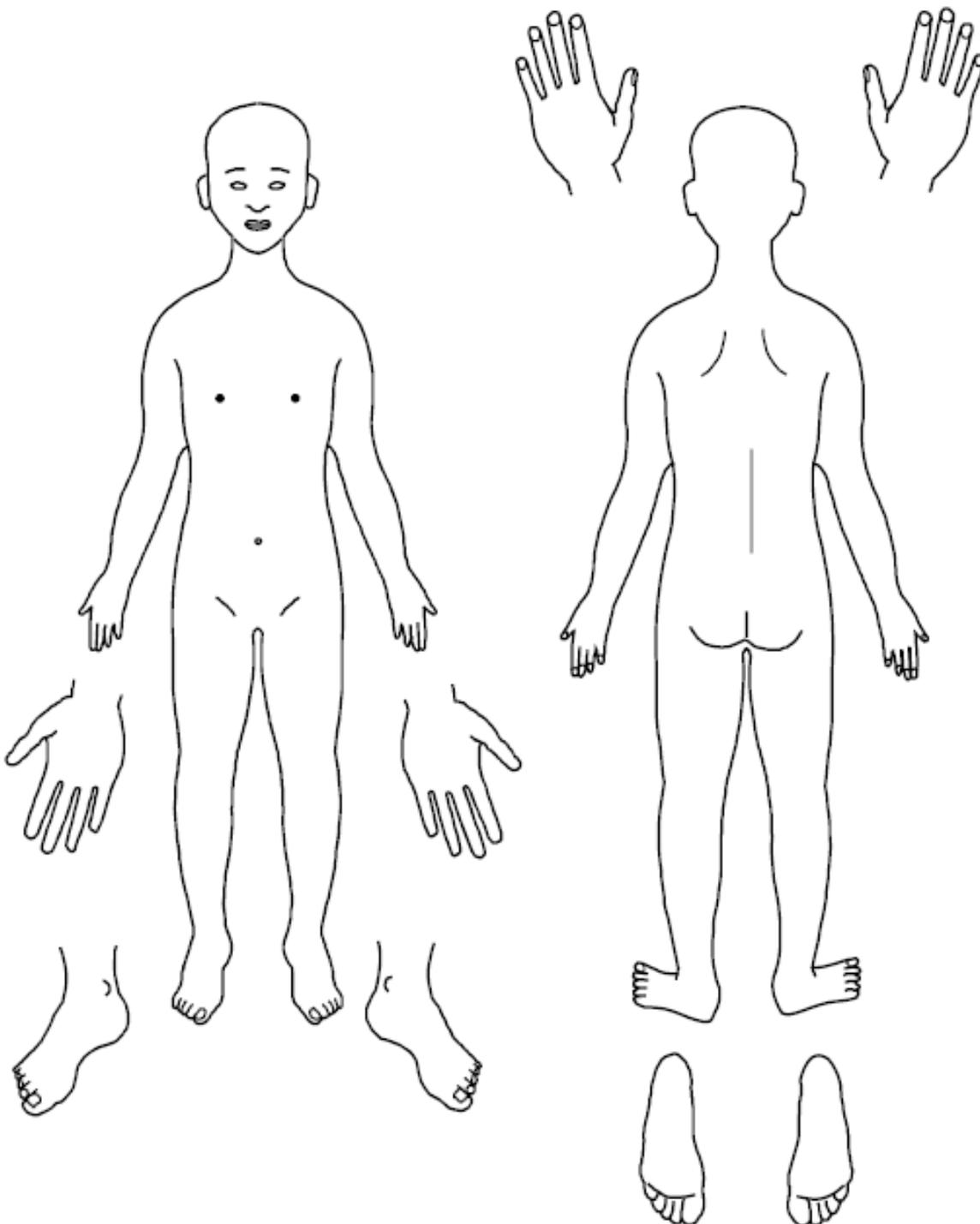
## Skin Maps

**Mark with an “x” all places where you have seen (or the Child has reported) physical injuries on the Child (Please note next to the “x” whether this is a reported or seen injury)**

Name of Child: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Date of recording: ...../...../.....

Name of completer: \_\_\_\_\_





Any additional information

**Appendix 3 - Model Recording Form (used by DSL/CPLO to summarise actions taken in relation to reported concerns)**

Child's Name:

D.o.b.

Name/title of person raising concern:

Date and Time	Details of concern	Action taken - To whom and organisation (Has referral to Social Services or Early Help been considered?)	Outcome of action	Further actions required By whom and when	Review Date	Name and signature of person completing entry

## Appendix 4 – Form of Annual Report to Corporation on Safeguarding Children

**ANNUAL REPORT TO BOARD OF GOVERNORS ON  
SAFEGUARDING CHILDREN**

This document provides a report to the Corporation on safeguarding practice that enables the Corporation to:

- (i) Ensure compliance with the requirements of “Keeping Children Safe in Education” (2015~~6~~); and fulfil its statutory responsibilities under S.175 Education Act 2002.
- (ii) Ensure effective child protection policies and procedures are in place in accordance with agreed guidelines.

**CONFIDENTIAL INFORMATION**

This report is for the period from  to

Designated Safeguarding Lead

Nominated Governor

**Summary of Training:**

Note:

- Designated Safeguarding Leads and CPLOs must undertake training consistent with Local Children’s Safeguarding Board guidelines and update this every two years.
- Teaching and support staff should have an initial induction followed by refresher training regularly, with updates at least annually
- Governors should receive training every two years.

**Members of Staff who have undertaken LCSB approved training:**

Date	Name	Course	Provider	Date next training due

**Members of Staff who have undertaken Safer Recruitment training:**

Date	Name	Date next training due

**Members of the Board of Governors who have undertaken training:**

Date	Name	Course	Provider	Date next training due

**Whole Staff/Governor Training:**

Staff Role	Training Undertaken	Date	Date next training due
Teaching Staff			
Learning Support Staff			
Office/Admin Staff			
Premises Team			
Technicians			
Cleaning Staff			
Instrumental Music Teachers			
Catering Staff			
Corporation			

**Summary of Interagency Referrals:**

Categories	Number
Physical	
Sexual	
Emotional	
Neglect	
Prevent Duty	

Child Protection Plan: Number of Students

Number of safeguarding complaints

**Summary of allegations made against staff:**

Total number	No further action	Interagency referral

**Details of any E-Safety incidents**

Date	Incident	Outcome

Date policy was last reviewed:

Signature of Designated Safeguarding Lead:

Date of signature:

Signature of Principal:

Date of signature:

## **Appendix 5 - Allegations Against a Member of Staff Procedures (whole Appendix updated to reflect Keeping Children Safe in Education (2016))**

### **1. Introduction**

1.1 This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with Children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a member of College Staff (including volunteers) has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children

1.2 This part of the guidance relates to College Staff who are currently working at the College regardless of whether this is where the alleged abuse took place. Historical allegations of abuse should also be referred to the police.

1.3 The College has a duty of care to its employees. We should ensure we provide effective support for anyone facing an allegation and provide them with a named contact if they are suspended. It is essential that any allegation of abuse made against a member of College Staff is dealt with very quickly, in a fair and consistent way that provides effective protection for the Child and at the same time supports the person who is the subject of the allegation.

### **2. Reporting Concerns**

2.1 The member of College Staff receiving an allegation of abuse against another member of College Staff should report this immediately to the Principal, unless the Principal is the person against whom the allegation is made. An allegation against the Principal should be reported to the Chair of Governors.

2.2 The person to whom the allegation is initially reported, must not promise confidentiality to a person who makes an allegation. In responding to a person who makes disclosures, account should be taken of the age and understanding of the person concerned and whether they (if they are a child) or other children may be at risk of significant harm. While acknowledging the need to create an environment conducive to speaking freely, the member of College Staff should make it clear to a person who approaches him/her asking for confidentiality that he/she will need to pass on what has been said so as to ensure the protection of the child(ren). Within that context, the person should be assured that the matter will be disclosed only to people who need to know about it.

### **3. Initial considerations**

3.1 The procedures for dealing with allegations need to be applied with common sense and judgement. 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 should be followed to resolve cases without delay.

- 3.2 Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The Designated Safeguarding Lead should be informed of all allegations that come to the College's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.
- 3.3 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 prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- 3.4 In the first instance, the Principal, or where the Principal is the subject of an allegation, the chair of governors (the **Case Manager**), should immediately discuss the allegation with the Designated Safeguarding Lead. The purpose of an initial discussion is for the Designated Safeguarding Lead and the Case Manager to consider the nature, content and context of the allegation and agree a course of action. The Designated Safeguarding Lead may ask the Case Manager to provide or obtain 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. There may be situations when the Case Manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to Children or there is evidence of a possible criminal offence. Where there is no such evidence, the Case Manager should discuss the allegations with the Designated Safeguarding Lead in order to help determine whether police involvement is necessary.
- 3.5 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 the Case Manager and the Designated Safeguarding Lead, and agreement reached on what information should be put in writing to the individual concerned and by whom. The Case Manager should then consider with the Designated Safeguarding Lead what action should follow both in respect of the individual and those who made the initial allegation.
- 3.6 The Case Manager should inform the accused person about the allegation as soon as possible after consulting the Designated Safeguarding Lead. It is extremely important that the Case Manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the Case Manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. The College must consider carefully whether the circumstances of a case warrant a person being suspended from contact with Children at the College or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step (see further information on suspension which follows).
- 3.7 If there is cause to suspect a Child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other College Staff are entitled to use reasonable force to control or restrain Children in certain circumstances, including dealing with disruptive behaviour.

- 3.8 Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the designated officer(s) should discuss the next steps with the case manager. In those circumstances, the options open to the College depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.
- 3.9 In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the Designated Safeguarding Lead should discuss with the Case Manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the College Staff.
- 3.10 However, in other circumstances, such as lack of appropriate resource within the College, or the nature or complexity of the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations.

#### **4. Supporting those involved**

- 4.1 The College has a duty of care to its employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should 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 should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the College.
- 4.2 The Case Manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.
- 4.3 Parents of a Child or Children involved should 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 Case Manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the Parents. Parents should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the Parents of the child should be told the outcome in confidence.<sup>8</sup>
- 4.4 Parents should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraph 164). If Parents wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.
- 4.5 In cases where a Child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the Child or Children involved may need.

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<sup>8</sup> In deciding what information to disclose, careful consideration should be given to the provision of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998

## 5. Confidentiality

- 5.1 It is extremely important that when an allegation is made, the College makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 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 student from the same school (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 for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation<sup>9</sup>. 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.
- 5.2 The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public”. This means that a Parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).
- 5.3 In accordance with the Association of Chief Police Officers’ (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted).
- 5.4 The Case Manager should take advice from the Designated Safeguarding Lead, police and children’s social care services 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.

## 6. Managing the situation and exit arrangements

### Resignations and ‘settlement agreements’

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<sup>9</sup> Carried out by the National College for Teaching and Leadership

- 6.1 If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made, if the criteria are met. If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement. A settlement/compromise agreement which prevents the College from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the College would not be complying with its legal duty to make the referral.
- 6.2 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, 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. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.
- 6.3 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the College agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

## **7. Record keeping**

- 7.1 Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.
- 7.2 The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.
- 7.3 The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention<sup>10</sup>

## **8 References**

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<sup>10</sup> Information Commissioners Office – Guidance on employment records in its Employment Practices Code and supplementary guidance

- 8.1 Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in College references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

## **9. Timescales**

- 9.1 It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

- 9.2 For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the College to deal with it, although if there are concerns about Child protection, the College should discuss them with the Designated Safeguarding Lead. In such cases, if the nature of the allegation does not require formal disciplinary action, the College should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

## **10. Oversight and monitoring**

- 10.1 The Designated Safeguarding Lead has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. The Designated Safeguarding Lead will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

- 10.2 Police forces will also identify officers who will be responsible for:

- liaising with the designated person;
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

- 10.3 If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

## **11. Suspension**

- 11.1 The possible risk of harm to Children posed by an accused person should be evaluated and managed in respect of the Child(ren) involved in the allegations. In some rare cases that will require the Case Manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. If the Case Manager is concerned about the welfare of other Children in the community or the teacher's family, those concerns should be reported to the Designated Safeguarding Lead or police. But suspension is highly unlikely to be justified on the basis of such concerns alone.
- 11.2 Suspension should be considered only in a case where there is cause to suspect a Child or other Children at the College is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the Case Manager must consider carefully whether the circumstances warrant suspension from contact with Children at the College or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the Designated Safeguarding Lead. 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 College it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL's investigation.
- 11.3 The Case Manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the Designated Safeguarding Lead, police and children's social care services have no objections to the member of College Staff continuing to work during the investigation, the Case Manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the Case Manager before suspending a member of College Staff:
- redeployment within the College so that the individual does not have direct contact with the Child or Children concerned;
  - providing an assistant to be present when the individual has contact with Children;
  - redeploying to alternative work in the College so the individual does not have unsupervised access to Children;
  - moving the Child or Children to classes where they will not come into contact with the member of College Staff, making it clear that this is not a punishment and parents have been consulted; or
  - temporarily redeploying the member of College Staff to another role in a different location.
- 11.4 These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The Case Manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.
- 11.5 If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the Case Manager and the Designated Safeguarding Lead. This should also include what alternatives to suspension have been considered and why they were rejected.

- 11.6 Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an College to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.
- 11.7 Children's social care services or the police cannot require the Case Manager to suspend a member of College Staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the College, or governing bodies of the College. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the Designated Safeguarding Lead should canvass police and children's social care services for views about whether the accused member of College Staff needs to be suspended from contact with Children in order to inform the College consideration of suspension. Police involvement does not make it mandatory to suspend a member of College Staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

## 12. Information sharing

- 12.1 In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.
- 12.2 Where the police are involved, wherever possible the College should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the College disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.
- 12.3 Children's social care services should adopt a similar procedure when making enquiries to determine whether the Child or Children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the College without delay.

## Specific actions

### 13. Following a criminal investigation or a prosecution

- 13.1 The police should inform the College and Designated Safeguarding Lead immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the Designated Safeguarding Lead should discuss with the Case Manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or 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.

### 14. On conclusion of a case

14.1 If the allegation is substantiated and the person is dismissed or the College ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the Designated Safeguarding Lead should discuss with the Case Manager and their personnel adviser whether the College will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching.<sup>11</sup>

**14.2 There is a legal requirement for Colleges to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a Child; or if a person otherwise poses a risk of harm to a Child.**

14.3 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Case Manager should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The Case Manager should also consider how the person's contact with the Child or Children who made the allegation can best be managed if they are still a student at the College.

## **15. In respect of malicious or unsubstantiated allegations**

15.1 If an allegation is determined to be unsubstantiated or malicious, the designated officers(s) should refer the matter to the children's social care services to determine whether the Child 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 headteacher, principal or proprietor 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.

## **16. Learning lessons**

16.1 At the conclusion of a case in which an allegation is substantiated, the Designated Safeguarding Lead should review the circumstances of the case with the Case Manager 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 should include issues arising from the decision to suspend the member of College 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. The designated officers(s) and Case Manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

## **17. Further information**

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<sup>11</sup> Schools and colleges have 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 College 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

- 17.1 See the Crown Prosecution Service published guidance for the police under the Protection from Harassment Act 1997.

## Appendix 6 - Briefing Sheet for Temporary and Supply Staff and Volunteers working with Students

While working in Barton Peveril Sixth Form College, you have a duty of care towards the students here. This means that at all times you should act in a way that is consistent with their safety and welfare. In addition, if at any time you have a concern about a student (whether they are under 18 or over 18), particularly if you think they may be at risk of, or subject to, abuse or neglect, or you have a concern that they are at risk of radicalisation and/or being drawn into terrorism, it is your responsibility to share that concern by **speaking in person** to the College Designated Safeguarding Lead (DSL):

**Designated Safeguarding Lead.....**

**Location.....**

If the DSL is not available, you should speak to the Principal or, if neither are available, to a Student Progress Adviser.

This is not an exhaustive list but you may have become concerned as a result of:

- observing a physical injury, which you think may have been non-accidental.
- observing something in the appearance of a student which suggests they are not being sufficiently well cared for.
- observing behaviour that leads you to be concerned about a student's wellbeing.
- a student telling you that they have been subjected to some form of abuse.
- observing behaviour or activities, or becoming aware of views or opinions, that lead you to be concerned that a student is at risk of radicalisation and/or being drawn into terrorism

If you have these or other concerns about a student, you **MUST**:

- Rather than directly questioning the student, just listen and be supportive and non-judgemental. Never stop a student who is freely recalling significant events, but don't push the student to tell you more than they wish.
- Make it clear that you may need to pass on information to staff in other agencies who may be able to help – **do not promise confidentiality**. You are **obliged** to share any information relating to abuse, neglect or where the student may be at significant risk.
- Immediately, write down your concerns. If you are writing down what a student said, use words as close to theirs as possible. **Date and sign your account**.
- **Give** your signed and dated account to the DSL (or the Principal if the DSL is not available, or, if neither are available, to a Student Progress Adviser) **in person**. It is **NOT** sufficient to put your account in the DSL's staff room tray or to telephone/email the DSL.

- If the student could be in need of immediate protection, take them with you when you speak to the Designated Safeguarding Lead; otherwise, find out where the student will be for the remainder of the day so that you can tell the Designated Safeguarding Lead.
- If you are UNABLE to speak to the DSL, the Principal or any Student Progress Adviser and a Child may be at immediate risk of significant harm, you should contact Social Services or the Police yourself by telephoning:

- a. Students resident in Hampshire: 0300 555 1384 (or, out of hours, 0300 555 1373);
- b. Students resident in Southampton: 023 8083 3336 (or, out of hours, 023 8023 3344)
- c. Students resident Portsmouth: 023 9283 9111 (or, out of hours, 0300 555 1373)
- d. Police: 999

**If you contact Social Services or the Police about a Child yourself, you MUST inform the DSL in person** (or, if the DSL is not available, the Principal, or, if neither are available, the Child’s Student Progress Adviser) **AS SOON AS POSSIBLE thereafter.**

- Destroy any copies of your account (including electronic copies) after you have given your signed and dated account to the DSL.

This may be the beginning of a legal process – it is important to understand that legal action against a perpetrator can be seriously damaged by any suggestion that the victim has been led in any way.

The College has a policy on Child protection and safeguarding which you can find, together with the procedures to be followed by all staff, on the College intranet and the College website.

**Remember, if you have a concern, discuss it with the DSL.**

Please sign and date a copy of these guidelines to confirm that you have received, read and understood their contents, and **return the signed and dated copy to Personnel.** Retain the original for your reference while working in College.

Name:.....

Signature:.....

Date:.....

## Appendix 7 – Intimate Care Guidelines

As a College we follow the guidance for good practice set out by Hampshire Safeguarding Children's Board below

Guidelines for good practice (adapted from the Chailey Heritage centre):

1. Treat every Child with dignity and respect and ensure privacy appropriate to the Child's age and the situation. Privacy is an important issue. Much intimate care is carried out by one staff member alone with one Child. The 4 local children's safeguarding boards (**4LSCBs**) believe this practice should be actively supported unless the task requires two people. Having people working alone does increase the opportunity for possible abuse. However, this is balanced by the loss of privacy and lack of trust implied if two people have to be present - quite apart from the practical difficulties. It should also be noted that the presence of two people does not guarantee the safety of the Child - organised abuse by several perpetrators can, and does, take place. Therefore, staff should be supported in carrying out the intimate care of Children alone unless the task requires the presence of two people. The 4LSCBs recognise that there are partner agencies that recommend two carers in specific circumstances. It is preferable if the member of College Staff is the same gender as the young person. However, this is not always possible in practice. Agencies should consider the implications of using a single named member of College Staff for intimate care or a rota system in terms of risks of abuse.
2. Involve the Child as far as possible in his or her own intimate care, taking care to ensure they are comfortable with the member of College Staff carrying out the intimate care. Try to avoid doing things for a Child that s/he can do alone, and if a Child is able to help ensure that s/he is given the chance to do so. This is as important for tasks such as removing underclothes as it is for washing the private parts of a Child's body. Support Children in doing all that they can themselves. If a Child is fully dependent on you, talk with her or him about what you are doing and give choices where possible.
3. Be responsive to a Child's reactions. It is appropriate to "check" your practice by asking the Child - particularly a Child you have not previously cared for - "Is it OK to do it this way?"; "Can you wash there?"; "How does your mum do that?". If a Child expresses dislike of a certain person carrying out her or his intimate care, try and find out why. Conversely, if a Child has a "grudge" against you or dislikes you for some reason, ensure your line manager is aware of this. Create a detailed care plan that all carers are familiar with and is clearly accessible by all carers.
4. Make sure practice in intimate care is as consistent as possible. Line managers have a responsibility for ensuring their staff have a consistent approach. This does not mean that everyone has to do things in an identical fashion, but it is important that approaches to intimate care are not markedly different between individuals. For example, do you use a flannel to wash a Child's private parts rather than bare hands? Do you pull back a Child's foreskin as part of daily washing? Is care during menstruation consistent across different staff?

5. Never do something unless you know how to do it. If you are not sure how to do something, ask. If you need to be shown more than once, ask again. Certain intimate care or treatment procedures, such as rectal examinations, must only be carried out by nursing or medical staff. Other procedures, such as giving rectal valium, suppositories or intermittent catheterisation, must only be carried out by staff who have been formally trained and assessed as competent.
6. If you are concerned that during the intimate care of a Child:
  - You accidentally hurt the Child;
  - The Child seems sore or unusually tender in the genital area;
  - The Child appears to be sexually aroused by your actions;
  - The Child misunderstands or misinterprets something;
  - The Child has a very emotional reaction without apparent cause (sudden crying or shouting).

Report any such incident as soon as possible to another person working with you and make a brief written note of it. This is for two reasons: first, because some of these could be cause for concern, and secondly, because the Child or another adult might possibly misconstrue something you have done.

7. Additionally, if you are a member of College Staff who has noticed that a Child's demeanour has changed directly following intimate care, e.g. sudden distress or withdrawal, this should be noted in writing and discussed with your Designated Safeguarding Lead.
8. Encourage the Child to have a positive image of her or his own body. Confident, assertive Children who feel their body belongs to them are less vulnerable to abuse. As well as the basics like privacy, the approach you take to a Child's intimate care can convey lots of messages about what her or his body is "worth". Your attitude to the Child's intimate care is important. As far as appropriate and keeping in mind the Child's age, routine care of a Child should be enjoyable, relaxed and fun.

Intimate care is to some extent individually defined, and varies according to personal experience, cultural expectations and gender. The 4LSCBs recognise that Children who experience intimate care may be more vulnerable to abuse:-

- Children with additional needs are sometimes taught to do as they are told to a greater degree than other Children. This can continue into later years. Children who are dependent or over-protected may have fewer opportunities to take decisions for themselves and may have limited choices. The Child may come to believe they are passive and powerless
- Increased numbers of adult carers may increase the vulnerability of the Child, either by increasing the possibility of a carer harming them, or by adding to their sense of lack of attachment to a trusted adult
- Physical dependency in basic core needs, for example toileting, bathing, dressing, may increase the accessibility and opportunity for some carers to exploit being alone with and justify touching the Child inappropriately
- Repeated "invasion" of body space for physical or medical care may result in the Child feeling ownership of their bodies has been taken from them
- Children with additional needs can be isolated from knowledge and information about alternative sources of care and residence. This means, for example, that a Child who is physically dependent on daily care may be more reluctant to disclose abuse, since they fear the loss of these needs being met. Their fear may also include who might replace their abusive carer

The above is taken largely from the publication 'Abuse and children who are disabled: a training and resource pack for trainers in child protection and disability, 1993'.

This guidance can be read in full at [http://4lscb.proceduresonline.com/chapters/g\\_int\\_care.html](http://4lscb.proceduresonline.com/chapters/g_int_care.html)

## **Appendix 8 – Allegations against other students<sup>12</sup>**

DfE guidance Keeping Children Safe in Education (2016) says that ‘governing bodies should ensure that there are procedures in place to handle allegations against other children’. The guidance also states the importance of minimising the risks of peer-on- peer abuse.

In most instances, the conduct of students towards each other will be covered by the College’s other policies, such as the Student Disciplinary Policy and Anti Bullying Policy.

However, 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.

### **The safeguarding implications of sexual activity between young people**

The intervention of Child protection agencies in situations involving sexual activity between Children can require difficult professional judgments. Some situations are statutorily clear – for example, a Child under the age of 13 cannot consent to sexual activity. But it will not necessarily be appropriate to initiate safeguarding procedures where sexual activity involving Children and young people below the age of legal consent (16 years) comes to notice. In our society generally the age at which Children become sexually active has steadily dropped. It is important to distinguish between consensual sexual activity between Children of a similar age (where at least one is below the age of consent), 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.

As usual, important decisions should be made on a case by case basis, on the basis of an assessment of the Children’s best interests. Referral under safeguarding arrangements may be necessary, guided by an assessment of the extent to which a Child is suffering, or is likely to suffer, significant harm.

Key specific considerations will include:

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

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 a woman or girl and the victim a boy

### **Prevention**

As a College we minimise the risk of allegations against other students by:

- Providing a wider education which develops students understanding of acceptable behaviour and keeping themselves safe

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<sup>12</sup> Based on Hampshire model policy 2016

- Having systems in place for any student to raise concerns with College Staff, knowing that they will be listened to, believed and valued
- Developing robust risk assessments & providing targeted work for students identified as being a potential risk to other students.

### **Allegations against other pupils which are safeguarding issues**

Occasionally, allegations may be made against students by others in the College, which are of a safeguarding nature. Safeguarding issues raised in this way may include physical abuse, emotional abuse, sexual abuse and sexual exploitation.

It is likely that, to be considered a safeguarding allegation against a student, some of the following features will be found – the allegation:

- Refers to a student's behaviour towards a more vulnerable student
- Is of a serious nature, possibly including a criminal offence
- Raises risk factors for other students
- Indicates that other students may have been affected by this student
- Indicates that young people outside the school may be affected by this student

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**

- Indecent exposure, indecent touching or serious sexual assaults
- Forcing others to watch pornography or take part in sexting

#### **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 children, staying out overnight)
- Photographing or videoing other children performing indecent acts

#### **Procedure**

- When an allegation is made by a student against another student, College Staff should consider whether the complaint raises a safeguarding concern. If there is a safeguarding concern the Designated Safeguarding Lead (DSL) should be informed.
- The DSL will make a factual record of the allegation, but no attempt at this stage will be made to investigate the circumstances.

- The DSL will contact children's social services to discuss the case, or, if the case is of a sufficiently serious nature, report it to the police directly. The DSL will follow through the outcomes of the discussion and make a referral where appropriate.
- If the allegation indicates that a potential criminal offence has taken place, CRT will refer the case to the multi-agency safeguarding hub where the police will become involved.
- Where possible and appropriate, parents, of both the student being complained about and the alleged victim, will be informed and kept updated on the progress of the referral.
- The DSL will ensure records are kept of the concern, the discussion and any outcome and a copy is kept in the files of both students' files.
- It may be appropriate to exclude the pupil being complained about for a period of time according to the Student Disciplinary Policy.
- Where neither social services nor the police accept the complaint, a thorough College investigation will take place into the matter using the Student Disciplinary Policy.
- In situations where the College considers a safeguarding risk is present, a risk assessment will be prepared by a Student Progress Adviser, along with a preventative, supervision plan.
- The plan will be monitored by a Student Progress Adviser and a date set for a follow-up evaluation with everyone concerned.

## **Annex I - Guidance for College Staff – Keeping Yourself Safe**

It is essential that all College Staff are aware of how they should conduct themselves to minimise the risk of finding themselves as the subject of any child protection processes and how to pass on any concerns about other members of College Staff.

The procedures for passing on concerns about other members of College Staff are set out above on in Appendix 5 - Allegations Against a Member of Staff Procedures.

### **All College Staff should:**

- Be aware that for the purposes of the Sexual Offences Act 2003 they are in a position of trust in relation to students at College and that they must not enter into a personal relationship with any student regardless of the student's age.
- Work in an open and transparent way, avoiding any actions that would lead a reasonable person to question their motivation and/or intentions.
- Follow the guidelines set out in Appendix 7 – Intimate Care Guidelines if they are involved in intimate care of a Child.
- Dress appropriately for their role.
- Avoid unnecessary physical contact with Children.

If physical contact is made:

- ensure they are aware of and understand the rules concerning physical restraint
  - where it is essential for educational or safety reasons, gain the Child's permission for that contact wherever possible
  - to remove a student from a dangerous situation or an object from a student to prevent either harm to themselves or others, then this should be recorded in writing and immediately reported to the Principal and their line manager
  - it should not be secretive, even if accidental contact was made, it should be reported.
- Understand their position of power and influence over Children and not misuse it in any way. This includes but is not limited to accepting regular gifts from Children and giving personal gifts to Children.
  - Recognise their influence and not engage in activities out of College that might compromise their position within College.
  - Be aware of and comply with all College policies, including particularly in this context, the Staff Code of Conduct, Staff Social Media Policy and the Staff Acceptable Use of IT Policy.
  - Not volunteer to house Children overnight.
  - Be careful about recording images of Children and do this only when it is an approved educational activity and in consultation with the College Marketing Department.
  - Ensure that areas of the curriculum that may involve sexually explicit information are taught in accordance with College policies.
  - Allow Children to change clothes with levels of respect and privacy appropriate to their age, gender, culture and circumstances.
  - Avoid working in one-to-one situations or conferring special attention on one Child unless this is part of an agreed College plan or policy.
  - Not allow boundaries to become blurred and unsafe in more informal settings such as trips out, out of College activities etc.
  - Never use a physical punishment of any kind.
  - Not attribute touch to their teaching style

### ***Informing the Principal***

All College Staff should inform the Principal if;

- There are any incidents or issues that might lead to concerns being raised about their conduct towards a Child.
- There is any suggestion a student may be infatuated with them or taking an above normal interest in them.

If a member of College Staff is the subject of concerns or allegations of a child protection nature they should contact their professional association or trade union for support.

For more information on safe working practice see “Guidance for Safer Working Practices for Adults who Work with Children and Young People” (DfCSF, 2009) at <http://www.childrenengland.org.uk/upload/Guidance%20.pdf> )

## Annex 2 – Child Protection Quick Guidelines

Available on the College intranet

All staff should be aware of the College's policy and procedures on child protection and safeguarding. These are available on the College's Intranet. If you suspect that a young person has suffered from, or may be at risk of, physical injury, neglect, emotional abuse or sexual abuse, or you have safeguarding concerns including a concern that they are at risk of radicalisation and/or being drawn into terrorism, *do not delay*. You may be the first person to identify a concern about that young person. Always act immediately (on the same day) that you become aware of situation. The flow chart below sets out the course of action that should be taken.

### RECOGNISE THE SIGNS OF ABUSE OR NEGLECT – There are many possible indications of abuse or neglect:

- Remarks made by the young person, another student, friend, parent or adult
- Neglect, poor nutrition, continuing poor health, excessive fatigue or exposure to unnecessary risks
- Evidence of disturbance through the behaviour, work or views/opinions of the young person
- Unexplained changes in the young person's behaviour, personality or views/opinions
- Observations of the young person's behaviour or reactions, including self harm
- Bruises or marks on the body of the young person

### What do I do?

- As soon as a student has made a disclosure to you and/or you have concerns about a student, make a written record of the conversation and/or the concerns
- Keep it factual and an accurate account of anything that was said. Record any signs of physical abuse or neglect if evident.
- **Do not promise confidentiality** and explain your obligation to share information with the designated member of College Staff
- Use open questions i.e. 'Is there anything else you would like to tell me?'
- Do not tell the person who is the subject of an allegation or suspicion
- Complete the Child Protection/Safeguarding Reporting Form and without delay **locate and give** it to the Designated Safeguarding Lead
- If the student could be in need of immediate protection, take them with you when you speak to the Designated Safeguarding Lead; otherwise, find out where the student will be for the remainder of the day so that you can tell the Designated Safeguarding Lead.
- If you are UNABLE to speak to the DSL, Principal or any Student Progress Adviser and a Child may be at immediate risk of significant harm, you should contact Social Services or the Police yourself by telephoning:

- a. Students resident in Hampshire: 0300 555 1384 (or, out of hours, 0300 555 1373);
- b. Students resident in Southampton: 023 8083 3336 (or, out of hours, 023 8023 3344)
- c. Students resident Portsmouth: 023 9283 9111 (or, out of hours, 0300 555 1373)
- d. Police: 999

**If you contact Social Services or the Police about a Child yourself you MUST inform the DSL in person** (or, if the DSL is not available, the Principal or, if neither are available, a Student Progress Adviser) **AS SOON AS POSSIBLE thereafter.**

### Designated Staff

Designated Safeguarding Lead (DSL):  
**Member of SLT nominated by Principal – staff informed via training and/or direct communication**

If DSL is unavailable, the Principal, or, if neither are available, a Student Progress Adviser

### Annex 3 - Further Guidance for College Staff - Children Volunteering Information

Children have said that they need:

- **Vigilance:** to have adults notice when things are troubling them
- **Understanding and action:** to understand what is happening; to be heard and understood; and to have that understanding acted upon
- **Stability:** to be able to develop an on-going stable relationship of trust with those helping them
- **Respect:** to be treated with the expectation that they are competent rather than not
- **Information and engagement:** to be informed about and involved in procedures, decisions, concerns and plans
- **Explanation:** to be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response
- **Support:** to be provided with support in their own right as well as a member of their family
- **Advocacy:** to be provided with advocacy to assist them in putting forward their views<sup>13</sup>

Professionals should, in particular, be alert to the potential need for early support for a Child who:

- is disabled and has specific additional needs;
- has special educational needs;
- is a young carer;
- is showing signs of engaging in anti-social or criminal behaviour;
- is in a family circumstance presenting challenges for the Child, such as substance abuse, adult mental health problems and domestic violence;
- has returned home to their family from care;and/or
- is showing early signs of abuse and/or neglect.

If a Child volunteers information about abuse to a member of College Staff, it may be done obliquely, rather than directly. Children will talk about their concerns and problems to people they feel they can trust. The person a Child talks to will not necessarily be a senior member of College Staff. The role of the member of College Staff hearing this is to listen but **not** undertake an investigation of the potential abuse. That is the role of the child protection agencies. Legal action against a perpetrator can be seriously damaged by any suggestion that the Child's words have been influenced in any way by the person they told.

When a Child confides in you:

#### Things you should do:

- Give the Child undivided attention.
- Show concern, support and warmth but don't show emotions, distress, negative reaction or be judgemental.
- Be re-assuring – (you can say 'that must have been sad/hard for you'; 'it's right to tell someone because you need help').
- Ask if the Child has told his/her Parents if the alleged abuse is outside the home or the other parent if one parent is implicated.

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<sup>13</sup> *Working Together to Safeguard Children (DfE, March 2015)*

- Rather than directly questioning the Child, just listen and be supportive.
- Check if the Child is hurt or might be in need of medical attention.
- Deal with the allegation in such a way that the Child does not have to repeat the information to different people within the College; it is important to know if an incident has happened recently and whom the Child is saying has hurt her/him.
- Make careful records of what was said, put the date and time when the Child spoke to you, put the location and names of the people who were present, as well as what was said, using Child's own language and colloquialisms. Sign your record.
- Summarise your report on a Child Protection/Safeguarding Reporting Form and hand this, along with your original signed record, to the Designated Safeguarding Lead (DSL) (or Principal or a Student Progress Adviser if the DSL is not available). You must destroy any copies of your report and record (including electronic copies) after you have given your signed and dated originals to the DSL.
- If you are dissatisfied with the level of response after referring a concern, press for re-consideration. Remember that you can make a referral to the Police or Social Services yourself if a Child may be at immediate risk of significant harm.

### **Things you should not do:**

- You must not promise a Child complete confidentiality – you should explain that you may need to pass information to other professionals to help keep them or other Children safe
- Malign the character of the alleged perpetrator
- Jump to conclusions
- Ask leading questions
- Ask for lots of details about the alleged event(s)
- Speculate or accuse anybody yourself
- Make promises you can't keep
- Pre-empt or prejudice an investigation by *leading* the Child with *closed* questions.

### **Questioning Skills**

To avoid leading questions when clarifying what a Child has said, you should use open questions with a Child rather than closed questions.

#### Open Questions

- Tell me
- Explain to me
- Describe to me
- Who
- What
- When
- Where
- How

Avoid using 'Why'? This can confuse a Child and leads to feelings of guilt.

### **Initial Responses to Child**

When a Child has made a disclosure, it can be a relief for them, however they are likely to feel vulnerable and confused.

#### **Do say:**

- 'Thank you for telling me'

- 'I am sorry it has happened to you'
- 'I am going to help you, and will tell you what I am going to do'
- 'You are not to blame'

**Do not say:**

Anything which you will not be able to fulfil or that it is anybody's fault. For example, do NOT say "Don't worry, everything will be all right".

**NOTE: Never offer physical comforting to a Child as this could be misconstrued and put you at risk.**

## Annex 4 - What is Abuse?

*Keeping Children Safe in Education (2016)* sets out Types of Abuse and Neglect and Specific Safeguarding Issues to be aware of. Concerns about a Child in relation to any of these issues, and other significant safeguarding concerns, should be referred to the Designated Safeguarding Lead in accordance with this Policy, Procedures and Guidance.

### I. Types 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. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults or 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 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 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 a high level of violence, whether or not the Child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving Children in looking at, or in the production of, sexual images, watching sexual activities, encouraging Children to behave in sexually inappropriate ways, or grooming a Child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other Children.
- **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 as a result of maternal substance abuse. Once a Child is born, neglect may involve a Parent 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 needs.

### **Specific safeguarding issues**

- **Children with special educational needs and/or disabilities:** 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 disability without further exploration;
  - children with SEN and disabilities can be disproportionately impacted by things like bullying- without outwardly showing any signs; and
  - communication barriers and difficulties in overcoming these barriers
- All College Staff should have an awareness of safeguarding issues - some of which are listed below. Staff should be aware that behaviours linked to the likes of drug taking, alcohol abuse, truanting and sexting put children in danger.
- All College Staff should be aware safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but not limited to: bullying (including cyber bullying), gender based violence/sexual assaults and sexting. Staff should be clear as to the College's policy and procedures with regards to peer on peer abuse attached.
- Expert and professional organisations are best placed to provide up-to-date guidance and practical support on specific safeguarding issues. For example information for schools and colleges can be found on the TES, MindEd and the NSPCC websites. College Staff can access government guidance as required on the issues listed below via GOV.UK and other government websites.
  - bullying including cyberbullying
  - children missing education
  - child missing from home or care
  - child sexual exploitation (CSE)
  - domestic violence
  - drugs
  - fabricated or induced illness
  - faith abuse
  - female genital mutilation (FGM)
  - forced marriage
  - gangs and youth violence
  - gender-based violence/violence against women and girls
  - hate
  - mental health
  - private fostering
  - preventing radicalisation
  - relationship abuse
  - sexting
  - trafficking
  - forced marriage
  - honour based violence

- **Children missing from Education:** All Children, regardless of their circumstances, are entitled to a full time education which is suitable to their age, ability, aptitude and any special educational needs they may have. Local authorities have a duty to establish, as far as it is possible to do so, the identity of Children of compulsory school age who are missing education in their area. A Child going missing from education is a potential indicator of abuse or neglect. College staff should follow the College's procedures for unauthorised absence and for dealing with Children that go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation, and to help prevent the risks of their going missing in future. It is essential that all staff are alert to signs to look out for and the individual triggers to be aware of when considering the risks of potential safeguarding concerns such as travelling to conflict zones, Female Genital Mutilation and forced marriage.

The College will work collaboratively with the appropriate local authority in order to share information about the attendance and/or absences of a Child as the local authority deems necessary. The College will also inform the relevant local authority immediately if that Child is removed from roll so that the local authority can as part of their duty identify Children of compulsory school age who are missing education

- **Child Sexual Exploitation (CSE)** is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a Child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation does not always involve physical contact and can happen online. A significant number of Children who are victims of sexual exploitation go missing from home, care and education at some point. Some of the following signs may be indicators of sexual exploitation:
  - Children who appear with unexplained gifts or new possessions;
  - Children who associate with other young people involved in exploitation;
  - Children who have older boyfriends or girlfriends;
  - Children who suffer from sexually transmitted infections or become pregnant;
  - Children who suffer from changes in emotional well-being;
  - Children who misuse drugs and alcohol;
  - Children who go missing for periods of time or regularly come home late; and
  - Children who regularly miss College or do not take part in education.
- **Honour Based Violence (HBV):** encompasses crimes which have been committed to protect or defend the honour of the family and/or the community, including Female Genital Mutilation (FGM), forced marriage, and practices such as breast ironing. All forms of so called HBV are abuse (regardless of the motivation) and should be handled and escalated as such. If in any doubts College Staff should speak to the Designated Safeguarding Lead. Everyone needs to be alert to the possibility of a child being at risk of HBV, or already having suffered HBV.

#### *Actions*

If College Staff have a concern regarding a Child that might be at risk of HBV they should follow the reporting procedures set out in this Policy and Procedures. Where FGM has taken place, since 31 October 2015 there has been a mandatory reporting duty placed on teachers that requires a different approach (see following section)

- **Female Genital Mutilation (FGM):** FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It

is illegal in the UK and a form of child abuse with long-lasting harmful consequences. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a girl being at risk of FGM, or already having suffered FGM. There is a range of potential indicators that a Child or young person may be at risk of FGM<sup>14</sup>, which individually may not indicate risk but if there are two or more indicators present this could signal a risk to the Child or young person. Victims of FGM are likely to come from a community that is known to practise FGM. Professionals should note that girls at risk of FGM may not yet be aware of the practice or that it may be conducted on them, so sensitivity should always be shown when approaching the subject.

### *Mandatory reporting duty*

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#### **<sup>14</sup> 3.1 SPECIFIC FACTORS THAT MAY HEIGHTEN A GIRL'S OR WOMAN'S RISK OF BEING AFFECTED BY FGM**

There are a number of factors in addition to a girl's or woman's community or country of origin that could increase the risk that she will be subjected to FGM:

- The position of the family and the level of integration within UK society – it is believed that communities less integrated into British society are more likely to carry out FGM.
- Any girl born to a woman who has been subjected to FGM must be considered to be at risk of FGM, as must other female children in the extended family.
- Any girl who has a sister who has already undergone FGM must be considered to be at risk of FGM, as must other female children in the extended family.
- Any girl withdrawn from Personal, Social and Health Education or Personal and Social Education may be at risk as a result of her parents wishing to keep her uninformed about her body and rights.

#### **3.2 INDICATIONS THAT FGM MAY BE ABOUT TO TAKE PLACE SOON**

The age at which girls undergo FGM varies enormously according to the community. The procedure may be carried out when the girl is newborn, during childhood or adolescence, at marriage or during the first pregnancy. However, the majority of cases of FGM are thought to take place between the ages of 5 and 8 and therefore girls within that age bracket are at a higher risk. It is believed that FGM happens to British girls in the UK as well as overseas (often in the family's country of origin). Girls of school age who are subjected to FGM overseas are thought to be taken abroad at the start of the school holidays, particularly in the summer holidays, in order for there to be sufficient time for her to recover before returning to her studies.

There can also be clearer signs when FGM is imminent:

- It may be possible that families will practise FGM in the UK when a female family elder is around, particularly when she is visiting from a country of origin.
- A professional may hear reference to FGM in conversation, for example a girl may tell other children about it (See Appendix B for commonly used terms in different languages).
  - A girl may confide that she is to have a 'special procedure' or to attend a special occasion to 'become a woman'.
  - A girl may request help from a teacher or another adult if she is aware or suspects that she is at immediate risk.
  - Parents state that they or a relative will take the child out of the country for a prolonged period.
  - A girl may talk about a long holiday to her country of origin or another country where the practice is prevalent (see Section 2.5 for the nationalities that traditionally practise FGM).
  - Parents seeking to withdraw their children from learning about FGM.

#### **3.3 INDICATIONS THAT FGM MAY HAVE ALREADY TAKEN PLACE**

It is important that professionals look out for signs that FGM has already taken place so that:

- the girl or woman affected can be supported to deal with the consequences of FGM (see Sections 2.10 and 2.11).
- enquiries can be made about other female family members who may need to be safeguarded from harm.
- criminal investigations into the perpetrators, including those who carry out the procedure, can be considered to prosecute those breaking the law and to protect others from harm. There are a number of indications that a girl or woman has already been subjected to FGM:
  - A girl or woman may have difficulty walking, sitting or standing and may even look uncomfortable.
  - A girl or woman may spend longer than normal in the bathroom or toilet due to difficulties urinating. A girl may spend long periods of time away from a classroom during the day with bladder or menstrual problems.
  - A girl or woman may have frequent urinary, menstrual or stomach problems.
    - There may be prolonged or repeated absences from school or college.
    - A prolonged absence from school or college with noticeable behaviour changes (e.g. withdrawal or depression) on the girl's return could be an indication that a girl has recently undergone FGM.
    - A girl or woman may be particularly reluctant to undergo normal medical examinations.
      - A girl or woman may confide in a professional.
      - A girl or woman may ask for help, but may not be explicit about the problem due to embarrassment or fear.
      - A girl may talk about pain or discomfort between her legs.

Teachers must personally report to the police cases where they discover that an act of FGM **appears to have been carried out**. Unless the teacher has a good reason not to, they should also still consider and discuss any such case with the College's Designated Safeguarding Lead and involve children's social care as appropriate.

**The duty does not apply in relation to at risk or suspected cases** (i.e. where the teacher does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) **or in cases where the woman is 18 or over**. In these cases, College Staff should follow the reporting procedures set out in this Policy and Procedures.

**Forced Marriage:** Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter into a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some communities use religion and culture as a way to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage. There is a range of potential indicators that a child may be at risk of forced marriage <sup>15</sup>.

- **Preventing Radicalisation:**

During the process of radicalisation it is possible to intervene to prevent vulnerable people being radicalised. Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism. There is no single way of identifying an individual who is likely to be susceptible to an extremist ideology. It can happen in many different ways and settings. Specific background factors may contribute to vulnerability which are often combined with specific influences such as family, friends or online, and with specific needs for which an extremist or terrorist group may appear to provide an answer. The internet and the use of social media in particular has become a major factor in the radicalisation of young people.

The Counter-Terrorism and Security Act, which received Royal Assent on 12 February 2015, places a duty on specified authorities, including education providers, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into

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<sup>15</sup> Both men and women facing forced marriage may become anxious, depressed and emotionally withdrawn with low self-esteem. They may come to the attention of practitioners for a variety of reasons, some of which are described in the diagram opposite. Whilst the factors set out in this diagram may be an indication that someone is facing forced marriage, it should not be assumed that it is forced marriage simply on the basis that someone presents with one or more of these warning signs. These warning signs may indicate other types of abuse that will also require a multi-agency response. There have been occasions when women have presented with less common warning signs such as cut or shaved hair as a form of punishment for disobeying or perhaps "dishonouring" her family. In some cases, a girl may report that she has been taken to a private practice to be examined to see if she is a virgin. There have been reports of women presenting in the NHS with symptoms associated with poisoning. In certain communities, it is considered important that women undergo female genital mutilation (FGM) before being able to marry – usually this will be performed during childhood, but there have been reports of young girls or young women undergoing FGM just before a forced marriage. FGM has been a specific offence in the UK since 1985 and extra-territorial offences were created in 2003 to deter people from taking girls overseas for the purposes of FGM

terrorism (“the Prevent Duty”). The Counter-Terrorism and Security Act 2015 also places a duty on local authorities to ensure Channel panels are in place. Panels assess the extent to which identified individuals are vulnerable to being drawn into terrorism, following a referral from the police and where considered appropriate and necessary consent is obtained, arrange for support to be provided to those individuals. The Act requires partners of Channel panels to cooperate with the panel in the carrying out of its functions and with the police in undertaking the initial assessment as to whether a referral is appropriate. Schools and colleges are listed in the Act as partners of the panel. The relevant provisions of the Act came into force on 12 April 2015 but many local authorities already had Channel panels set up in their area.

In compliance with the Prevent Duty, the College:

- Has procedures in place, through the Lettings Policy, for managing events taking place on the premises
- Has procedures in place for managing external speakers
- Engages with external partners such as the police and local authority
- Assesses and regularly reviews the risk of College Staff and/or students being drawn into terrorism and takes action to mitigate identified risks
- Includes Prevent in regular safeguarding training for all College Staff
- Has policies such as the E Safety policy, Acceptable Use of IT policy and Social Media policies relating to the use of College IT equipment
- Through the Designated Safeguarding Lead, liaises with Channel, making referrals where appropriate

## 2. Indicators of Abuse

### **Physical Abuse**

Most Children collect cuts and bruises quite routinely as part of the rough and tumble of daily life. Clearly, it is not necessary to be concerned about most of these minor injuries. But accidental injuries normally occur on the *bony prominences* – e.g., shins. Injuries on the *soft* areas of the body are more likely to be inflicted intentionally and should therefore make us more alert to other concerning factors that may be present.

Possible indicators of concern:

- Multiple bruising or bruises and scratches (especially on the head and face).
- Clusters of bruises – e.g., fingertip bruising (caused by being grasped).
- Bruises around the neck and behind the ears – the most common abusive injuries are to the head.
- Bruises on the back, chest, buttocks, or on the inside of the thighs.
- Marks indicating injury by an instrument – e.g., linear bruising (stick), parallel bruising (belt), marks of a buckle
- Bite marks
- Deliberate burning may also be indicated by the pattern of an instrument or object – e.g., electric fire, cooker, cigarette.
- Scalds with upward splash marks or tide marks
- Untreated injuries
- Recurrent injuries or burns
- Bald patches.

In the social context of College, it is normal to ask about a noticeable injury. The response to such an enquiry is generally light-hearted and detailed. So, most of all, concern should be increased when:

- the explanation given does not match the injury
- the explanation uses words or phrases that do not match the vocabulary of the Child (adults words)
- no explanation is forthcoming
- the Child (or the parent/carer) is secretive or evasive
- the injury is accompanied by allegations of abuse or assault

**You should be concerned if the Child or young person:**

- is reluctant to have Parents/carers contacted
- runs away or shows fear of going home
- is aggressive towards themselves or others
- flinches when approached or touched
- is reluctant to undress to change clothing for sport
- wears long sleeves during hot weather
- is unnaturally compliant in the presence of Parents/carers.
- has a fear of medical help or attention
- admits to a punishment that appears excessive.

***Emotional Abuse***

Most harm is produced in low warmth, high criticism homes, not from single incidents. Emotional abuse is difficult to define, identify/recognise and/or prove. Emotional abuse is chronic and cumulative and has a long-term impact. All kinds of abuse and neglect have emotional effects although emotional abuse can occur by itself. Children can be harmed by witnessing someone harming another person – as in domestic violence.

It is sometimes possible to spot emotionally abusive behavior from Parents to their Children, by the way that the adults are speaking to, or behaving towards Children. An appropriate challenge or intervention could affect positive change and prevent more intensive work being carried out later on.

Possible indicators of concern:

*Physical*

- Acceptance of punishment which appears excessive
- Over-reaction to mistakes
- Continual self-deprecation (I'm stupid, ugly, worthless etc)
- Neurotic behaviour (such as rocking, hair-twisting, thumb-sucking)
- Self-mutilation
- Suicide attempts
- Drug/solvent abuse
- Running away
- Compulsive stealing, scavenging
- Acting out
- Poor trust in significant adults
- Eating disorders

- Destructive tendencies
- Arriving early at College, leaving late

#### *Social*

- Withdrawal from physical contact
- Withdrawal from social interaction
- Over-compliant behaviour
- Insecure, clinging behaviour
- Poor social relationships
- Inappropriate sexual behaviour

#### *Emotional*

- Extreme fear of new situations
- Inappropriate emotional responses to painful situations (“I deserve this”)
- Fear of Parents being contacted
- Self-disgust
- Low self-esteem
- Unusually fearful with adults
- Lack of concentration, restlessness, aimlessness
- Extremes of passivity or aggression

### **Sexual Abuse**

Sexual abuse is often perpetrated by people who are known and trusted by the Child – e.g., relatives, family friends, neighbours, babysitters, people working with the Child in an educational setting, faith settings, clubs or activities. It can be:

- planned and systematic – people do not sexually abuse Children by accident, though sexual abuse can be opportunistic.
- grooming of a Child – people who abuse Children take care to choose a vulnerable Child and often spend time making them dependent (such as buying them gifts they might otherwise not be able to afford).
- grooming of a Child’s environment – abusers try to ensure that potential adult protectors (Parents and other carers especially) are not suspicious of their motives.

Most people who sexually abuse Children are men, but some women sexually abuse too. Children can also be subjected to Child Sexual Exploitation.

Possible indicators of concern:

#### *Physical*

- Damage to genital area, anus or mouth
- Sexually transmitted diseases
- Unexpected pregnancy, especially in very young girls
- Soreness in genital area, anus or mouth and other medical problems such as chronic

- itching
- Unexplained recurrent urinary tract infections and discharges or abdominal pain

### *Behavioural*

- Sexual knowledge inappropriate for age/social context
- Sexualised behaviour or affection inappropriate for age/social context
- Sexually provocative behaviour/promiscuity
- Hinting at sexual activity
- Inexplicable decline in College performance
- Depression or other sudden apparent changes in personality as becoming insecure or clinging
- Lack of concentration, restlessness, aimlessness
- Socially isolated or withdrawn
- Overly-compliant behaviour
- Acting out, aggressive behaviour
- Poor trust or fear concerning significant adults
- Onset of insecure, clinging behaviour
- Arriving early at College, leaving late, running away from home
- Suicide attempts, self-mutilation, self-disgust
- Suddenly drawing sexually explicit pictures
- Eating disorders or sudden loss of appetite or compulsive eating
- Regressing to younger behaviour patterns such as thumb sucking or bringing out discarded cuddly toys
- Become worried about clothing being removed
- Trying to be 'ultra-good' or perfect; overreacting to criticism.

### **Neglect**

Neglect is a lack of parental care but poverty and lack of information or adequate services can be contributory factors. Far more Children are registered for neglect on Child Protection Plans than the other categories of abuse.

Neglect can include Parents or carers failing to:

- provide adequate food, clothing and shelter
- protect a Child from physical and emotional harm or danger
- ensure adequate supervision
- ensure access to appropriate medical care or treatment.

Neglect is a difficult form of abuse to recognise and is often seen as less serious than other categories. It is, however, very damaging: Children who are neglected often develop more slowly than others and may find it hard to make friends and fit in with their peer group. They frequently fail to reach their educational potential.

Neglect is often noticed at a stage when it does not pose a risk to the Child. The duty to safeguard and promote the welfare of Children ("What to do if you're worried a Child is being abused, DfE, March 2015) would suggest that an appropriate intervention or conversation at this early stage can address the issue and prevent a Child continuing to suffer until it reaches a point when they are at risk of harm or in significant need.

Parents with limited capacity or who are incapacitated through addiction may, by default, abdicate their parental role and allow their Child or Children to become the primary carer.

Neglect is often linked to other forms of abuse, so any concerns College Staff have should ALWAYS be discussed with the DSL.

Possible indicators of concern:

#### *Physical*

- Constant hunger and stealing food
- Poor personal hygiene - unkempt, dirty or smelly
- Underweight
- Dress unsuitable for weather
- Poor state of clothing
- Illness or injury untreated
- Looking sad, false smiles

#### *Behavioural*

- Constant tiredness
- Frequent absence from College or lateness
- Missing medical appointments
- Isolated among peers
- Frequently unsupervised
- Stealing or scavenging, especially food
- Destructive tendencies
- Reports of caring for younger siblings or parents

## Annex 5 - Child Protection – A Guide to the Law for Governors

Section 175 of the Education Act 2002 came into force on 1 June 2004 and made the governing bodies of maintained schools and colleges accountable for ensuring their College has effective policies and procedures in place regarding Child protection and safeguarding Children. Keeping Children Safe in Education also contains guidance for governors.

In particular, governing bodies should ensure that<sup>16</sup>:

- The College has child protection and safeguarding Policy, Procedure and Guidance and code of conduct for College Staff in place that are in accordance with statutory obligations, local authority practice and procedures, made available on the College website and operates in accordance with these policies, for example ensuring that instances where there are child protection or safeguarding concerns about a Child, including Children who go missing from education, these are identified and immediately referred to external agencies as appropriate. The policy must recognise that additional barriers can exist when recognising abuse and neglect in Children with special educational needs and/or disabilities.
- An appropriate senior member of College Staff is designated, and appropriately trained and having sufficient time to fulfil the role, to take responsibility for dealing with child protection issues, providing advice and support to other staff, liaising with the local authority and working with other agencies, including taking responsibility for looked after children.
- One of its members is nominated to link with the College on safeguarding matters.
- There are arrangements in place for all College Staff (including Governors) to undertake appropriate training, including reading, and understanding, Part 1 of “Keeping Children Safe in Education (2016)”, to equip them to carry out their responsibilities for child protection effectively.
- The College operates safe recruitment processes including making sure that statutory duties and guidance to check College Staff who work with Children are complied with and to ensure that at least one person on any appointment panel has undertaken safer recruitment training.
- There are procedures in place for dealing with allegations of abuse against other students, taking account of the different gender issues that can be prevalent when dealing with peer on peer abuse, and against members of College Staff, including allegations against the Principal, and including procedures to make a referral to the Disclosure and Barring Service if a member of College Staff in a regulated activity has been dismissed or removed.
- There are procedures in place for dealing with complaints about safeguarding arrangements and these are available to staff, students and parents. (Please refer to the Complaints & Policy Procedures updated May 2016  
<https://www.barton.ac.uk/policies/read.php?id=766&audience=staff> )
- The College has a comprehensive approach to online safety.

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<sup>16</sup> Also incorporating guidance set out in *Keeping Children Safe in Education (2016)*, DfE

- The College complies with the Prevent Duty.
- The College contributes to inter-agency working in line with *Working Together to Safeguard Children 2015*.
- They consider how Children may be taught about safeguarding through teaching and learning opportunities, for example through safeguarding tutor sessions on topics such as Prevent, sexting, child sexual exploitation etc.

## Annex 6 - Further Safeguarding Information (Hampshire County Council)

For reference by DSL, CPLOs, other members of the Senior Leadership Team, and College Nurse.

Issue	Links to Useful Resources
Health and Safety	<a href="https://www.gov.uk/health-safety-school-children">https://www.gov.uk/health-safety-school-children</a>
Anti – Bullying and Harassment & Discrimination	<a href="http://www3.hants.gov.uk/childrens-services/childrenandyoungpeople/bullying.htm">http://www3.hants.gov.uk/childrens-services/childrenandyoungpeople/bullying.htm</a> <a href="http://www3.hants.gov.uk/education/hias/healthyschools/themedareas/theme-ehwb.htm#section261481-2">http://www3.hants.gov.uk/education/hias/healthyschools/themedareas/theme-ehwb.htm#section261481-2</a> <a href="https://www.gov.uk/bullying-at-school">https://www.gov.uk/bullying-at-school</a> <a href="https://www.gov.uk/government/publications/preventing-and-tackling-bullying">https://www.gov.uk/government/publications/preventing-and-tackling-bullying</a>
Anti-Racism	<a href="http://www.cps.gov.uk/northwest/working_with_you/hate_crime_schools_project/schools_project_racist_and_religious_hate_crime/">http://www.cps.gov.uk/northwest/working_with_you/hate_crime_schools_project/schools_project_racist_and_religious_hate_crime/</a>
Physical Intervention	<a href="http://www3.hants.gov.uk/childrens-services/childrenandyoungpeople/educational-psychology/heps/heps-policies.htm">http://www3.hants.gov.uk/childrens-services/childrenandyoungpeople/educational-psychology/heps/heps-policies.htm</a> <a href="https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools">https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools</a>
Meeting the needs of students with medical conditions	<a href="https://www.gov.uk/government/publications/supporting-students-at-school-with-medical-conditions--3">https://www.gov.uk/government/publications/supporting-students-at-school-with-medical-conditions--3</a>
First Aid	<a href="https://www.gov.uk/government/publications/first-aid-in-schools">https://www.gov.uk/government/publications/first-aid-in-schools</a>
Drug and Substance Misuse	<a href="http://www3.hants.gov.uk/education/hias/drug-and-alcohol/supporting-young-people.htm">http://www3.hants.gov.uk/education/hias/drug-and-alcohol/supporting-young-people.htm</a> <a href="https://www.gov.uk/government/publications/drugs-advice-for-schools">https://www.gov.uk/government/publications/drugs-advice-for-schools</a>
Educational Visits	<a href="http://www3.hants.gov.uk/education/outdoor-education.htm">http://www3.hants.gov.uk/education/outdoor-education.htm</a>
Intimate Care	<a href="http://4lscb.proceduresonline.com/chapters/g_int_care.html">http://4lscb.proceduresonline.com/chapters/g_int_care.html</a>
Internet Safety	<a href="http://www3.hants.gov.uk/childrens-services/schoolsandcolleges/esafety">http://www3.hants.gov.uk/childrens-services/schoolsandcolleges/esafety</a> <a href="http://ceop.police.uk/">http://ceop.police.uk/</a>
School Site Security	<a href="https://www.gov.uk/government/publications/school-security">https://www.gov.uk/government/publications/school-security</a>
Issues specific to a local area or population,	<a href="https://www.gov.uk/government/publications/safeguarding-children-and-young-people-who-may-be-affected-by-gang-activity">https://www.gov.uk/government/publications/safeguarding-children-and-young-people-who-may-be-affected-by-gang-activity</a> DfE safeguarding children <a href="https://www.gov.uk/childrens-services/safeguarding-children">https://www.gov.uk/childrens-services/safeguarding-children</a>
Radicalisation	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf</a>
Child Sexual Exploitation	<a href="https://www.gov.uk/government/publications/tackling-child-sexual-exploitation-action-plan">https://www.gov.uk/government/publications/tackling-child-sexual-exploitation-action-plan</a> <a href="http://4lscb.proceduresonline.com/chapters/p_missing_exploit_traff.html">http://4lscb.proceduresonline.com/chapters/p_missing_exploit_traff.html</a>

## **Annex 7 - Legislative framework**

This is a brief overview of the Legislation and Guidance that College Staff can refer to if they want more information.

### ***Acts of Parliament (and similar legislative documents)***

#### United Nations Convention on the Rights of the Child (1989)

This is an international agreement setting out the minimum standards for protecting Children's rights. It was incorporated into the law in the Children Act 1989. The Convention refers to all Children up to the age of 18 years. In relation to safeguarding Children, it states that:

- the best interests of the Child should be a primary consideration when action is taken concerning them
- Children are to be protected from all forms of discrimination
- every Child has the inherent right to life, survival and development
- Children should not be punished cruelly or in a way that belittles them
- Children have the right to be protected from all forms of abuse and neglect and be given proper care by those looking after them
- Children who are victims of abuse are entitled to the care and treatment needed to recover from the effects of their mistreatment.

#### Children Act 1989

The Children Act 1989 came into force in October 1991. It brought together legislation on caring for and protecting Children and is still the framework for safeguarding Children and promoting their welfare. The Children Act 1989 is underpinned by the following principles:

- welfare principle – the Child's welfare is the paramount consideration in any decision which affects them.
- parental responsibility – replaces parental rights. Parents share parental responsibility with the local authority for a Child in care.
- partnership – professionals and families must work together for the welfare of Children
- the Child's voice – a Child's wishes and feelings should be sought and taken into account in making decisions affecting them (if they are old enough to understand).
- family is best – a Child's own family is the best place for a Child to be brought up.
- no order principle – a court order should not be made unless it is needed to improve the Child's life.
- diversity issues – racial, cultural, religious and linguistic background must be taken into account in all decisions.

The main safeguarding provisions of the Act are:

- Child Protection (s47) – a local authority has a duty to investigate if a Child is thought to be suffering, or is likely to suffer, significant harm.
- Children in need (s17) – a local authority has a duty to assess and provide services for a Child in need if Parents wish it.
- inter-agency working – health, education and other public sector agencies are required to assist Children's social care in safeguarding and promoting the welfare of Children.
- court orders – a court can order a Child to be taken into care or to be under a supervision order. It can also order a Child to be given emergency protection or to be assessed.

#### Data Protection Acts 1984 and 1998

These Acts relate to the recording of information, including information about Children. Under the 1998 Act personal information must be obtained fairly and processed lawfully. This information can be shared only in certain circumstances and it has to be accurate, relevant and kept securely. In certain circumstances, the Act allows for disclosure of personal information without the consent of the subject, including that "...for the purpose and detection of crime, the apprehension or prosecution of offenders or when a failure to disclose information could place the protection of Children, young people or vulnerable adults at risk." This is particularly relevant where an organisation or College holds information about someone who could pose a risk to Children.

#### Human Rights Act 1998

The Human Rights Act applies the European Convention on Human Rights to UK law. Article 8, which covers respect for private and family life, limits state intervention in family life, which must be "...in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others." This ensures that a Child's right to protection overrides a family's right to privacy. Article 3 covers the rights of an individual to be free from torture and inhuman and degrading treatment. It effectively imposes an obligation on the authorities to take preventative measures to protect a Child at risk of harm.

#### Adoption and Children Act 2002

The purpose of the Act is to reform adoption law and to underpin the Government's programme to improve the performance of the adoption service and promote greater use of adoption. Section 120 extends the definition of significant harm so that actually witnessing violence can also constitute harm.

#### Education Act 2002

Section 175 of this Act introduced a new statutory duty on local education authorities, maintained and independent Colleges and further education institutions to ensure that their responsibilities are carried out with a view to safeguarding and promoting the welfare of Children and young people.

#### Sexual Offences Act 2003

This provides a comprehensive legislative framework for sexual offences. It covers offences against adults, as well as offences against Children and sexual offences within the family. It also makes amendments to the laws governing the sex offenders register by introducing a requirement for those cautioned or convicted of specific categories of sexual offences to inform the police of their name and address and any changes to those details. The Act also covers specific offences relating to the *abuse of trust* which applies when the Child is under 18.

These offences include:

- sexual activity with a Child
- causing or inciting a Child to engage in sexual activity
- engaging with sexual activity in the presence of a Child
- causing a Child to watch a sexual act.

The Act lists occupations to which the abuse of trust laws apply. These include staff working in:

- institutions looking after Children detained under a court order – e.g., a young offenders institution
- accommodation provided by local authorities and voluntary organisations under statutory provision
- hospitals, clinics, care homes, Children's homes and residential family centres
- educational institutions.

The Act allows for a preventative order to be made to protect Children from harm. This includes stopping offenders from visiting places where Children may gather – e.g., parks and recreation grounds.

#### Children Act 2004

The Act puts into practice the proposals for legislation set out in the Green paper *Every Child Matters*, including the creation of a Children’s Commissioner for England. It proposed a national framework of change for Children focusing on five outcomes:

- being healthy
- staying safe
- enjoying and achieving
- making a positive contribution
- achieving economic well-being.

The Act made it statutory to safeguard and promote the welfare of Children across all statutory agencies except education (where it was already statutory – Education Act 2002, s175 and s157). It set up local safeguarding Children boards (LSCBs) to oversee the safeguarding of Children, and required local authorities to produce annual Children and young people’s plans and appoint directors and lead members of Children’s services.

#### Counter-Terrorism and Security Act 2015

Section 26 of this Act places a duty on “specified authorities”, in the exercise of their functions, to have “due regard to the need to prevent people being drawn into terrorism.

#### **Other Guidance**

This section deals with government guidance to agencies on safeguarding Children and young people.

#### What to do if you're worried a child is being abused (DfE, March 2015)

This practice guidance has been developed to assist practitioners to work together to promote children’s welfare and safeguard them from harm. It is for anyone whose work brings them into contact with children and families, but particularly those who work in social care, health, education and criminal justice services.

#### Working Together to Safeguard Children (DfE, 2015)

This document is the main national reference for safeguarding. It provides guidance on how agencies should work together to protect Children. It covers the roles and responsibilities of all professionals who come into contact with Children through their work and describes the child protection process. It replaces the 2013 guidance with the same title.

#### Keeping Children Safe in Education (DfE, 2016)

This document sets out statutory guidance issued under section 175 of the Education Act 2002 and related legislation and schools and colleges must have regard to it when carrying out their duties to safeguard and promote the welfare of children. This document replaces “Keeping Children Safe in Education (DfE, March 2014).

### Prevent Duty Guidance (HM Government, 2015)

This statutory guidance has been issued under section 29 of the Counter-Terrorism and Security Act 2015.

### Information Sharing, Advice for Practitioners providing safeguarding services to children, young people, parents and carers (March 2015)

This guidance is non statutory and supports practitioners in the decisions they have to take when sharing information to reduce the risk of harm to children and young people.

### What to do if you're worried a child is being abused (March 2015)

This non statutory guidance helps practitioners identify child abuse and neglect and take appropriate action in response.

### Gillick Competency and Fraser Guidelines (taken from NSPCC Factsheet, March 2014<sup>17</sup>)

When deciding whether a child is mature enough to make decisions, people often talk about whether a child is 'Gillick competent' or whether they meet the 'Fraser guidelines'. Gillick competency and Fraser guidelines refer to a legal case which looked specifically at whether doctors should be able to give contraceptive advice or treatment to under 16-year-olds without parental consent. But since then, they have been more widely used to help assess whether a child has the maturity to make their own decisions and to understand the implications of those decisions.

"...whether or not a child is capable of giving the necessary consent will depend on the child's maturity and understanding and the nature of the consent required. The child must be capable of making a reasonable assessment of the advantages and disadvantages of the treatment proposed, so the consent, if given, can be properly and fairly described as true consent."

The Fraser guidelines refer to the guidelines set out by Lord Fraser in his judgement of the Gillick case in the House of Lords (1985), which apply specifically to contraceptive advice:

"...a doctor could proceed to give advice and treatment provided he is satisfied in the following criteria:

- 1) that the girl (although under the age of 16 years of age) will understand his advice;
- 2) that he cannot persuade her to inform her parents or to allow him to inform the parents that she is seeking contraceptive advice;
- 3) that she is very likely to continue having sexual intercourse with or without contraceptive treatment;
- 4) that unless she receives contraceptive advice or treatment her physical or mental health or both are likely to suffer;
- 5) that her best interests require him to give her contraceptive advice, treatment or both without the parental consent."

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<sup>17</sup> NSPCC *Gillick competency and Fraser guidelines*, March 2014 ([http://www.nspcc.org.uk/Inform/research/briefings/gillick\\_wda101615.html](http://www.nspcc.org.uk/Inform/research/briefings/gillick_wda101615.html), accessed 7 May 2015)

Lord Scarman's comments in his judgement of the Gillick case in the House of Lords (1985) are often referred to as the test of "Gillick competency":

"...it is not enough that she should understand the nature of the advice which is being given: she must also have a sufficient maturity to understand what is involved."

"Parental right yields to the child's right to make his own decisions when he reaches a sufficient understanding and intelligence to be capable of making up his own mind on the matter requiring decision."

## Annex 8 - Who's Who and Useful Telephone Numbers

Key Personnel	Name (s)	Telephone No.
HantsDirect Professionals Line	Central Reception Team	01329 225379
Social Services	<p><b>Children</b></p> <ul style="list-style-type: none"> <li>e. Resident in Hampshire, via the Central Reception Team (CRT) on 01329 225379 (or, out of hours, 0300 555 1373);</li> <li>f. Resident in Southampton, via 023 8083 3336 (or, out of hours, 023 8023 3344)</li> <li>g. Resident in Portsmouth, via 023 9283 9111 (or, out of hours, 0300 555 1373)</li> </ul> <p><b>Vulnerable adults</b></p> <ul style="list-style-type: none"> <li>h. Resident in Hampshire, via 0300 555 1386;</li> <li>i. Resident in Southampton, via 023 8083 3003</li> <li>j. Resident in Portsmouth, via 02392 688 555- (or, out of hours, 023 9268 0810)</li> </ul>	
Police	999	101
Safeguarding Advisors / Local Authority Designated Officers	Eric Skates Barbara Piddington Mark Blackwell	01962 876364