

## POLICY STATEMENT

### Introduction

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

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

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



Safeguarding and promoting the welfare of children (and vulnerable adults) is **everyone's** responsibility. **Everyone** who comes into contact with students and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is student-centred. This means that they should consider, at all times, what is in the best interests of the student.

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

We are proud to foster an ethos throughout our organisation of "Safeguarding is everyone's responsibility". We are committed to creating a culture of listening to and engaging in dialogue with students in a manner appropriate to their age, understanding and individual needs.

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

*"Protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; taking action to enable all children to have the best outcomes" (part one, paragraph 4)*

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

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

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

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

## Objectives

- Ensure we have a clear commitment to safeguarding and promoting the welfare of our students by complying with our legal duty in addition to a “duty of care” to all students (including safeguarding for trips and visits)
- Contribute to inter-agency working in line with statutory guidance “Working Together to Safeguard Children” [Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/68919/working-together-to-safeguard-children-2018.pdf) and provide a “co-ordinated” offer of early help where needs are identified
- Ensure that our safeguarding arrangements take into account the procedures and practices set up by our local safeguarding partners
- Ensure that a member of the governing body/link governor is nominated to liaise with the local authority and/or partner agencies on issues of child protection/safeguarding vulnerable adults and in the event of allegations being made against the principal
- Provide appropriate training in relation to safeguarding procedures ensuring that all staff are aware of their safeguarding responsibilities and duty to report concerns, including On-line Safety training
- Ensure that an appropriate Staff Code of Conduct Policy (and training) is in place
- Ensure that there is a senior lead with responsibility for safeguarding with operational responsibility overseen by the Safeguarding Team Leader
- Make the appropriate referrals in the event that there is **a risk of immediate or serious harm**
- Ensure that there is an appropriate response to students who go missing from education where there is a risk of abuse and neglect. There is also a specific procedure for 14-16 year olds attending our school links provision
- Ensure that relevant staff have due regard to the Data Protection Act 2018 and GDPR but that this does not prevent the sharing of information for the purposes of keeping students safe
- Ensure that the Safeguarding Lead and Safeguarding Team undergo updated child protection training at least every two years in line with advice from our local safeguarding children partnership
- Make effective provision to teach children/young people/vulnerable adults about safeguarding and promote ways in which they might access help and support
- Effective filters and monitoring systems are in place to safeguard students online. This also includes e-safety training for all staff
- Ensure the student’s wishes or feelings are taken into account when determining what action to take and what services to provide to protect individuals. In doing this however, we will also ensure that staff members do not promise confidentiality and always act in the interests of the student.
- Ensure that we promote the education and achievement of children/young people who are looked after or leaving care
- Ensure that all staff are aware of the impact that Adverse Childhood Experiences (ACE’s) can have on mental health and behaviour
- Ensure that all staff recognise and report instances of Peer on Peers Sexual Abuse (Sexual Harassment)
- Ensure the safe recruitment of all staff working with students across the organisation
- Ensure that there is a robust and transparent system in place to manage allegations against staff members and/or other students, specifically making referrals to the Local Authority Designated Officer (LADO)/Disclosure and Barring Service (DBS)

## Local Partnerships

- College representatives work closely with the Local Safeguarding Children Partnership. As a college, we follow working practices/guidance agreed by the partnership and the shared Greater Manchester Procedures
- The college has working partnerships with local policing teams and Community Police Officers regularly attend college and are well known to staff and students. The college attends the local GMP Prosecution, Intervention, Education, Diversion (PIED) pilot meeting where appropriate. We also receive Encompass notifications and GMP Violence Reduction Unit (VRU) updates.
- The College also works with local schools and the local authority and supports transition arrangements for vulnerable students as they come to college. The college also accesses Early Help support via the local “Team Around the School”.
- The college has a commitment to inter-agency working and the sharing of information in accordance with the principles outlined in government’s Information Sharing Guidance. We have regard for the sharing of information to be “necessary, proportionate, relevant, adequate, accurate, timely and secure”
- The college has procedures in place to refer to the Local Authority Designated Officer (LADO) in the event that there is an allegation made against a staff member (see pages 18 -21)

- The college works closely with Tameside Authority Virtual School to support the educational achievement of children/young people who are looked after or are care leavers. In partnership with the Virtual School the college employs a Post 16 Looked After Children Achievement Co-ordinator whom works across the borough with young people from year 11 to year 13.
- The college works with the Youth Offending Team to support the achievement of students on an order and also to manage risk as and where appropriate.
- The college has a named MASH (Multi-agency Safeguarding Hub) contact and named Mental Health support link workers through Healthy Minds
- The college works in partnership with Healthy Minds, 42<sup>nd</sup> street and Kooth to provide effective wellbeing and mental health support, alongside support provided by the Progress and Welfare Team. The Assistant Principal is part of the Mental Health in Education Steering group run by the Tameside and Glossop NHS

## PART 1 – THE ROLE OF COLLEGE STAFF

- **All** staff members have a responsibility to provide a safe environment in which all our students can learn.
- **All** staff should be prepared to identify children/young people/vulnerable adults who may benefit from early help. Early help means providing support as soon as a problem emerges at any point.
- **Any staff member** who has a concern about a student's welfare should follow our internal referral processes. Staff should expect to work with social workers and other agencies following any referral.
- The College has a designated safeguarding lead who leads a team that will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children's social care.
- The designated safeguarding lead (and any deputies) are most likely to have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns.
- The Teachers' Standards 2012 state that teachers should safeguard wellbeing and maintain public trust in the teaching profession as part of their professional duties.

### What college staff need to know

- All staff members are made aware of systems within the college which support safeguarding as part of their staff induction there is a requirement to: read part 1 of Keeping Children Safe in Education, complete e-safety training and complete the Home Office Prevent Training. In addition to the college's own safeguarding training detailed below
- Our Safeguarding introduction training provides specific detail about types of abuse/case studies and how and when to report concerns to the Safeguarding Team regarding any disclosure.
- Our staff Code of Conduct training provides staff with a framework regarding their interaction with students, how to avoid making themselves vulnerable and what to do if they have a concern regarding another staff member or professional
- Staff members receive subsequent updates on an annual basis which cover emerging themes eg. E.Safety, Child Criminal Exploitation, Peer on Peer Sexual Abuse
- All staff are made aware (through training) what to do if a student tells them they are being abused, exploited or neglected. Staff are aware of maintaining confidentiality as appropriate
- All staff are able to reassure students that they are being taken seriously and that they will be supported and kept safe

### What college staff should look out for and Early help

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

- is disabled and has certain health conditions or specific additional needs
- has special educational needs (whether or not they have a statutory Education, Health and Care Plan)
- has a mental health need
- is a young carer
- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home

- is at risk of modern slavery, trafficking or exploitation; is at risk of being radicalised or exploited;
- has a family member in prison, or is affected by parental offending
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing drugs or alcohol themselves
- has returned home to their family from care
- is at risk of “honour”-based abuse such as Female Genital Mutilation or Forced Marriage
- is a privately fostered child (under 16 or with additional needs)

## PART 2 – DEFINITIONS OF ABUSE AND KEY SAFEGUARDING ISSUES

**Abuse and neglect:** Knowing what to look for is vital to the early identification of abuse and neglect. All staff should be aware of indicators of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. If staff are unsure, they should always speak to a member of the safeguarding team.

### Indicators of abuse and neglect

**Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

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

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

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

**Neglect:** the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy, for example, as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.

**In relation to vulnerable adults the Care Act also specifies:**

*“Abuse” includes financial abuse; and for that purpose “financial abuse” includes: having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.*

**Key Safeguarding Issues**

**On-line Safety**

All staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking, alcohol abuse, deliberately missing education and sexting (also known as youth produced sexual imagery) put children in danger.

Our aim is to create a culture that incorporates the principles of online safety across all elements of college life by:

- Proactively engaging staff and students in activities which promote the principals of online safety
- Review and maintain our online safety measures by ensuring these are covered in all policies and procedures such as our Acceptable Behaviour Policy
- Embed online safety principles throughout teaching and learning
- Model online safety principles consistently such as promoting the same standards of behaviour outside of college (particularly in the context of students spending less time in college currently)

The college will address this by:

- Providing staff training and guidance including staff conduct regarding remote learning
- Educating student regarding online safety through: tutorial, embedding the principle through teaching and providing students with guidance regarding remote learning
- Through college systems – safety and security

View our On-line safety policy here: [Online Safety \(E-Safety\) Policy](#)

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

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

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

### Child Sexual Exploitation (CSE)

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

CSE can occur over time or be a one-off occurrence, and may happen without the child's immediate knowledge e.g. through others sharing videos or images of them on social media. CSE can affect any child, who has been coerced into engaging in sexual activities. **This includes 16 and 17 year olds who can legally consent to have sex. Some children may not realise they are being exploited e.g. they believe they are in a genuine romantic relationship.**

### County lines

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line". Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to move [and store] drugs and money. Offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children can be targeted and recruited into county lines in a number of locations including schools, further and higher educational institutions, pupil referral units, special educational needs schools, children's homes and care homes. Children are often recruited to move drugs and money between locations and are known to be exposed to techniques such as 'plugging', where drugs are concealed internally to avoid detection. Children can easily become trapped by this type of exploitation as county lines gangs create drug debts and can threaten serious violence and kidnap towards victims (and their families) if they attempt to leave the county lines network.

One of the ways of identifying potential involvement in county lines are missing episodes (both from home and school), when the victim may have been trafficked for the purpose of transporting drugs and a referral to the National Referral Mechanism should be considered. If a child is suspected to be at risk of or involved in county lines, a safeguarding referral should be considered alongside consideration of availability of local services/third sector providers who offer support to victims of county lines exploitation.

### Domestic abuse

The cross-government definition of domestic violence and abuse is: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; and emotional. All children can witness and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members. can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

**Children and young people may see, hear or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). All of which can have a detrimental and long-term impact on their health, well-being, development and ability to learn.**

**As of September 2020, the college became part of "Operation Encompass".** Operation Encompass operates in the majority of police forces across England. It helps police and schools work together to provide emotional and practical help to children. The system ensures that when police are called to an incident of domestic abuse, where there are children in the household who have experienced the domestic incident, the police will inform the key adult (usually the designated safeguarding lead) in school before the child or children arrive at school the following day.

### Homelessness

Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare. The designated safeguarding lead (and any deputies) should be aware of contact details and referral routes in to the Local Housing Authority so they can raise/progress concerns at the earliest opportunity. Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour, as well as the family being asked to leave a property. Whilst

referrals and/or discussion with the Local Housing Authority should be progressed as appropriate, and in accordance with local procedures, **this does not, and should not, replace a referral into children's social care where a child has been harmed or is at risk of harm.**

#### **So-called 'honour-based' abuse (including Female Genital Mutilation and Forced Marriage)**

So-called 'honour-based' abuse (HBA) encompasses incidents or 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. Abuse committed in the context of preserving "honour" often involves a wider network of family or community pressure and can include multiple perpetrators. It is important to be aware of this dynamic and additional risk factors when deciding what form of safeguarding action to take. All forms of HBA are abuse (regardless of the motivation) and should be handled and escalated as such. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a child being at risk of HBA, or already having suffered HBA. Actions If staff have a concern regarding a child that might be at risk of HBA or who has suffered from HBA, they should speak to the designated safeguarding lead (or deputy). As appropriate, they will activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with police and children's social care.

**Where FGM (female genital mutilation) has taken place**, since 31<sup>st</sup> October 2015 there has been mandatory reporting duty placed on teachers that requires a different approach. Whilst **all** staff should speak to the designated safeguarding lead (or deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific **legal duty on teachers**. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18.

**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 perpetrators use perceived cultural practices as a way to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage.

#### **Peer on Peer Abuse - Allegations of Abuse Made Against Other Children/Young People/Vulnerable Adults**

All staff should be aware that children can abuse other children (often referred to as peer on peer abuse). And that it can happen both inside and outside of school or college and online. It is important that all staff recognise the indicators and signs of peer on peer abuse and know how to identify it and respond to reports.

All staff should understand, that even if there are no reports in their schools or colleges it does not mean it is not happening, it may be the case that it is just not being reported. As such it is important if staff have any concerns regarding peer on peer abuse they should speak to their designated safeguarding lead (or deputy). It is essential that all staff understand the importance of challenging inappropriate behaviours between peers, many of which are listed below, that are actually abusive in nature. Downplaying certain behaviours, for example dismissing sexual harassment as "just banter", "just having a laugh", "part of growing up" or "boys being boys" can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

#### **Peer on peer abuse is most likely to include, but may not be limited to:**

- bullying (including cyberbullying)
- abuse in intimate personal relationships between peers
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
- sexual violence, such as rape, assault by penetration and sexual assault, sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse
- causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party;

- consensual and non-consensual sharing of nudes and semi nudes images and or videos (also known as sexting or youth produced sexual imagery);
- upskirting, which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm
- sexting (also known as youth produced sexual imagery)
- initiation/hazing type violence and rituals

All staff should be clear about the college's policy and procedures with regards to peer on peer abuse. The College's Acceptable Behaviour Policy outlines our commitment (and the commitment of our students) to:

**Act with Integrity:** Not accept any form of bullying or conflict, be honest and trustworthy, not blame others for their attitude or actions, contribute and take pride in their work and not take credit for the work of others, have pride in their learning environment, don't rely on others.

*"In situations where there is evidence to suggest that the above values and expectations have been breached the college will endeavour to investigate the facts of the situation before implementing any disciplinary action. The exception to this would be in a situation where a student or students pose a risk to the welfare or safety of other members of the college community".*

There is also a specific Risk Assessment process in place which is used by the Safeguarding team where it is felt a student poses a risk to their peers.

### Sexual Violence and Sexual Harassment between Other Children/Young People/Vulnerable Adults

In reference to the DFE Guidance: **Sexual Violence and Sexual Harassment** between children in Schools and Colleges May 2018. The College recognises that this can occur between two children of any age and sex. It can also occur through a group of children/young people sexually assaulting or sexually harassing a single child or group of children.

The college is committed to:

- Making it clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- Not tolerating or dismissing sexual violence or sexual harassment as "banter", "part of growing up", "just having a laugh" or "boys being boys";
- Challenging behaviour (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia and flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and understanding that all of the above can be driven by wider societal factors beyond the school and college, such as everyday sexist stereotypes and everyday sexist language.

**All staff are advised to maintain an attitude of 'it could happen here'.**

Addressing inappropriate behaviour (even if it appears to be relatively innocuous) can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children who are victims of sexual violence and sexual harassment wherever it happens, will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment and will be exacerbated if the alleged perpetrator(s) attends the same school or college.

Staff should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school or college, including intimate personal relationships.

Whilst any report of sexual violence or sexual harassment should be taken seriously, staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and more likely it will be perpetrated by boys. **It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe.** A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

Not recognising, acknowledging or understanding the scale of harassment and abuse and/or downplaying some behaviours related to abuse can lead to a culture of unacceptable behaviour, an unsafe environment and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it.

The college's Acceptable Behaviour Policy outlines unacceptable behaviour of this kind under "serious breaches of acceptable behaviour":

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

### **Serious violence**

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

### **Missing from Education**

A child (if under 18) going **missing from an education** setting is a potential indicator of abuse or neglect. College staff should act to identify any risk of abuse and neglect, including sexual abuse or exploitation and immediately notify the Safeguarding Team. For students under the age of 16 who are part of our school link's provision there is a specific process for notifying the school, parents/carers or other agencies where applicable.

### **Mental Health**

All staff should also be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Staff however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one.

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences, can impact on their mental health, behaviour and education. **If staff have a mental health concern about a student that is also a safeguarding concern, immediate action should be taken by following our Safeguarding processes and speaking to the designated safeguarding lead or a deputy.**

All college staff are undertaking ACE (Adverse Childhood Experiences) training delivered by the Safeguarding Team Leader. There are now 45 staff across the college who are trained in Mental Health First Aid. They are available to provide direct support to students or advice to staff.

### **Preventing radicalisation**

Children are vulnerable to extremist ideology and radicalisation. Similar to protecting children from other forms of harms and abuse, protecting children from this risk should be a part of a schools' or colleges' safeguarding approach.

- Extremism is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces.
- Radicalisation refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

• Terrorism is an action that endangers or causes serious violence to a person/people; causes serious damage to property; or seriously interferes or disrupts an electronic system. The use or threat must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause.

There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media).

However, it is possible to protect vulnerable people from extremist ideology and intervene to prevent those at risk of radicalisation being radicalised. As with other safeguarding risks, staff should be alert to changes in children's behaviour, which could indicate that they may be in need of help or protection. Staff should use their judgement in identifying children who might be at risk of radicalisation and act proportionately which may include the designated safeguarding lead (or deputy) making a Prevent referral.

**Prevent - for further details refer to the college's Prevent Strategy here: [18 \(sharepoint.com\)](#)**

Prevent is a strand of the Government's Counter Terrorism strategy, which has four elements:

- Pursue
- Protect
- Prepare
- Prevent

Prevent aims to stop people becoming radicalised or supporting acts of terrorism. Terrorist groups who present themselves as a threat to us seek to radicalise and recruit people to their cause. The focus is on Al-Qaeda related activity but also adopts the approaches used with other groups including the far right.

Prevent strategy seeks to:

- Respond and challenge ideological terrorism and aspects of extremism and the threats faced from those promoting these views
- Provide practical support to those being drawn into terrorism and radicalisation and ensure they are helped and given appropriate advice
- Engage with providers such as charities, uniformed services, faith groups and others to educate staff, students and those working with the college

**If college staff have a concern regarding Prevent** they should raise this with the most immediate member of the **college's designated safeguarding team**. This will usually be a member of the Progress and Welfare Team. Details of team members are on notice boards across the college and including details of whom to contact in an emergency/out of hours.

The safeguarding team member and their lead will decide whether to make a referral to the Local Authority Prevent Officer, or to Police if there is an immediate concern. In consultation the Local Authority will then decide whether the case is referred to "Channel" which is an early intervention multi-agency process designed to safeguard vulnerable people. Channel works in a similar way to existing Safeguarding partnerships.

It is important to note however: any staff member or member of the public can refer their concerns directly to police or using the local authority referral process. However, we would only expect this to occur in exceptional circumstances or where a member of the safeguarding team is not available.

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

### PART 3 - WHAT STAFF SHOULD DO IF THEY HAVE CONCERNS ABOUT A CHILD/YOUNG PERSON OR VULNERABLE ADULT

Staff members are advised to maintain an attitude of **“it could happen here”** where safeguarding is concerned. Staff should always act in the best interests of the student and act on any concerns for a student’s welfare immediately.

If staff members have concerns about a student, they should raise these with the most immediate member of the **college’s designated safeguarding team**. This will usually be a member of the Progress and Welfare Team. Details of team members are on notice boards across the college and including details of whom to contact in an emergency/out of hours.

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

**In speaking to the Safeguarding Team** options may then include:

- managing any support for the student internally via the college’s pastoral support processes
- an early help assessment; or a referral for statutory services, for example as the student might be in need, is in need or suffering or likely to suffer harm.

If in exceptional circumstances where the designated safeguarding lead (or deputy) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from local children’s social care. In these circumstances, any action taken should be shared with the designated safeguarding lead (or deputy) as soon as is practically possible.

Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. There is further guidance to support staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 and General Data Protection Regulation (GDPR). If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy. **Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety of children.**

If **early help** is appropriate, the designated safeguarding lead (or deputy) will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. Staff may be required to support other agencies and professionals in an early help assessment, in some cases acting as the lead practitioner. Any such cases should be kept under constant review and consideration given to a referral to children’s social care for assessment for statutory services, if the child’s situation does not appear to be improving or is getting worse.

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

**Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children’s social care (and if appropriate the police) is made immediately.** Referrals should follow the local referral process.

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

Local authorities, with the help of other organisations as appropriate, have a duty to make enquires under section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child’s welfare and must be

initiated where there are concerns about maltreatment, including all forms of abuse and neglect, female genital mutilation or other so-called honour based violence, and extra-familial threats like radicalisation and sexual exploitation.

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

#### **Record keeping**

All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

#### **Why is all of this important?**

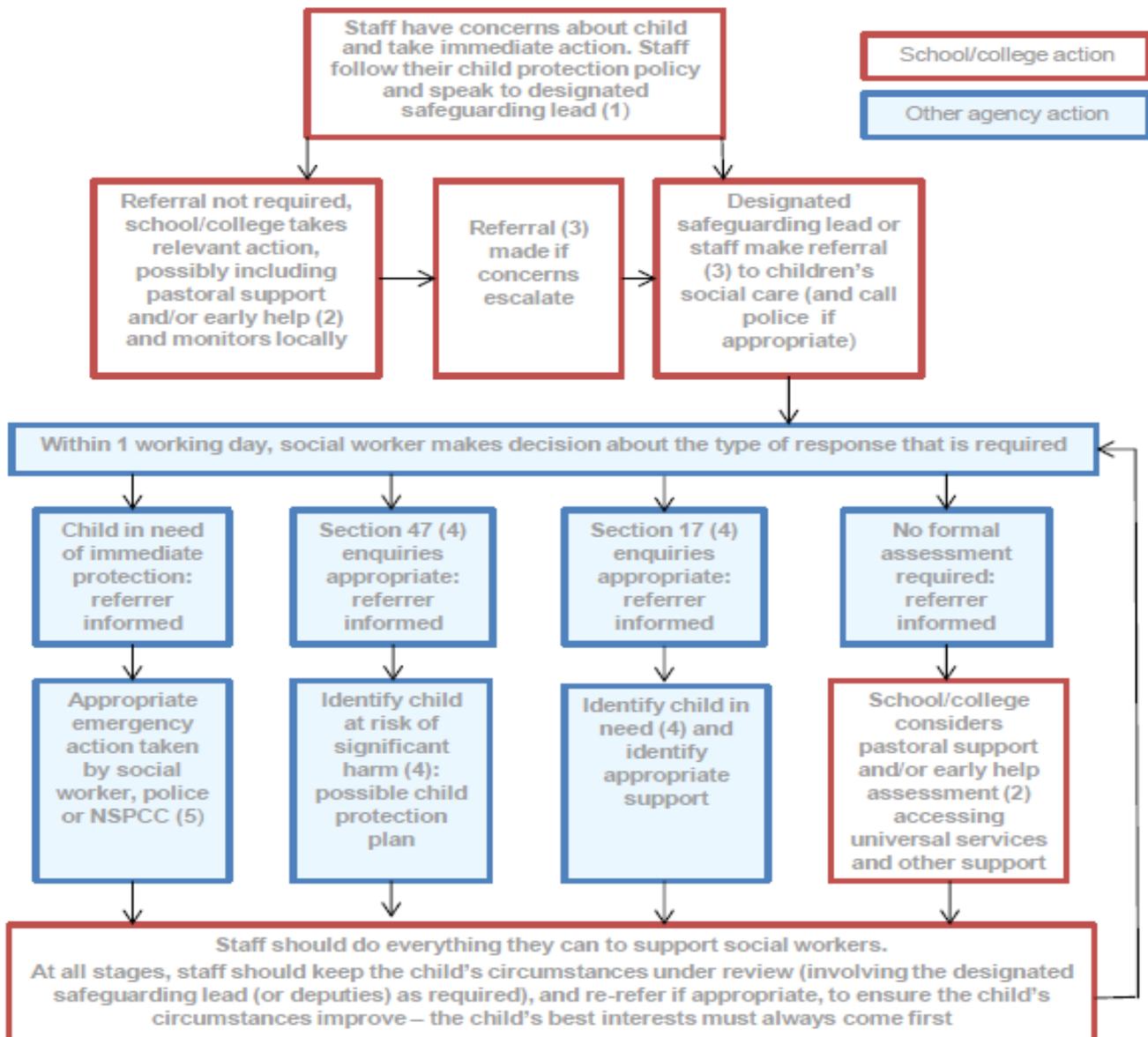
It is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action. Examples of poor practice include:

- Failing to act on and refer the early signs of abuse and neglect;
- Poor record keeping;
- Failing to listen to the views of the child;
- Failing to re-assess concerns when situations do not improve;
- Not sharing information;
- Sharing information too slowly; and
- A lack of challenge to those who appear not to be taking action.

#### **Actions where there are concerns about a child/young person**

Please see the flow chart overleaf noting that reference to “safeguarding lead” in the diagram overleaf refers to the appropriate “safeguarding team member” in the context of Tameside College.

## Actions where there are concerns about a child



(1) In cases which also involve a concern or an allegation of abuse against a staff member, see Part four of this guidance.

(2) Early help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged. Chapter one of [Working Together to Safeguard Children](#) provides detailed guidance on the early help process.

(3) Referrals should follow the process set out in the local threshold document and local protocol for assessment. Chapter one of [Working Together to Safeguard Children](#).

(4) Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989. Under section 47 of the Children Act 1989, where a local authority has reasonable cause to suspect that a child is suffering or likely to suffer significant harm, it has a duty to make enquiries to decide whether to take action to safeguard or promote the child's welfare. Full details are in Chapter one of [Working Together to Safeguard Children](#).

(5) This could include applying for an Emergency Protection Order (EPO).

**What college staff should do if they have concerns about another staff member who may pose a risk of harm to children**

If staff have safeguarding concerns, or an allegation is made about another member of staff (including volunteers) posing a risk of harm to children, then:

- this should be referred to the principal who will consult with the Safeguarding Lead and Head of Human Resources
- where there are concerns/allegations about the principal, this should be referred to the chair of governors.

**What college staff should do if they have concerns about safeguarding practices within the college**

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

Appropriate whistleblowing procedures, should be put in place for such concerns to be raised with the school's or college's senior leadership team. **For further details please see page 18 of this policy.**

**The use of 'reasonable force' in schools and colleges**

The College has a **Physical Intervention Policy** which applies in circumstances when it is appropriate for staff in college to use reasonable force to safeguard children and young people. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed', either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

**PART 4 – LOOKED AFTER YOUNG PEOPLE AND THOSE WITH SPECIAL EDUCATIONAL NEEDS**

**Looked After Children and Care Leavers:** The college is committed to promoting the welfare and achievement of looked after and previously looked-after children/young people and vulnerable adults. The DFE guidance: The designated teacher for looked-after and previously looked after children February 2018 adopts the definition:

- *a child 'looked-after by a local authority' is one who is looked after within the meaning of section 22 of Children Act 1989*
- *a previously looked-after child is one who is no longer looked after in England and Wales because s/he is the subject of an adoption, special guardianship or child arrangements order which includes arrangements relating to with whom the child is to live, or when the child is to live with any person, or has been adopted from 'state care' outside England and Wales; and*
- *a child is in 'state care' outside England and Wales if s/he is in the care of or accommodated by a public authority, a religious organisation or any other organisation the sole or main purpose of which is to benefit society.*

In the context of the college, "the designated teacher" role is carried out by the Progress and Welfare Team Leader (Pastoral) supported by the Assistant Principal. The college works closely with Tameside Authority Virtual School to support the educational achievement of children/young people who are looked after or are care leavers. In partnership with the Virtual School the college employs a Post 16 Looked After Children Achievement Co-ordinator whom works across the borough with young people from year 11 to year 13. The Team Leader along with the Achievement Co-ordinator ensure that:

There is a central point of contact which ensures that the college plays its role to the full in making sure arrangements are joined up and minimise any disruption to a child/young person's learning. The college works with the Virtual School to promote the education of looked-after and previously looked-after children and promotes a whole college culture where the personalised

learning needs of every looked-after and previously looked-after child matters and their personal, emotional and academic needs are prioritised. The designated teacher and team ensure that college staff understand the things which can affect how looked-after and previously looked-after children learn and achieve.

This means making sure that all staff:

- have high expectations of looked-after and previously looked-after children's learning and set targets to accelerate educational progress;
- are aware of the emotional, psychological and social effects of loss and separation (attachment awareness) from birth families and that some children may find it difficult to build relationships of trust with adults because of their experiences, and how this might affect the child's behaviour;
- understand how important it is to see looked-after and previously looked-after children as individuals rather than as a homogeneous group, not publicly treat them differently from their peers, and show sensitivity about who else knows about their looked-after or previously looked-after status;
- appreciate the central importance of the looked-after child's PEP in helping to create a shared understanding between teachers, carers, social workers and, most importantly, the child's own understanding of how they are being supported;
- have a level of understanding they need of the role of social workers, VSHs and carers, and how the function of the PEP fits into the wider care planning duties of the authority which looks after the child; and for previously looked-after children, understand the importance of involving the child's parents or guardians in decisions affecting their child's education, and be a contact for parents or guardians who want advice or have concerns about their child's progress.

**Children with special educational needs (SEN) and disabilities** can face additional safeguarding challenges. These can include:

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

## **PART 5 – SAFER RECRUITMENT**

It is vital that the college creates a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children. Safer recruitment practices are in place for all staff working with students across the organisation. The senior team have all undergone safer recruitment training and therefore form part of each recruitment panel.

The level of DBS check required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in a school or college, as outlined in Keeping Children Safe in Education 2022.

As the majority of college staff will be engaging in regulated activity, an enhanced DBS certificate which includes barred list information will be required for most appointments. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis (in a school or college) for teaching, training instructing, caring for or supervising children
- will carry out paid, or unsupervised unpaid work regularly in a school or college where that work provides an opportunity for contact with children
- engage in intimate or personal care, or overnight activity, even if this happens only once.

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

In addition to obtaining any DBS certificate as described above, any member of staff who is appointed to carry out teaching work requires an additional check to ensure they are not prohibited from teaching.

Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. **The applicant must show the original DBS certificate to the College before they take up post or as soon as practicable afterwards.**

If an individual is to start work in regulated activity before the DBS certificate is available, they must be appropriately supervised and all other checks, including a separate barred list check completed.

When appointing new staff, the college completes the following process:

- verifies candidate's identity
- obtains (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity)
- obtains a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- verifies the candidate's mental and physical fitness to carry out their work responsibilities.
- verifies the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK we follow advice on the [GOV.UK](https://www.gov.uk) website
- if the person has lived or worked outside the UK, make any further checks as appropriate
- verifies professional qualifications, as appropriate. The Teacher Services' system should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation

The college **may** request an enhanced DBS check with barred list information should there be concerns and bearing in mind the duty schools and colleges are under not to allow a barred person to work in regulated activity. The college **may not** request an enhanced DBS check with barred list check for anyone working in the school or college who is not in regulated activity, but may request an enhanced DBS check **without** a barred list check.

**The Single Central Record indicates that the following checks have been completed:**

- an identity check; Identification checking guidelines can be found on the [GOV.UK](https://www.gov.uk) website
- a barred list check
- an enhanced DBS check/certificate
- a prohibition from teaching check
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required
- a check to establish the person's right to work in the United Kingdom.

In addition, the college records whether the person's position involves 'relevant activity', i.e. regularly caring for, training, supervising or being solely in charge of persons aged under 18. For agency and third party supply staff, we also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates.

### Third Party Staff and Visitors

For third party staff who regularly work with students unsupervised there is a process to ensure that the college receives confirmation of their enhanced DBS check from their organisation. Their ID is confirmed and they are placed on the Single Central Record. For freelance staff, the college ensures an appropriate DBS certificate is in place. General college visitors and guest speakers are not left unsupervised with students.

The College has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- the harm test is satisfied in respect of that individual
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence
- the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left

#### **PART 6 - ALLEGATIONS OF ABUSE MADE AGAINST TEACHERS AND OTHER STAFF**

The college uses the guidance from “Keeping Children Safe in Education 2022” in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) for children under 18 years of age has:

- behaved in a way that has harmed a child/young person, or may have harmed a child/young person;
- possibly committed a criminal offence against or related to a child/young person; or
- behaved towards a child/young person or children/young person in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children/young people.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

The last bullet point above includes behaviour that may have happened outside college, that might make an individual unsuitable to work with children. This is known as a transferable risk.

Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO)

The guidance relates to members of staff who are currently working at the college (including volunteers and supply teachers) regardless of whether the college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching are referred to the police.

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

- Report this directly to the Principal/Head of Human Resources or the Safeguarding Lead
- Make a written record of their concerns, observations or the information received
- Maintain confidentiality and guard against publicity while an allegation is being considered or investigated

They should not:

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

All staff and volunteers should feel able to raise any concerns about poor or unsafe practice and potential failures in the college’s Safeguarding practice. They should feel able to raise concerns with the Senior Leadership Team. If staff need further advice regarding a concern about Safeguarding practice they can also seek support from the NSPCC whistleblowing helpline:

0800 028 0285 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

**Initial Response to an Allegation**

Where the school or college identify a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children's social care and as appropriate the police immediately as per our existing safeguarding processes. There are two aspects to consider when an allegation is made:

1. Looking after the welfare of the child - the designated safeguarding lead is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care as described in Part one of this guidance.
2. Investigating and supporting the person subject to the allegation - the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

**Initial considerations:** Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay. **All cases must be referred to the Safeguarding Lead/Head of Human Resources in the first instance.**

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to a school's or college's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

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;
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

The Principal in partnership with the Head of Human Resources (where the Principal is the subject of an allegation) the chair of governors, should discuss the allegation immediately with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager (usually the Head of Human Resources) is to consider the nature, content and context of the allegation and agree a course of action. The designated officer(s) may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the student or their family have made similar allegations previously and about 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 officer(s) in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the case manager and the designated officer(s), 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 officer(s) what action should follow both in respect of the individual and those who made the initial allegation.

The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). 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.

**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. The Safeguarding Lead will support the student and parents on these occasions.

**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.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) 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's staff.

**Supporting those involved:** The College has a duty of care to our employees. We will act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to welfare counselling or medical advice where this is appropriate and available.

The Head of Human Resources will 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. We will endeavour to keep the suspended employee informed of both the progress of their case and current work-related issues.

Parents or carers of the student or students 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 or carers. Parents or carers 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 or carers of the student should be told the outcome in confidence.

Parents and carers 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. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

In cases where a student 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 student or students involved may need.

**Confidentiality:** The College will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 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 (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.

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).

The case manager should take advice from the designated officer(s), 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
- how to manage press interest if, and when, it should arise

### Managing the situation and exit arrangements

**Resignations and 'settlement agreements:** 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer 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.

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.** Schools and sixth form colleges must also consider whether a referral to the Secretary of State is appropriate - see paragraph 166. 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.

Any settlement/compromise agreement that would prevent a school or college from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the school or college would not be complying with its legal duty to make the referral.

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.

**Record keeping:** Details of allegations that are found to have been malicious will 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.

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.

Colleges have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the [IICSA website](#)). All other records 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.

In cases where an allegation was proven to be false, unsubstantiated or malicious should not be included in employer 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. See paragraphs 144-147 for further information on references.

It is in everyone's interest to resolve cases as quickly as possible and is consistent with a fair and thorough investigation. All allegations will be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. 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.

The Local Authority Designated Officer(s) has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the three safeguarding partners.

**Suspension:** The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the student(s) 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 student's in the community or the staff member's family, those concerns should be reported to the designated officer(s), children's social care or the police as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school 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 school or college or until the allegation is resolved.

The case manager will 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 officer(s), police and children's social care services have no objections to the member of staff continuing to work during the investigation.

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 will 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.

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by both the case manager and the designated officer(s). This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. The person will be informed at the point of their suspension who their named Human Resources contact is and provided with their contact details.

**Information sharing:** 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.

Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. 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.

**Following a criminal investigation or a prosecution:** The police should inform the employer and designated officer(s) 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 the person has been charged. In those circumstances, the designated officer(s) 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. Where a criminal investigation becomes or is likely to become protracted, especially if the individual is suspended, the College will liaise with the police to discuss options for expediting the internal investigation

**On conclusion of a case:** If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the designated officer(s) will discuss with the case manager and 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 at a school or sixth form college, whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

**There is a legal requirement for employers 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.**

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 student or students who made the allegation can best be managed if they are still a student at the college.

**In respect of malicious or unsubstantiated allegations:** If an allegation is determined to be unsubstantiated or malicious, the designated officer(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 College will undertake an investigation to 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 they were not a student.

**Learning lessons:** At the conclusion of a case in which an allegation *is* substantiated, the designated officer(s) 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 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 officer(s) and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

## **LEADERS AND MANAGERS WITH SAFEGUARDING RESPONSIBILITIES**

Overall strategic responsibility:

Deputy Principal – Quality and People

Responsibility for Safeguarding learners:

Team Leader – Progress & Welfare Pastoral

Assistant Principal – Student Experience

Responsibility for Safer Recruitment and Employee Allegations:

Head of Human Resources

Responsibility for implementing Safer Recruitment and dealing with staff allegations:

Head of Human Resources

## **POLICY CONTEXT**

This policy applies to Tameside College, Tameside One and Clarendon 6<sup>th</sup> Form staff and students

## **LOCATION AND ACCESS TO THE POLICY**

The Safeguarding Children and Vulnerable Adults Policy and supporting policies and other documents are available via SharePoint on the College network and through course handbooks and inductions for students.

## **POLICY STATUS**

# Safeguarding Policy: Children/Young People and Vulnerable Adults



Responsibility: Emma Armitage – Assistant Principal – Student Experience  
Approved by: Senior Leadership Team & Governing Body  
Issue Date: September 2022  
Review Date: September 2023

## Review/Change History:

Version	Description/Detail of Update & Name of Person who has carried out Update	Approval	Date of Issue
1	Updated for 2022-23 by EA	SLT & Governing Body	Sept 2022