



St Helens College



University Centre  
St Helens

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# Safeguarding Policy



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## 1. Policy Statement & Principals

The SK College Group Safeguarding Policy has been developed to foster a safe environment for everyone that is associated with the group including students, governors, staff, children in the nursery, agency staff, sub-contracted staff, volunteers, guests, visitors and any other user of the group's facilities.

The SK College Group recognises its legal duties and responsibilities to safeguard and promote the welfare of children, vulnerable adults and asylum seekers who are under the age of 18 years and/or who are living independently from their parents.

A child is anyone who has not yet reached their 18<sup>th</sup> birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or custody in the secure estate for children and young people, does not change his or her status or entitlement to services or protection under the Children Act 1989.

A vulnerable adult is defined in the Safeguarding Vulnerable Groups Act 2006 as someone over the age of 18 years who has a dependency upon others, or a requirement for assistance from others, in the performance of basic physical functions; a severe impairment in their ability to communicate with others; an impairment in their ability to protect themselves from assault, abuse or neglect; or has been detained in lawful custody or is being supervised as a result of a court order.

The group will create a culture where concerns can be reported and addressed quickly by appropriately trained staff.

The group recognises its legal duties and responsibilities to safeguard and promote the welfare of the groups detailed above by working within the procedures and guidelines established by the Local Safeguarding Children's Boards and the Local Adult Safeguarding Boards.

The group will work with external agencies to safeguard the groups mentioned above, while always placing the safety and welfare of those individuals at the centre of any actions, or interventions that may need to be taken to ensure their protection and safety.

The term 'Safeguarding' means that the SK College Group will do everything possible to ensure the safety and wellbeing of individuals attending one of their campuses. Safeguarding concerns can include sexual activity, any form of harm including neglect, exploitation, radicalisation or any aspect of the student's lives. (Please see Appendix 1 for further information).

This policy will be reviewed annually by the Governing Body, and the Safeguarding, Equality & Diversity Committee.

## 2. Safeguarding Legislation & Guidance

The statutory obligation for FE colleges in respect of safeguarding both children and adults is covered by a number of pieces of legislation. The overarching obligation however can be summarised as follows:

**‘To make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children and adults’.**

The Police and Social Care Services have the primary responsibility in the area of safeguarding children and vulnerable adults, including protection from harm and exploitation.

The Children Act 2004 places a duty on local authorities to take steps to protect children in appropriate circumstances and gives certain powers to the Police so that they can take action to protect children.

The Safeguarding Vulnerable Groups Act 2006, amended by the Protection of Freedoms Act 2012, provides the legal framework for safeguarding children and vulnerable adults.

The Children Act of 1989 defines a child or young person as a person under the age of 18.

Under Section 175 of the Education Act 2002, FE colleges are under a statutory duty to have in place arrangements for carrying out their functions with a view to safeguarding and promoting the welfare of children and vulnerable adults.

The statutory guidance Working Together to Safeguarding Children (2015) and updated version (2018) covers the legislative requirements and expectations on individual services (including schools and colleges) to safeguard and promote the welfare of children. It also provides the framework for Local Safeguarding Children Boards (LSCB's) to monitor the effectiveness of local services, including safeguarding arrangements in colleges.

No Secrets 2000 made it a requirement for Local Authority Social Services Departments to take a lead in working in partnership with Healthcare Providers, the Police and Voluntary and Private Sector to ‘create a framework for action within which all responsible agencies work together to ensure a coherent policy for the protection of adults at risk of abuse (Department for Health/Home Office 2000). Subsequent standards in Safeguarding Adults have been agreed (ADASS 2005), and more recently the Standards for Adult Safeguarding (December 2011).

The Keeping Children Safe in Education Statutory Guidance for Schools and Colleges (Sep 2016, updated 2018), which was issued under Section 175 of the Education Act 2002 must be complied with by schools and colleges when carrying out their duties to safeguard and promote the welfare of children. This policy forms part of the arrangements required under the above legislation and guidance.

### **3. Related Safeguarding Polices**

The SK College Group when working to safeguard students will also consider the following policies: -

- Disciplinary Policy (staff)
- Data Protection Policy
- Student Behaviour & Disciplinary Policy
- Student Conduct & Performance Policy
- Student Bullying & Harassment Policy
- Health, Safety & Welfare Policy
- Prevent Policy Strategy
- Guidance Notes for Visiting Speakers
- Guidance Notes for Undertaking Academic Research
- Multi-faith Space Guidelines
- Staff Code of Conduct
- ICT User Policy
- Equality & Diversity Policy

#### 4. Roles & Responsibilities

The responsibility for implementing this policy for the SK College Group sits with the Governors and all staff working for the group. The policy relates to all staff who work for the group, all students regardless of their age and anyone else who might enter one of the groups' campuses, either as a member of the public or in the course of their work, and covers all aspects of College activity including off-site provision.

##### The Board of Governors

The Governors of SK College Group have a responsibility to ensure the following: -

- A Safeguarding Policy is in place and procedures relating to that policy are followed.
- The SK College Group operates a Safer Recruitment Procedure and makes sure that all appropriate checks are carried out on new staff and volunteers who will work with children and adults, including DBS, identity and associated checks.
- There is a Designated Senior Officer (DSO), who is assigned to act upon child protection and vulnerable adult concerns.
- There is a Designated Safeguarding Governor, who is assigned to act upon child and vulnerable adult protection concerns if necessary i.e. allegations against senior managers. This is the Chief Executive for the Principal, the Principal for Senior Managers and Designated Safeguarding Governor for allegations made against the Chief Executive.
- Social Care/Police are notified where there is a cause for concern, so that they can investigate and take necessary action.

##### The Chief Executive

The Chief Executive has the overall responsibility for the enactment of this policy across the SK College Group, and has appointed the Director of Human Resources as the Designated Senior Officer (DSO) for Safeguarding across the group.

The Chief Executive has responsibility for: -

- Taking the lead in creating a safe environment for all users of the SK College Group; giving a consistent and high profile lead on equality and diversity issues.
- Promoting Safeguarding both inside and outside of the group.
- Ensuring that the policy and procedures are followed by all staff, students, volunteers and other users of the group.

### The Designated Senior Officer

The Designated Senior Officer (DSO) has responsibility for: - Referrals

- The DSO should know how to recognise the signs of abuse and know when it is appropriate to make a referral to the relevant investigating agencies.
- The DSO should have an understanding of the Local Authority Designated Officer (LADO) roles for children and adults in order to work effectively with them.
- Act as a point of contact and a source of support, advice and expertise within the College.
- At all stages of the referral process, the DSO must keep the Principal/Chief Executive informed of on-going investigations, ongoing child/adult protection issues and the welfare of students who are subject to a child protection plan.

Training:

The DSO should have:

- Attended basic child/vulnerable adult protection training in order to recognise how to identify signs of abuse and know when it is appropriate to make a referral.
- Received training on inter-agency working.
- Received specific training on the role of DSO.

It is the role of the DSO to ensure all staff:

- Have induction training covering vulnerable adult protection, and understanding of safeguarding issues including the causes of abuse and neglect.
- Are able to identify signs and indicators of abuse.
- Know how to respond effectively when they have concerns and know that they have a responsibility to report any concerns immediately.
- Know how to respond to a disclosure appropriately.

Raising Awareness:

The DSO role is to:

- Ensure the Safeguarding Policy and Procedure are updated and renewed annually, and work with the governing body regarding this. Ensure every member of staff has access to and understands the College's Safeguarding Policy.
- Provide regular briefings and updates to all staff and Governors.



- Ensure parents/guardians can see copies of the Safeguarding Policy which alerts them to the fact that referrals may be made and the role of the College in this process.

#### Record Keeping:

The DSO is responsible for the identified Safeguarding Team with particular reference to:

- All members of the team are appropriately trained.
- All members of the team follow appropriate guidance and protocols set out within College policies and procedures with due regard to statutory guidance.
- All members of the team receive regular updates.

#### The Lead Safeguarding Officer

The Lead Safeguarding Officer's responsibilities: -

- To represent the College on the Local Safeguarding Children's Board and the Adult Safeguarding Board, as well as on other relevant committees across the borough.
- To manage Safeguarding policies and procedures to ensure compliance with legislation and good practice.
- To manage the Safeguarding and Wellbeing cases for the College on a day to day basis.
- To liaise with relevant external agencies with regards to specific students.
- To manage the Safeguarding Officers on a daily basis.
- To provide advice and guidance to staff on Safeguarding cases.
- To produce statistics and reports for the Executive Committee, Senior Leadership Team and the Governing Body.

#### Safeguarding Officers

The Safeguarding Officers are responsible for: -

- Dealing with referrals regarding students in line with College policies and procedures.
- Ensuring that the Lead Safeguarding Officer is aware of all referrals and actions taken to support the student.
- Querying any individual case regarding a student on which they are not sure of the course of action with the Lead Safeguarding Officer.

#### All Staff

All staff are responsible for: -

- Ensuring that they are aware of the College's statutory duties in relation to Safeguarding and that they work within the Policy/Procedures.

- Dealing appropriately with any Safeguarding issue and that they remain vigilant at all times regarding the safety of students. - Promoting Safeguarding within the College.

### Contractors, Volunteers & Service Providers

Contractors, Volunteers and Service Providers are responsible for: -

- Following and adhering to the Groups Safeguarding Policy
- Reporting any Safeguarding concerns via the Safeguarding Team.

### All Students

All students are responsible for: -

- Informing a member of staff if they have any serious concerns about their own or another student's wellbeing.
- Acting in a way that avoids or reduces the risk of harm to themselves or other students.

## **5. Good Practice Guidance**

The SK College Group is committed to ensuring that where there are concerns that a child, young person or vulnerable adult is, or may be at risk of significant harm, their needs must always come first. Priority will always be to protect the child, young person or vulnerable adult.

The SK College Group will work with external agencies to ensure the safety of our students, and to gain the appropriate help and support for the individual concerned.

The SK College Group has representatives who sit on the Local Children's Safeguarding Boards and Adult Safeguarding Boards, as well as other local committees to ensure that knowledge of good practice is shared with the group and integrated in to working practices if deemed appropriate.

The SK College Group will also look at good practice within the organisation itself, and where appropriate this will be shared across the group to improve working practices.

The SK College Group has both a Staff Code of Conduct and a Student Behaviour Framework to ensure that all staff and students are aware of what is expected of them within their role at the College.

## 6. Vulnerable Children

The SK College Group is committed to safeguarding vulnerable children who attend the College.

Some young people may have an increased risk of abuse. It is important to understand that this increase in risk is due more to societal attitudes and assumptions, and child protection procedures that fail to acknowledge young people's diverse circumstances, rather than the individual child's personality, impairment or circumstances. Many factors can contribute to an increase in risk, including prejudice and discrimination, isolation, social exclusion, communication issues and reluctance on the part of some adults to accept that abuse can occur. The College also considers students on the grounds of protected characteristics.

Students may be vulnerable for many reasons some examples being child sexual exploitation, domestic violence with their home, physical/sexual abuse, mental health issues, neglect, bullying including cyberbullying.

The SK College Group is committed to working with students who are deemed as vulnerable to understand the difficulties that they are facing, and to then develop a support plan for their time at College. This support plan will be developed via the pastoral tutorial process.

The SK College Group will provide additional support to the vulnerable student via other appropriate staff within the group or referral to external agencies if required.

Vulnerable students will be supported on an ongoing basis and will be closely monitored to ensure that they are progressing on programme.

SK College Group will also liaise with other professionals who may be involved with vulnerable children to ensure that information is shared appropriately to ensure their safety.

## **7. Children Missing in Education**

SK College Group recognises that 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.

SK College Group is committed to effective information sharing between parents, schools, the group and the local authority as this is critical to ensuring that all children are safe and receiving suitable education. A child going missing from education can be an indicator that there are safeguarding concerns such as physical, sexual or mental abuse, sexual/criminal exploitation or radicalisation. Other concerns include mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in the future.

SK College Group staff should follow the group's procedures for unauthorised absence and for dealing with children who go missing from education.

The Safeguarding Team and Pastoral Team will monitor unauthorised absence and follow procedures, particularly when students go missing on repeated occasions. Any student who enrolls on a programme of study with SK College Group but do not attend at the start of term will be contacted by letter, to obtain the reason why they have not commenced.

All SK College Group staff should be aware of signs to look out for and the individual triggers to be aware of when considering the risks of potential safeguarding concerns. Further information about children who are at risk of missing education can be found in the Children Missing Education guidance (September 2016).

## **8. Staff/Student Relationships**

The SK College Group will expect all staff to be accountable for the way in which they exercise authority, manage risk, use resources and protect learners from discrimination and avoidable harm.

All staff should demonstrate integrity, maturity and good judgement. Staff have a duty to keep young people and vulnerable adults safe, and to protect them from physical and emotional harm. Relationships between students and staff should be developed in a respectful, caring and professional manner.

Staff should always act, and be seen to act, in the student's best interests, and avoid any conduct which would lead any reasonable person to question their motivation and intentions

All staff working with young people and vulnerable adults in an education setting are in positions of trust in relation to the students within their care. A relationship between the member of staff and a student cannot be a relationship between equals, and staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Staff should not become personally involved with students and become their friend, confidante or surrogate parent.

SK College Group staff should refer to the Staff Code of Conduct to clarify professional boundaries when dealing with students.

The group does appreciate that not all eventualities, can be covered in the Staff Code of Conduct, and that there may be times when professional judgements are made in situations not covered by the document. Should this occur the SK Group would ask that staff notify their Head of Department as to the circumstances of the situation.

## 9. Allegations Against Staff

There will be occasion when the SK College Group receives concern around a suspicion, allegation or actual abuse of a child/adult by a member of staff. Should this nature of allegation be received it must be reported to the Designated Safeguarding Officer (DSO)/Director of Human Resources or the Lead Safeguarding Officer within two hours of the initial concern being raised. If it has not been possible to contact either, then the matter must be reported to a member of the Senior Leadership Team.

Once the allegation has been raised with the Designated Safeguarding Officer or Lead Safeguarding Officer, they must then take the following steps: -

- Notify the Chief Executive and the relevant Principal.
- Take steps as deemed necessary to safeguard the child/adult in question and any other child/adult who it is deemed may be at risk.
- Report the matter to the Safeguarding Unit speaking to the Local Area Designated Officer (LADO).
- Complete the referral form to be sent to the LADO for action, and from this point the appropriate Safeguarding Boards procedures for 'Allegations Against Staff' will be invoked.

If a member of the Safeguarding Team is the subject of the allegation or complaint, then the matter must be reported to the Chief Executive and the relevant Principal.

If a complaint is made against the Chief Executive, then contact should be made with the Chair of Governors. If the complaint is made against the Principal, then contact should be made with the Chief Executive.

All paperwork relevant to the allegation must be forwarded to the DSO or the Lead Safeguarding Officer as soon as in practicable.

## **10. Staff Training**

All new staff to the SK College Group will be given a copy of the Safeguarding Policy prior to them commencing employment with the group.

New staff will be expected to complete the on line Safeguarding and Channel training prior to commencing employment with the SK College group. They will then be expected to attend an Induction programme within the first two months of employment with the group which will give them a basic introduction to the Safeguarding Policy, Procedure and information on how Safeguarding is the responsibility of all College staff.

SK College Group will then ask members of staff to attend face-to-face training sessions about Safeguarding to develop the skills required to deal with an issue of this nature as is deemed relevant to their job role.

Continual Professional Development Days will include training for staff to enable them to further develop their knowledge and skills in dealing with issues that are pertinent to students such as mental health.



## 11. Safer Recruitment, Vetting & Barring

**a) Safer Recruitment & Selection** The SK College Group pays full regard to DCSF guidance 'Safeguarding Children & Safer Recruitment in Education', January 2007 and the Keeping Children Safe in Education Guidance, September 2016, and applies the same criteria for the recruitment of staff dealing with adults. The Group will ensure that all appropriate measures are applied in relation to everyone who works at the Group sites, including paid staff, volunteers, staff employed by contractors, students and visitors. Safer recruitment practice includes scrutinising applicants, verifying identity and academic or vocational qualifications, obtaining professional and character references, checking previous employment history and ensuring that a candidate has the health and physical capacity for the job. It also includes undertaking interviews and, where appropriate, undertaking Disclosure and Barring Service (DBS) checks.

All members of the HR team have been trained in safer recruitment practice and no recruitment interview can take place without a member of the team being an active member of the interviewing panel.

### **b) Disclosure & Barring Service (DBS)**

The SK College Group policy is to ensure compliance with all Safeguarding Legislation. Criminal records for anyone person who works on behalf of the College in a "regulated activity" for either children and/or adults will be undertaken.

"Regulated activity" is, as set out in the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012 is defined as follows:

**Child:** a person under the age of 18

Regulated Activity: The new definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:

- (i) unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children;

- (ii) work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises. Not work by supervised volunteers;  
**Adult:** a person over the age of 18.

Regulated Activity: The revised definition of an adult, in respect of safeguarding, removes the word "vulnerable" and replaces it with a list of activities which could be undertaken for any adult and these activities are those that are defined as "regulated". These activities are:

- Providing health care
- Providing personal care
- Providing social care
- Assistance with household matters i.e. managing cash/bills arranged under a third party
- Assistance in the conduct of a person's affairs by formal appointment
- Conveying

All staff, Governors, volunteers, third party contractors and relevant students who undertake work in or on behalf of the SK College Group defined as a "regulated activity will be subject to an enhanced criminal records DBS barred list check for children and/or adults.

The Group has risk assessed all areas of the Colleges as regulated activity for the purposes of DBS checks in respect of children.

In respect of regulated activity for adults, Group roles are risk assessed on an individual basis for the purposes of DBS checks.

In considering each of the above mentioned groups the following will apply.

### STAFF

Given the nature and age profiles of the student groups and other user profile all staff will be subject to an Enhanced DBS check in respect of children.

A "Safeguarding Risk Assessment" must be completed to determine whether a DBS check in respect of adults should be undertaken.

No new member of staff should commence employment until all checks have been returned and are satisfactory.

Any member of staff changing job role within the Group may also be subject to a further enhanced DBS check or "Safeguarding Risk Assessment" prior to a start date being agreed.

### VOLUNTEERS

The Group does accept Volunteer Placements. However, prior to a placement commencing every volunteer must go through Volunteer Placement process, which includes appropriate safeguarding checks. In respect of enhanced DBS checks the following will apply:

- Given the nature and age profiles of the Groups students and other users profiles all volunteers will be subject to an Enhanced DBS check in respect of children.
- A “Safeguarding Risk Assessment” must be completed to determine whether a DBS check in respect of adults should be undertaken.
- No volunteer should commence their placement until all checks have been returned and are satisfactory.

### STUDENTS

A “Safeguarding Risk Assessment” will be undertaken for those students who go on work placement as part of their qualification which involves regular unsupervised contact, in a regulated activity, with children or adults. The risk assessment will determine whether an enhanced children’s and/or adult DBS check is required.

### STUDENTS WITH CRIMINAL CONVICTIONS

SK College Group is fully committed to safeguarding and promoting the welfare of all young people and vulnerable adults and expects everyone who uses its buildings and services to share this commitment.

SK College Group will ask students to disclose any unspent conviction or caution on enrolment. This does not mean that the student will not be able to enroll just that their suitability will be looked at in light of the information available to the group. A main consideration will be whether the offence is one which would make a person unsuitable to study in college environments which provide the opportunity for access to young people or vulnerable adults. Failure to do so may result in the student being unable to continue their enrolment at the College.

### GOVERNORS

A “Safeguarding Risk Assessment” will be undertaken for Governors which will determine whether an enhanced children’s and/or adult DBS check is required.

### THIRD PARTY CONTRACTORS

A “Safeguarding Risk Assessment” will be undertaken for third party contractors which will determine whether an enhanced children’s and/or adult DBS check is required. If it is determined that a DBS check is required, the contractor will need to provide evidence to the

Group that all relevant checks have been undertaken and confirm that they are eligible and appropriate to work within an education establishment.

### **c. Recruitment of Ex-Offenders**

As an organization using the Disclosure and Barring Service to assess applicants' suitability for positions of trust, SK College Group complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed. SK College Group is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

We have a written policy on the recruitment of ex-offenders, which is made available to all applicants at the outset of the recruitment process.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

As a provider of further education an Enhanced DBS check will be requested, in accordance with Group policy, for successful applicants within the colleges. All students who are on work placement where they will have significant contact with children or vulnerable adults will also be subject to an Enhanced DBS check. For all positions within the Group it is made clear that a Disclosure Certificate must be obtained prior to the start date of employment.

We encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that potential candidates inform the Group on their application if they have any criminal convictions.

All positions within the Group allow us to ask questions about an applicant's entire criminal record. All matters referring to Disclosure information is referred to the Designated Senior Officer, Head of Human Resources or the counter signatory within the Human Resources team.

We ensure that all those in SK College Group who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of Ex-offenders e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We make every subject of a DBS disclosure aware of the existence of the DBS Code of Practice and make a copy available on request. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing the conditional offer of employment.

**Having a criminal record will not necessarily bar you from working with us.** This will depend on the nature of the position and the circumstances and background of your offences.

#### **d. Handling of DBS Certificate Information**

##### GENERAL PRINCIPLES

As an organisation using the DBS service to help assess the suitability of applicants for positions of trust, SK College Group complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

##### STORAGE

Certificate information should be kept securely, in lockable, non-portable, storage containers with access to strictly controlled and limited to those who are entitled to see it as part of their duties.

##### HANDLING

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

##### USAGE

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

##### RETENTION

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

### DISPOSAL

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

### ACTING AS AN UMBRELLA BODY

Before acting as an Umbrella Body (one which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations' (clients)), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of certificate information in full compliance with the DBS Code (<https://www.gov.uk/government/publications/dbs-code-ofpractice>) and in full accordance with this policy. We will also ensure that anybody or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

## **12. Visitors**

All visitors to SK College Group sites must report to the site reception and sign in. Visitors must not directly attend appointments in any building without first signing in, collecting and wearing a visitor's identification pass and receiving information on the Group's Safeguarding protocols. This applies to all contractors. Members of the public wishing to access the Group's public facilities should do so via the designated entrances and sign in at the relevant service reception area.

All staff must wear their SK College Group identification passes at all times whilst on any of the Group's sites.

### 13. Safeguarding Procedures

The purpose of this procedure is to detail how to deal with allegations of abuse to children, young people or vulnerable adults who are students with the SK College Group, and will apply to anyone who uses the group's facilities.

The SK College Group must ensure that children, young people and vulnerable adults are protected from abuse. The abuse may be of a physical, sexual or emotional nature, but also includes neglect, and all reports of this nature should be taken seriously.

This procedure also extends to students who are undertaking a work placement.

#### What to do if you have a safeguarding concern about a student.

- i) Contact a Safeguarding Officer to discuss your concern.
- ii) The Safeguarding Officer will then advise on what they feel is the most appropriate course of action, and if deemed necessary will arrange to meet with the student to gather further information.
- iii) The Safeguarding Officer will determine the most appropriate course of action.

#### What to do if a student discloses a safeguarding concern to you?

- i) Firstly you should listen to the student but remember not to ask any leading questions and not to make promises of confidentiality. ii) A Safeguarding Officer should then be called and a brief summary of the disclosure given. The contact numbers for the Safeguarding Team during normal office hours are at St Helens College



07814667808 and at Knowsley Community College 0151-481-4629. If the disclosure is made outside of normal office hours, then the Duty Principal should be contacted and informed.

- iii) The Safeguarding Officer will then come to see the student and gather information which will enable them to make a decision on what type of referral needs to be made, if any and will offer support to the student regarding the process.
- iv) The Safeguarding Officer will also notify parents (if applicable) at this stage re the referral unless it is deemed that the child, young person or vulnerable adult may be in danger by so doing, in which case advice will be sought from the Social Care Contact Centre.
- v) The Safeguarding Officer will make the referral to the Social Care Contact Centre, and document all information and any advice given, and obtain any further information required.

What to do if you receive an allegation of a safeguarding nature against a member of staff/placement staff?

- i) Firstly, you should contact the Safeguarding Team as detailed above and provide brief details of the allegation.
- ii) The Safeguarding Officer will notify the Designated Safeguarding Officer. iii) The Designated Safeguarding Officer will then inform the Chief Executive.
- iv) The Designated Safeguarding Officer or Lead Safeguarding Officer will then take steps to ensure the safety of the child, young person or vulnerable adult who has made the allegation.
- v) The Designated Safeguarding Officer or Lead Safeguarding Officer will then report the allegation Local Authority Safeguarding Unit under the Local Safeguarding Children's Board, Local Authority Designated Officer Procedure (please see appendix 2 for St Helens College and appendix 3 for Knowsley Community College).

#### 14. Student Disclosing to You

The SK College Group recognises that dealing with safeguarding issues can be daunting for staff, but the group does not want you to deal with disclosures of this nature in isolation, and as such has in place the Safeguarding Teams to assist you through the process.

It would be impossible for the group to give you advice that would cover every eventuality when it comes to safeguarding, and would expect that you may well have to use your professional judgement to enable the group to get the best outcome for the student.

Students do not usually plan to make a safeguarding disclosure but find themselves in a position where they feel safe to disclose or cannot hold on to the information any longer.

##### Handling the discussion

- i) You may not be able to plan the location of your discussion with the student but try to ensure that what is being said cannot be overheard.
- ii) Explain at the earliest opportunity that you will not be able to offer complete confidentiality as we have an obligation to share this information with relevant agencies to ensure their safety, but that this will be on a need to know basis only.
- iii) Listen to the student and just let them speak.
- iv) Give them reassurances that they are doing the right thing and that it is not their fault.
- v) Do not ask any leading questions just let the student speak vi) Do not pressure the student for more information.

- vii) Explain to the student that you will now need to contact the Safeguarding Team to get them some help and support to ensure that they are safe.
- viii) Stay with the student until the Safeguarding Officer arrives and be led by their guidance on the situation.

## **15. The Use of Reasonable Force in College**

There are circumstances when it is appropriate for staff working for SK Group 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'. The use of force may involve 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 a classroom.

## **16. Partnership with Parents/Carers**

The SK College Group shares a common purpose with parents/carers to keep children, young people and adults safe from harm and to promote their welfare. The Group makes a clear statement in its parent's/carers leaflet which is available to all parent's/carers annually.

The Group is committed to working with parent's/carers positively, openly and honestly. We ensure that all parent's/carers are treated with respect, dignity and courtesy. We respect a parent or carers right to privacy and confidentiality and will not share sensitive information unless we have permission or it is necessary to do so in order to ensure the safety and protection of a child, young person or adult.

The Group will share with parents/carers any concerns we may have about their child unless to do so may place a child at risk of harm.

The Group encourages parents/carers to discuss any concerns they may have with the Personal Tutor or Safeguarding Officer. We make parents/carers aware of our policy through our website, parents/carers leaflet and other publications.

## **17. Referring to Local Authority Social Care**

The Designated Lead Safeguarding Officer or designated Safeguarding Officer will make the decision on whether a referral needs to be made for the child, young person or vulnerable adult to Local Authority Social Care.

The Designated Lead Safeguarding Officer or designated Safeguarding Officer will determine if parents need to be contacted prior to the referral of if there may a risk of harm to the child, young person or vulnerable adult will take advice from Local Authority Social Care before contacting parents.

The Safeguarding Officer will ensure that all relevant paperwork is completed and submitted to the relevant people, as well as ensuring that all information is recorded on Pro-monitor under Confidential Comments.

The Safeguarding Officer will liaise with external agencies as and when required to ensure that the child, young person or vulnerable adult is safeguarded and to establish the course of action moving forward.

The Safeguarding Officer will also attend any multi-agency meetings that are arranged as part of the safeguarding process, and that relevant parties are updated.

The Safeguarding Officer will also work with the child, young person or vulnerable adult to ensure that they are receiving any support that they require in College.

## **18. Peer on Peer Abuse & Sexually Harmful Behaviour**

Safeguarding issues can manifest themselves via peer to peer abuse. This is most likely to include, but may not be limited to:

- Bullying (including cyberbullying)
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
- Sexual violence and sexual harassment
- Sexting (also known as youth produced sexual imagery)
- Initiation/hazing type of violence and rituals

Peer to Peer Abuse is the abuse of one student by another student. No form of abuse will be tolerated or passed off as banter by the SK College Group.

Sexually harmful behaviours are behaviours that are expressed by children or young people under the age of 18 years' old that are developmentally inappropriate, and may be harmful towards self or others, or be abusive towards another child, young person or adult. Sexual abuse can therefore be perpetrated by children as well as adults, and could be classified as peer to peer abuse.

Safeguarding incidents and/or behaviours can be associated with factors outside of the College, and/or can occur between children outside of the College. All staff, but especially the designated safeguarding lead (and deputies) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental

factors are present in a child's life that are a threat to their safety and/or welfare. Children's social care assessments should consider such factors so it is important that the College provides as much information as possible as part of the referral process. This will allow any assessment to consider all available evidence and the full context of any abuse.

The perpetrator of incidents of this nature would be dealt with using the Student Behaviour Policy/Procedure or the Student Anti-bullying & Harassment Procedure.

If allegations were of a sexual nature, then appropriate referrals would be made to Local Authority Social Care.

The victim of any such abuse would be supported by the SK College Group whilst any investigation/disciplinary was conducted, and also afterwards to ensure that they are dealing with any residual emotions. This support may involve referral to appropriate external agencies.

## 19. Sexual Violence & Sexual Harassment

Children can and sometimes do, abuse their peers by using sexual violence. When we refer to sexual violence we are referring to sexual offences under The Sexual Offences Act of 2003 as described below:

**Rape** – A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

**Assault by Penetration** – A person (A) commits an offence if she/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**Sexual Assault** – A person (A) commits an offence of sexual assault if she/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

### What is consent?

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

freedom and capacity to make that choice.

### **Sexual Harassment**

When we refer to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur either online or offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to violate a child's dignity, and/or make them feel intimidated and/or create a hostile, offensive or sexualized environment.

This is not intended to be an exhaustive list, but sexual harassment can include:

- sexual comments, such as telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance, and calling someone sexualised names;
- sexual jokes or taunting;
- physical behavior, such as deliberately brushing against someone, interfering with someone's clothes and displaying pictures, photos or drawings of a sexual nature;
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - non-consensual sharing of sexual images & videos
  - sexualised online bullying
  - unwanted sexual comments & messages, including on social media
  - sexual exploitation, coercion & threats

### **Response to a report of sexual violence or sexual harassment**

Staff must consider their response when a child/young person reports either sexual violence or sexual harassment as it is very important. The victim must be reassured that they are being taken seriously, and that they will be supported and kept safe. The victim must never be given the impression that they are creating a problem by reporting what has happened to them. The individual should never be made to feel ashamed.

SK Group staff should make a referral straight away to the Designated Safeguarding Officers who will gather necessary information and make the referral to appropriate agencies whilst supporting the child/young person.



## **20. Child Sexual Exploitation**

Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact: it can also occur through the use of technology. Like all forms of child sex abuse, child sexual exploitation:

- Can affect any child or young person (male or female) under the age of 18 years, including 16 or 17 year olds who can legally consent to sex
- Can still be abuse even if the sexual activity appears consensual
- Can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity
- Can take place in person or via technology, or a combination of both
- Can involve force and/or enticement-based methods of compliance and may, may not be accompanied by violence or threats of violence
- May occur without the child or young person's immediate

knowledge (e.g. through other copying videos or images they have

created and posted on social media

- Can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse
- Is typified by some form of power imbalance in favour of those perpetrating the abuse. Whilst age may be the most obvious, this imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources.

Some of the following signs may be indicators of child sexual exploitation:

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

## 21. Child Criminal Exploitation: County Lines

Criminal exploitation of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity: drug networks or gangs groom and exploit children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns. Key to identifying potential involvement in county lines are missing episodes, when the victim may have been trafficked for the purpose of transporting drugs and a referral to appropriate agencies should be considered via the Designated Safeguarding Officers. County lines exploitation can involve the following:

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

## **22. Honour-Based Violence**

Honour based violence is a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code.

For young victims it is a form of child abuse and a serious abuse of human rights.

Honour based violence can be distinguished from other forms of violence, as it is often committed with some degree of approval and/or collusion from family and/or community members. Women, men and younger members of the family can be involved in the abuse, and can include multiple perpetrators.

Young victims may find themselves in an abusive or dangerous situation which is against their will and they have no power to seek help. The normal support mechanisms from parents or other family members would be unavailable. Honour based violence can present in a range of ways with children and young people including forced marriage, domestic and/or

sexual violence, rape, physical assaults, harassment, kidnap, threats of violence (including murder), breast ironing, witnessing violence directed towards a sibling or indeed another family member and female genital mutilation.

Victims are now targeted more frequently via online methods to control and exploit them, and they can find it difficult to leave abusive relationships or to ask anyone for help if their immigration status is uncertain. They may also face a number of issues such as a fear of deportation, bringing 'shame' on their families, financial difficulties and homelessness, or losing their children.

The notion of shame and associated risk to the victim may persist long after the incident that brought about the perceived dishonour. This would mean that any new partner of the victim, children, associates or their siblings may be at serious risk of significant harm.

Behaviours that could be seen as dishonourable include:

- i) Inappropriate make-up or dress.
- ii) The existence of a boyfriend or perceived unsuitable relationship e.g. gay/lesbian relationship.
- iii) Rejecting a forced marriage.
- iv) Pregnancy outside of marriage.  
Being a victim of rape.
- v) Inter-faith relationships (or same faith but different ethnicity)
- vi) Leaving a spouse or seeking divorce.
- vii) Kissing or intimacy in a public place.
- viii) Use of alcohol or drugs.
- ix) Young people may also be subject to honour based violence for reasons which may seem improbable or relatively minor to others.

### 23. Female Genital Mutilation

Female Genital Mutilation or FGM is a collective term for procedure, which include the removal of part or all of the external female genitalia for cultural or other non-therapeutic reasons. The practice is medically unnecessary, extremely painful and has serious health consequences, both at the time when the mutilation is carried out and in later life. The procedure is typically performed on girls aged between 4 and 13, but in some cases it is performed on new-born infants or on young women before marriage or pregnancy.

FGM has been classified by the World Health Organisation (WHO) into four types: -

- i) Type 1 – Clitoridectomy – partial or total removal of the clitoris (a small, sensitive and erectile part of the female genitals) and, in very rare cases, on the prepuce (the fold of skin surrounding the clitoris)
- ii) Type 2 – Excision – partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora (the labia are the lips that surround the vagina)
- iii) Type 3 – Infibulation – narrowing of the vagina opening through creation of a covering seal. The seal is formed by cutting and repositioning the inner, or outer, labia with or without removal of the clitoris.

- iv) Type 4 – Other – all other harmful procedures to the female genitalia for non-medical purposes e.g. pricking, piercing, incising, scraping and cauterising the genital area.

FGM has been a criminal offence in the UK since the Prohibition of Female Circumcision Act of 1985 was passed. The Female Genital Mutilation Act 2003 (since amended by the Serious Crime Act 2015) replaced the 1985 Act and makes it an offence for the first time for UK nationals or permanent UK residents to carry out FGM abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where the practice is legal.

## **24. Forced Marriage**

Forcing a person into 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.

The threats can be physical or emotional or 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.

## **25. Radicalisation & Extremism**

Prevent is the Government's strategy to stop people becoming involved in violent extremism or supporting terrorism, in all its forms. Prevent works within the non-criminal space, using early engagement to encourage individuals and communities to challenge violent extremist ideologies and behaviours.

### **What is Channel?**

Channel is an early intervention multi-agency process designed to safeguard vulnerable people from being drawn into violent extremist or terrorist behaviour. Channel works in a similar way to existing safeguarding partnerships aimed at protecting vulnerable people.

### **Definitions**

**Extremism** – vocal or active opposition to fundamental British values such as democracy, the rule of law and tolerance of different faiths & beliefs.

**Ideology** – a set of beliefs.



**Terrorism** – a violent action against people or property, designed to create fear and advance a political, religious or ideological cause.

**Radicalisation** – the process by which a person comes to support extremism and terrorism.

### **Who can make a referral?**

Anyone can make a referral at SK College Group via the normal Safeguarding Procedures.

The SK College Group does many things to help our students become positive members of society and as such contribute to the Prevent strategy. Staff will encourage students to explore other cultures and religions which promotes diversity, challenges prejudice and racist comments, and develops critical thinking skills and a strong positive self-identity. Staff will also promote the spiritual, moral, social and cultural development of students, as well as promoting British values. The Groups IT systems have internet filters which reduce the risk of radicalisation.

## **26. Confidentiality & Information Sharing**

The SK College Group views confidentiality in relation to staff and students as being of utmost importance. However, the group has a priority to protect an individual and where there are concerns that a child, young person or vulnerable adult is, or may be, at risk of significant harm, then their needs must always come first.

When dealing with safeguarding issues staff cannot offer anyone absolute confidentiality. When a child, young person or vulnerable discloses a safeguarding concern then the member of staff should inform them as soon as possible that the College has a duty of care to the individual and must follow College procedure in reporting the information to the appropriate person.

The SK College Group Safeguarding Officers will determine what information should be shared with other agencies, and will take the lead in making referrals to Local Authority Social Care.

The Information Sharing Guidance for Practitioners and Managers' (DoH 2008 page 21) states that 'Even where you do not have the consent to share confidential information, you may lawfully share it if this can be justified in the public interest. Seeking consent should be the first option. However, where consent cannot be obtained or is refused, or where seeking it is inappropriate or unsafe, the question of whether there is a sufficient

public interest must be judged by the practitioner on the facts of each case. Therefore, where you have a concern about a person, you should not regard refusal of consent as necessarily precluding the sharing of confidential information.

A public interest can arise in a wide range of circumstances, for example, to protect children from significant harm, protect adults from serious harm, promote the welfare of children or prevent crime and disorder. There are also public interests, which in some circumstances may weigh against sharing, including the public interest in maintaining public confidence in the confidentiality of certain services’.

The Working Together to Safeguard Children Guidance (July 2018) states that ‘all organisation’s and agencies should have arrangements in place that set out clearly the processes and the principles for sharing information. The arrangement should cover how information will be shared within our own organisation and with others who may be involved in a child’s life.

Keeping Children Safe in Education (Sep 2018) states that ‘College staff should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to local authority’s social care’.

The Data Protection Act (2018) and GDPR do not prevent, or limit, the sharing of information for purposes of keeping children safe. 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’.

## **27. Special Circumstances**

### Private Fostering

A private fostering arrangement is essentially one that is made without the involvement of a Local Authority for the care of a child under the age of 16 (under 18 if disabled) by someone other than a parent or close relative for 28 days or more. Privately fostered children are a diverse and sometimes vulnerable group which includes:

- i) Children sent from abroad to stay with another family, usually to improve their educational opportunities;
- ii) Asylum-seeking and refugee children;
- iii) Teenagers who, having broken ties with their parents, are staying in short-term arrangements with friends or other non-relatives;
- iv) Children who stay with another family whilst their parents are in hospital, prison or serving overseas in the armed forces;

v) Language students living with host families

Under the Children Act 1989, private foster carers and those with Parental Responsibility are required to notify the local authority of their intention to privately foster or to have a child privately fostered, or where a child is privately fostered in an emergency.

Teachers, health and other professionals should notify the local authority of a private fostering arrangement that comes to their attention, where they are not satisfied that the arrangement has been or will be notified.

It is the duty of every local authority to satisfy itself that the welfare of the children who are privately fostered within their area is being satisfactorily safeguarded and promoted. The local authority must also arrange to visit privately fostered children at regular intervals. All arrangements and regulations in relation to Private Fostering are set out in the Children (Private Arrangements for Fostering) Regulations 2008. Children should be given the contact details of the social worker who will be visiting them while they are being privately fostered.

### Looked After Children

Looked After Children will be placed in this situation under either voluntary arrangement with the consent of the parents or on an interim or full care order.

The most common reason for children becoming looked after is as a result of abuse and/or neglect. The SK College Group has an obligation to keep Looked After Children safe. The SK College Group should be provided with information about the child's care arrangements and the levels of authority delegated to the carer by the authority looking after him/her.

The SK College Group's Designated Safeguarding Lead must be provided with details of any Looked After Child at the College.

### Student Work Placements

Employers and training organisations will be asked to cooperate with the SK College Group in putting in place and subscribing too appropriate safeguarding and relevant checks.

Where a placement is long term or meets the criteria laid out in 'Safeguarding Children and Safer Recruitment in Education 2007, DCSF', the SK College Group will ensure that additional safeguards are in place. These may include:

- i) Staff arranging placements will have undertaken safeguarding training and development
- ii) Employers will be provided with safeguarding training and development
- iii) Training organisations will be asked to make a commitment to safeguarding students' welfare by endorsing SK Group's safeguarding policy and procedures, including the groups reporting procedures for safeguarding and promoting the welfare of children and adults.
- iv) DBS checking any person whose normal duties will include regular caring for, training, looking after or supervising a child or adult in the workplace where that person has been specifically designated to have responsibility for such activities

Students who need to complete a work placement or volunteer work with children or adults as part of their programme of study may be required to complete an Enhanced DBS check before being permitted to attend work placements or undertake volunteer work.

### Host Families

SK College Group is aware that we may have students attending College who are living with host families, and not their birth families.

SK College Group will support students living with host families as they would any other student but be more observant to any changes with the child, young person or vulnerable adult.

Children living away from home are particularly vulnerable to being abused by adults and peers. Limited and sometimes controlled contact with family and carers may affect a child's ability to disclose what is happening to them. Given that many young people live away from home because of concerns about their home conditions, it is particularly important that their welfare is protected when they are being cared for by the SK College Group.

SK College Group staff should be aware of any particular vulnerabilities that this group of students may have which can be explored through the pastoral tutorial process. Work will also need to be done with this group to ensure that they feel valued and respected, and that their self-esteem is promoted.

SK College Group will also give consideration for students in this group for whom English is not their preferred language to ensure that group procedures are accessible and that resources are user-friendly. SK College Group will

also ensure that all staff and students have respect for diversity, sensitivity to race, culture, religion, gender, sexuality and disability.

## **28. Children in the SK College Group Nursery**

SK College Group recognises that the prime responsibility of the Nursery is the welfare and well-being of the children in its care. The Nursery facility has a duty to be aware that abuse does occur in society. It also has a duty to report any suspicions of abuse to the Local Authority Care Services and has a commitment to the protection of all children. The Nursery will follow procedures set out in the SK College Group Safeguarding Policy and Procedures, and will seek support and advice during all steps of the procedure. The Nursery will work in partnership with parents and carers, and promote safeguarding messages throughout the facility, as well as including in activities.

The following policies and procedures are available on the intranet and also from the Nursery.

#### NURSERY CHILDCARE POLICY

- Safeguarding & Child Protection
- Communication
- Equality & Diversity
- Health & Safety
- Parental Participation
- Managing Children's Behaviour
- Medications
- Special Educational Needs
- Confidentiality
- Visits & Outings
- Dummies
- Induction of Staff
- Intimate Care
- Key Person & Settling In
- Maintaining Children's Safety & Security on Premises
- Sharing Information
- Working in Partnership with other agencies
- Code of Conduct for Parents, Guardians, Visitors & Contractors

#### NURSERY CHILDCARE PROCEDURES

- Safe Activity & Energetic Play
- Lost Child
- Late Collection of Child
- Foods & Snacks
- Fire Safety
  
- Baby Welcome Environment
- Admissions & Registration
- Accidents & Ill-health
- Safeguarding Procedures for Staff
- Making a Complaint
- Bottle Making
- Water Sterilising
- Room Transfer
- Sun care

## **29. The Management of Students with Criminal Convictions**

SK College Group shares information and works closely with Social Care Services, Safeguarding Boards, Police, Probation & Youth Offending Team to ensure that students with criminal convictions are appropriately assessed and vetted prior to enrolment, and, where necessary, supported in College to minimise risks to other students, staff and the group community.

All students are required to disclose criminal convictions on their application form, Learning Agreement or via their Probation or Youth Offending Team caseworker. This information is then used to form a risk assessment to determine their suitability, individual support or otherwise to attend the College.



Records of all information relating to student criminal convictions, risk assessments and decision making are kept confidentially by the Criminal Convictions Team.

## **APPENDIX ONE – Definitions of Terms**

### Child

A child is anyone who has not yet reached their 18<sup>th</sup> birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or custody in the secure estate for children and young people, does not change his or her status or entitlement to services or protection under the Children Act 1989.

### Abuse & Neglect

There is no single of definitive definition of abuse, and our understanding of abuse and its impact changes over time. For the purpose of this guidance, abuse can be defined as:

'A violation of an individual's human and civil rights by another person'.

The global definition reflects the implementation of the Human Rights Act (1998).

Abuse and neglect are forms 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, institutional or community setting, by those known to them or, more rarely, by a stranger for example, via the internet. They may be abused by an adult or adults, or another child or children. Abuse of children can take a variety of forms.

### Physical Abuse

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

### Emotional Abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on a child's emotional development.

It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person; age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning or preventing the child participating in normal social interaction; causing children to see or hear the ill-treatment of another e.g. domestic violence; serious bullying (including cyber bullying) causing children frequently to feel frightened or in danger; 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

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. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue. In addition, sexual abuse includes the abuse of children through sexual exploitation. Penetrative sex where one of the partners is under the age of 16 is illegal, although prosecution of similar age, consenting partners is not usual. However, where a child is under the age of 13 it is classified as rape under Section 5 of the Sexual Offences Act (2003).

### Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance misuse, maternal mental ill health or learning difficulties or a cluster of these issues. When there is domestic abuse and violence towards a carer, the needs of the child may be neglected. 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 or emotional harm or danger; ensure adequate supervision (including the use of inadequate caregivers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional, social and educational needs.

### Domestic Violence

Domestic Violence is often not considered a direct form of abuse but the Home Office Domestic Violence and abuse as: - 'Any incident or pattern of incidents of controlling, coercive or 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'. This can encompass, but is not limited to, the following types of abuse - psychological, physical, sexual, financial or emotional.

Exposure to domestic abuse and/or violence 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. Domestic abuse affecting young people can also occur within their personal relationships, as well as in the context of their home life.

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support,

exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.

### Child Sexual Exploitation

Sexual exploitation is child abuse and children and young people who become involved face huge risks to their physical, emotional and psychological health and well-being.

The sexual exploitation of children is defined as:

‘Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, attention, gifts, money or mobile phones) as a result of them performing, and/or another or others performing on them, sexual act or activities. Child sexual exploitation grooming can occur through the use of technology without the child’s immediate recognition; for example, being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability’.  
(Safeguarding Children & Young People from Sexual Exploitation 2004).

### Youth Produced Sexual Imagery

The law states that the making, possessing and distribution of any imagery of someone under 18 which is ‘indecent’ is illegal. Specifically, it is an offence to possess, distribute, show and make indecent images of children. The Sexual Offences Act 2013 (England & Wales) defines a child, for purposes of indecent images, as anyone under the age of 18.

The types of incidents which may occur are as follows: -

- A person under the age of 18 who creates and shares sexual imagery of themselves with a peer under the age of 18.
- A person under the age of 18 shares sexual imagery created by another person under the age of 18 with a peer under the age of 18 or an adult.

- A person under the age of 18 is in possession of sexual imagery created by another person under the age of 18.

All incidents of youth produced sexual imagery should be dealt with as a safeguarding concern.

Any incident involving youth produced sexual imagery should be referred to the Safeguarding Team as soon as possible. Staff should not view sexual imagery nor should they share images with anyone. The Safeguarding Team will then hold an initial review meeting with appropriate staff, and subsequent interviews with the young people involved. Parents will be informed at an early stage and will be involved throughout the process unless there is good reason to believe that involving parents would put the young person at risk of harm. At any point in this process if there is a concern that a young person has been harmed or is at risk of harm a referral would be made to the relevant agencies.

### Vulnerable Adult

A person over the age of 18 years who has or appears to have care and support needs.

### Care & Support Needs

There are three conditions:

- The Adult's needs arise from or are related to physical or mental impairment or illness.
- As a result of the Adult's needs he/she is unable to achieve two or more of the specified outcomes i.e. managing & maintaining nutrition; maintaining personal hygiene; managing toilet needs; being appropriately clothed; being able to make use of home safely; maintaining a habitable home environment; developing & maintaining family and other personal relationships; accessing and engaging in work, training, education and volunteering; making use of necessary facilities or services in the local community; carrying out any caring responsibility for a child.

### Physical Abuse (Vulnerable Adults)

The physical maltreatment of one person by another who may be in a position of power over the Adult which included hitting, slapping, pinching, pushing, hair pulling, inappropriate restraint or sanctions, improper use of, or forcible administration of, medication or force feeding.

Indicators for physical abuse can include unexplained injury or injury inconsistent with explanation, marks, bruises, burns or scalds, appearing frightened of or avoiding physical contact, injuries at different stages of healing and covering up parts of the body.

### Psychological Abuse including Radicalisation

Psychological abuse may take place alongside other abusive behaviours and includes the use of threats, fear or bribes to negate a person's choices and independent wishes, or persistent negative or derogatory behaviour. This can include intimidation by shouting or screaming, verbal abuse, harassment, cyber bullying, humiliation, withholding of necessary assistance or radicalisation/recruitment to violent extremism.

Indicators of psychological abuse can include deliberate self-harm, disturbed sleep, weight change, aggressive or challenging behaviour, poor mental health or low self-esteem.

Indicators of radicalisation or recruitment to violent extremism can include change of faith, change of appearance, when the individual speaks about another person who seems to have a lot of influence on them, associating with a limited number of people.

### Sexual Abuse (Vulnerable Adults)

Involvement in sexual activities or relationships which individuals do not want or cannot understand and/or have not consented to; forced marriage, or takes place within a family, care-giving or other power relationship which involves an element of coercion. This can include harassment, inappropriate teasing or innuendo, indecent exposure, touching, masturbation, penetration, intercourse and being forced to participate (actively or passively) in pornographic activities.

Indicators can include bruises, pain, bleeding or unexplained discharges, ill-health i.e. discharges or infections and pregnancy in a female.

### Neglect & Acts of Omission

This is the behaviour of a Carer which results in serious impairment of health or development of the cared for. This can

be deliberate or by default i.e. when the care giver is not able or willing to provide the care needed or does not recognise the need for the care to be provided. It can include failing to undertake a reasonable assessment of risk and allowing a person to harm themselves or cause harm to others.

Indicators of neglect and self-neglect include withholding of necessities such as medication, fluids, nutrition and heating, attitudes of carers who lack insight and appear uncaring to the point where pain or suffering is experienced by the Adult, marked reluctance by care-givers to co-operate with agencies, sole or prime carer is also suffering from disabling ill-health which renders them incapable of meeting the basic needs of the person cared for, unexplained change in material circumstances, a significant deterioration in the environment/unsafe home environment or failure to provide access to appropriate health, social care or educational services.

Indicators of Self-neglect include poor personal hygiene looking dirty or unkempt in appearance, poor physical state of the individual i.e. weight loss or dehydration, refusal/unwillingness to access appropriate help, and poor/unsafe home environment.

Neglect has been a criminal offence since April 2007 under the Mental Capacity Act (2005).

#### Financial & Material Abuse (Vulnerable Adults)

The deliberate exploitation or manipulation of the person's legal or civil rights, including misappropriation of monies or property including the use of money or property without the informed consent of the Adult, theft, misuse of a person's money, possessions, property benefits or insurance, or the prevention of access to these and pressurising or deceiving a person to alter their Will or other financial arrangements.

Indicators include an Adult's inability to budget and pay bills that is out of character with previous behaviour, large or frequent withdrawals from bank account for unspecified reasons, reluctance to buy essential food or clothing items and/or excessive economies on heating and lighting, sudden disparity between assets and living conditions and refusal to produce bank statements/books or to allow the holder access to them.

#### Discriminatory Abuse (Vulnerable Adults)

This includes harassment or slurs because of racist, ageist, homophobic or sexist abuse, abuse based on a person's disability, not making provision for disability or sensory impairment and denying someone the opportunity to attend a place of worship.

Indicators of Discriminatory Abuse include failure to provide appropriate food or clothing, denial of cultural/religious needs and acceptance of racist language or language which denigrates someone's disability.

### Organisational Abuse

Organisational abuse is the term used to describe abuse of any type resulting from routines and regimes within a service setting which deny people rights, choices and opportunities. This type of abuse can be caused by weak or oppressive management, inadequate staffing i.e. numbers or competence, inadequate supervision or support, 'closed' communication, lack of knowledge of Whistle-blowing policies and lack of training.

### Domestic Abuse

Domestic Abuse can be physical, sexual, financial or emotional but is where the abusive behaviour is carried out by a person who is or has been an intimate partner or family member regardless of gender or sexuality.

### Bullying including Cyber Bullying

The Anti-bullying Alliance defines bullying as:

the repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power. It can happen face to face or online

There are four key elements to this definition:

- hurtful
- repetition
- power imbalance
- intentional

Bullying behaviour can be:



- Physical – pushing, poking, kicking, hitting, biting, pinching etc.
- Verbal - name calling, sarcasm, spreading rumour's, threats, teasing, belittling.
- Emotional – isolating others, tormenting, hiding books, threatening gestures, ridicule, humiliation, intimidating, excluding, manipulation and coercion.
- Sexual – unwanted physical contact, inappropriate touching, abusive comments, homophobic abuse, exposure to inappropriate films etc.
- Online /cyber – posting on social media, sharing photos, sending nasty text messages, social exclusion
- Indirect - Can include the exploitation of individuals.

### Modern Slavery

Modern slavery is a form of organised crime in which individuals including children and young people are treated as commodities and exploited for criminal gain. Traffickers and slave drivers trick, force and/or persuade children and parents to let them leave their family.

homes. Grooming methods are used to gain the trust of a child and their parents, e.g. the promise of a better life or education, which results in a life of abuse, servitude and inhumane treatment.

Child trafficking or child modern slavery is identified as child abuse which requires a child protection response. It is an abuse of human rights, and all children, irrespective of their immigration status, are entitled to protection under the law.

Children are recruited, moved or transported and then exploited, forced to work or sold. The Modern Slavery Act 2015 (applicable mostly in England and Wales [1] includes two substantive offences i) human trafficking, and ii) slavery, servitude and forced or compulsory labour.

Children are not considered able to give 'informed consent' to their own exploitation (including criminal exploitation), so it is not necessary to consider the means used for the exploitation - whether they were forced, coerced or deceived, i.e. a child's consent to being trafficked is irrelevant and it is not necessary to prove coercion or any other inducement.

Boys and girls of all ages are affected and can be trafficked into, within ('internal trafficking'), and out of the UK for many reasons and all forms of exploitation - e.g. sex trafficking - children can be groomed and sexually abused before being taken to other towns and cities where the sexual exploitation continues. Victims are forced into sexual acts for money, food or a place to stay. Other forms of slavery involve children

who are forced to work, criminally exploited and forced into domestic servitude. Victims have been found in brothels or saunas, farms, in factories, nail bars, car washes, hotels and restaurants and commonly are exploited in cannabis cultivation. Criminal exploitation can involve young people as drug carriers, begging and pick-pocketing. Debt bondage (forced to work to pay off debts that realistically they will never be able to), organ harvesting and benefit fraud are other types of modern slavery.

Victims often face more than one type of abuse and slavery, for example they may be sold to another trafficker and then forced into another form of exploitation.

Children and young people may be exploited by parents, carers or family members. Often the child or young person will not realise that family members are involved in the exploitation.

The Modern Slavery Act 2015 (applicable mostly in England and Wales [1]) provides two civil prevention orders - the Slavery and Trafficking Prevention Orders (STPO) and Slavery and Trafficking Risk Order (STRO) and provision for child trafficking advocates.

Some young people may not be victims of human trafficking but are still victims of modern slavery. Slavery, servitude and forced or compulsory labour may also be present in trafficking cases; however, not every young person who is exploited through forced labour has been trafficked. In **all** cases, protection and support is available through the National Referral Mechanism (NRM) process (in England and Wales [2]). The NRM is a 'victim identification and support process' for all the different agencies that may be involved (e.g. the police, Home Office, including Border Force, UK Visas and Immigration, local authorities and voluntary organisation's).

## SCOPE OF THIS CHAPTER

This chapter provides information about dealing with allegations against staff and volunteers who have contact with children and young people in their work or activities. They are addressed to employers and organisation's responsible for providing services to children, young people and adults who are parents or carers. It also takes into account the requirements laid out in the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012.

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### Further Information

#### 1. Introduction and Criteria

All allegations of abuse of children by those who work with children must be taken seriously. Allegations against any person who works with children, whether in a paid or unpaid capacity, cover a wide range of circumstances.

This procedure should be applied when there is such an allegation or concern that a person who works with children, 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;
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 **Sexual Offences Act 2003**);

- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 **Sexual Offences Act 2003**);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc.);
- Possession of indecent photographs / pseudo-photographs of children.

If concerns arise about the person's behaviour to her/his own children, the police and/or People's Services must consider informing the employer / organisation in order to assess whether there may be implications for children with whom the person has contact at work / in the organisation, in which case this procedure will apply.

Allegations of historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person's current employer or voluntary organisation or refer their family for assessment.

All references in this document to ' staff or members of staff' should be interpreted as meaning all paid or unpaid staff / professionals and volunteers, including for example foster carers, approved adopters and child minders. This chapter also applies to any person, who manages or facilitates access to an establishment where children are present.

## 2. Roles and Responsibilities

Working Together to Safeguard Children states:

County level and unitary local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a coordinated manner. Local authorities should, in addition, have designated a particular officer, or team of officers (either as part of multi- agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. Any such officer, or team of officers, should be sufficiently qualified and experienced to be able to fulfil this role effectively, for example qualified social workers. Any new appointments to such a role, other than current or former designated officers moving between local authorities, should be qualified social workers. Arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer, or team of officers, without delay.

Local authorities should put in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children to employers and voluntary organisation's. Local authorities should also ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that

they are dealt with as quickly as possible, consistent with a thorough and fair process.

Each St. Helens LSCB member organisation should identify a named senior officer with overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with this St. Helens LSCB procedure;
- Resolving any inter-agency issues;
- Liaising with the St. Helens LSCB on the subject.

St. Helens Council have assigned a Local Authority Designated Officer (LADO) to:

- Receive reports about allegations and to be involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary organisation's;
- Liaise with the police and other agencies;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;
- Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the GMC etc.

Employers should appoint:

- A designated senior manager to whom allegations or concerns should be reported;
- A deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern.

The police detective inspector on the child abuse investigation team will:

- Have strategic oversight of the local police arrangements for managing allegations against staff and volunteers;
- Liaise with the St. Helens LSCB on the issue;
- Ensure compliance with these procedures.

The police should designate a detective sergeant/s to:

- Liaise with the local authority designated officer (LADO);
- Take part in strategy meetings/discussions;
- Review the progress of cases in which there is a police investigation;
- Share information as appropriate, on completion of an investigation or related prosecution.

### 3. General Considerations Relating to Allegations Against Staff

#### **Persons to be notified**

The employer must inform the local authority designated officer (LADO) within one working day when an allegation is made and prior to any further investigation taking place.

The LADO will advise the employer whether or not informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

The employer should seek advice from the LADO, the police and / or People's Services about how much information should be disclosed to the accused person.

Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the DBS or regulatory body).

The accused member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace.

Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder. They should also be invited to take part in any subsequent strategy meeting/discussion.

People's Services should inform Ofsted of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

#### Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child,

parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.

Section 13 of the Education Act 2011 introduced restrictions implemented in September 2012 on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.

Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of:

- a. The person who is the subject of the allegation; and
- b. The victim of the offence to which the allegation relates.

There is a right of appeal to the Crown Court.

This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers. 'School' includes academies, Free Schools, independent schools and all types of maintained schools.

There is a new offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

It is a defence to show that the person publishing was not aware of the allegation having been made as set out in section 141H 'Defences' of the Act.

### Support

The organisation, together with People's Services and / or police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association. Human resources should be consulted at the earliest opportunity in order that appropriate

support can be provided via the organisation's occupational health or employee welfare arrangements.

## Suspension

Suspension is a neutral act and it should not be automatic. It should be considered in any case where:

- There is cause to suspect a child is at risk of harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

If a strategy meeting / discussion is to be held or if People's Services or the police are to make enquiries, the LADO should canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or police.

If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

## Resignations and 'compromise agreements'

Every effort should be made to reach a conclusion in all cases even if:

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

'Compromise agreements' must not be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). A settlement/compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer. The organisation must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority children's social care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.



## Organised abuse

Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, which will take priority. See **Organised and Complex Abuse Procedure**.

## Whistle-blowing

All staff should be made aware of the organisation's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO.

## Timescales

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided.

## 4. Initial Response to an Allegation or Concern

An allegation against a member of staff may arise from a number of sources (e.g. a report from a child, a concern raised by another adult in the organisation, or a complaint by a parent). It may also arise in the context of the member of staff and their life outside work or at home.

### Initial action by person receiving or identifying an allegation or concern

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said;
- Sign and date the written record;

- Immediately report the matter to the designated senior manager, or the deputy in their absence or; where the designated senior manager is the subject of the allegation report to the deputy or other appropriate senior manager.

Initial action by the designated senior manager

When informed of a concern or allegation, the designated senior manager should not investigate the matter or interview the member of staff, child concerned or potential witnesses.

They should:

- Obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation);
- Approve and date the written details;
- Record any information about times, dates and location of incident/s and names of any potential witnesses.

Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

The designated senior manager should report the allegation to the LADO using the **LADO referral form** and discuss the decision in relation to the agreed threshold criteria in **Section 1, Introduction and Criteria** within one working day. Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the designated senior manager should consult the People's Services emergency duty team or local police and inform the LADO as soon as possible.

If a police officer receives an allegation, they should, without delay, report it to the designated detective sergeant on the child abuse investigation team (CAIT). The detective sergeant should then immediately inform the LADO.

Similarly, an allegation made to People's Services should be immediately reported to the LADO.

Initial consideration by the designated senior manager and the LADO

There are up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Children's social care enquiries and/or assessment about whether a child is in need of protection or services;

- Consideration by an employer of disciplinary action.

The LADO and the designated senior manager should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO should refer to People's Services and ask them to convene an immediate strategy meeting / discussion:

- If a child is not believed to have suffered, or to be likely to suffer Significant Harm but a police investigation will continue, the Local Authority Designated Officer (LADO) should conduct this discussion with the police, the designated senior manager and any other agencies involved to evaluate the allegation and decide how it should be dealt with;
- This Evaluation discussion should take place within one working day and must consider how to take matters forward in a criminal process parallel with a disciplinary process or whether any disciplinary action will need to await the completion of the police enquiries and/or prosecution. The progress should be reviewed by the police no later than four weeks after the initial evaluation meeting and thereafter at fortnightly or monthly intervals.

#### Allegations Strategy meeting/discussion

Wherever possible, a strategy meeting / discussion should take the form of a meeting. However, on occasions a telephone discussion may be justified. The following is a list of possible participants:

- LADO;
- Social care manager to chair (if a strategy meeting);
- Relevant social worker and their manager;
- Detective sergeant;
- The Designated and/or named Safeguarding Children Health Professional (CCG); and always when an allegation concerns a health agency worker /professional;
- Consultant paediatrician;
- Designated senior manager for the employer concerned;
- Human resources representative;
- Legal adviser where appropriate;
- Senior representative of the employment agency or voluntary organisation if applicable;
- Manager from the fostering service provider when an allegation is made against a foster carer;
- Supervising social worker when an allegation is made against a foster carer;
- Those responsible for regulation and inspection where applicable (e.g. CQC, GMC or Ofsted);

- Where a child is placed or resident in the area of another authority, representative/s of relevant agencies in that area;
- Complaints officer if the concern has arisen from a complaint.

The allegation strategy meeting / discussion should:

- Share all the relevant information about the subject of the allegation, and the alleged child victim;
- Decide whether there should be a Section 47 Enquiry and / or police investigation and consider the implications;
- Plan the investigation/enquiries, set timescales for tasks to be undertaken and share information about enquiries and investigations already agreed prior to the meeting between the LADO and senior manager;
- Agree who should undertake interviews to avoid confusion between police investigations, section 47 investigations, and disciplinary processes;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. **section 93, Education and Inspections Act 2006** in respect of teachers and authorised staff);
- Consider whether a complex abuse investigation is applicable; see **Organised and Complex Abuse Procedure**;
- Decide what information can be shared, with whom and when.

The strategy meeting / discussion should also:

- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;

- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Consider reports for consideration of barring;
- Consider risk assessments to inform the employer's safeguarding arrangements;
- Agree dates for future strategy meetings / discussions.

A final strategy meeting / discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

The strategy meeting / discussion should take in to account the following definitions when determining the outcome of allegation investigations:

1. Substantiated: there is sufficient identifiable evidence to prove the allegation;
2. False: there is sufficient evidence to disprove the allegation;
3. Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
4. Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence.
5. Unfounded: the allegation is not based on fact and may be based on misinterpretation of the incident.

#### Allegations against staff in their personal lives

If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The strategy meeting / discussion should decide whether the concern justifies:

- Approaching the member of staff's employer for further information, in order to assess the level of risk of harm; and / or
- Inviting the employer to a further strategy meeting / discussion about dealing with the possible risk of harm.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint strategy meeting / discussion convened.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible.

In these circumstances, a strategy meeting / discussion should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.

## 5. Disciplinary Process

Disciplinary or suitability process and investigations

The LADO and the designated senior manager should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided by a strategy meeting / discussion that a police investigation or LA People's Services enquiry is not necessary; or
- The employer or LADO is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the police and/or People's Services;
- The result of any investigation or trial;
- The different standard of proof in disciplinary and criminal proceedings.

In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action. See **Section 8, Substantiated Allegations and Referral to the DBS**.

If formal disciplinary action is not required, the employer should institute appropriate action within three working days. If a disciplinary hearing is required, and further investigation is not required, it should be held within 15 working days.

If further investigation is needed to decide upon disciplinary action, the employer and the LADO should discuss whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity. The investigation should not be conducted by a relative or friend of the member of staff.

The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and /

or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.

If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with LA People's Services and the police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

The investigating officer should aim to provide a report within ten working days.

On receipt of the report the employer should decide, within two working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days.

#### Sharing information for disciplinary purposes

Wherever possible, police and People's Services should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.

If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.

If the person is convicted, the police should inform the employer and the LADO straight away so that appropriate action can be taken.

## 6. Record Keeping and Monitoring Progress

### Record keeping

Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children.

Details of allegations that are found to be malicious should be removed from personnel records. For Education services see **Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges**.

### Monitoring progress

The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review strategy meetings / discussions / initial evaluations or direct liaison with the police, People's Services, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.

The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist St. Helens SHSPB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the **Department for Education (DfE)** as required.

If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the strategy meeting / discussion / initial evaluation. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

## 7. Unsubstantiated and False Allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the strategy meeting / discussion or initial evaluation should prepare a separate report of the enquiry and forward this to the designated senior manager of the employer to enable them to consider what further action, if any, should be taken.

False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to People's Services to determine whether the child is in need of services, or might have been abused by someone else.

If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate.

## 8. Substantiated Allegations and Referral to the DBS

### Substantiated allegations



The **Disclosure and Barring Service (DBS)** was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in the **Protection of Freedoms Act 2012**.

If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS).

If a referral is to be made; it should be submitted within one month of the allegation being substantiated.

Bodies with a legal duty to refer

The following groups have a legal duty to refer information to the DBS:

- **Regulated Activity** suppliers (employers and volunteer managers);
- Personnel suppliers;
- Groups with a power to refer.

Bodies with the power to refer

The following groups have a power to refer information to the DBS:

- Local authorities (safeguarding role);
- Health and Social care (HSC) trusts (NI);
- Education and Library Boards;
- Keepers of registers e.g. General Medical Council, Nursing and Midwifery Council;
- Supervisory authorities e.g. Care Quality Commission, Ofsted.

If the person being referred to the DBS is a teacher in England they should also be referred to the Teaching Regulation Agency.

## 9. Learning Lessons

The employer and the LADO should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice.

## 10. Procedures in Specific Organisation's

It is recognised that many organisation's will have their own procedures in place, some of which may need to take into account particular regulations and guidance (e.g. schools and registered child care providers). Where organisation's do have

specific procedures, they should be compatible with these procedures and additionally provide the contact details for:

- The designated senior manager to whom all allegations should be reported;
- The person to whom all allegations should be reported in the absence of the designated senior manager or where that person is the subject of the allegation;
- The LADO.

Further Information

**Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges.**

### **Appendix Three – Knowsley Local Safeguarding Board Allegations Against Staff or Volunteer Procedure**

#### SCOPE OF THIS CHAPTER

This chapter outlines the procedure to be followed when an allegation is made about the failure of a professional, volunteer or carer to safeguard and promote the welfare of a child or young person.

#### RELEVANT GUIDANCE

#### **Working Together to Safeguard Children (2018)**

#### AMENDMENT

This chapter was amended in June 2019 to highlight that any settlement **or** agreement for a person to resign must not prevent a referral to the DBS to consider whether to add the individual to the barred list. It is an offence to fail to make a referral without good reason. (See **Section 11, Resignations and Settlement Agreements**). Note also teachers should be reported to the teachers Regulating Agency, (see **Section 16, Referral to DBS **or** Regulatory Body**).

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### **Appendix A: Process for Managing Allegations against those who Work with Children**

### **Appendix B: Referral to the LADO**

#### 1. Introduction

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Experience shows that children can be subjected to abuse and exploitation by those who work with them in any context. They have been found to be vulnerable in all organisational settings including social care, education, health care, the leisure industry and in faith communities. These Procedures relate to any person who works with children, whether a professional, staff member, foster carer or volunteer.

These procedures must be used by all organisation's in Knowsley where people work with children, including organisation's that provide staff or volunteers, alongside those who come into contact with children through their work.

For convenience, the term employer is used throughout this guidance to refer to organisation's that have a working relationship with the individual against whom the allegation is made.

The term employer includes organisation's that use the services of volunteers, or people who are self-employed, as well as service providers. This includes, voluntary organisation's, employment agencies or business, contractors, fostering services, regulatory bodies (such as OFSTED in the case of childminders), and others that may not have a direct employment relationship with the individual but will need to consider whether to continue using the person's services, or to deregister the individual. In some circumstances the term "employer" for these purposes will encompass more than one organisation. For example, where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. In those circumstances both the contractor or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation.

These procedures are based on the framework for dealing with allegations detailed in [Working Together to Safeguard Children](#), and Organisational Responsibilities, [Section 11 of the Children Act 2004](#). There is also guidance contained within Dealing with Allegations of Abuse against Teachers and School Staff. (See [Keeping Children Safe in Education](#)). These are the main guidance documents and must be applied when there is an allegation that a person who works with a child 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;
- Behaved towards a child or children in a way that indicates s/he may pose a risk of harm to children.

This may be in connection with his/her employment or voluntary activity, or where:

- Concerns arise about the person's behaviour with regard to his/her own children;
- Concerns arise about the behaviour in the private or community life of a partner, member of the family or other household member.

There may be up to 3 strands in considering a concern or an allegation:

- A police investigation of a criminal offence;
- Enquiries and assessment by Children's Social Care about whether child or young person is in need of services;
- Consideration by an employer of disciplinary action in respect of the individual.

If an allegation relating to a child is made about a person who undertakes paid or unpaid care of vulnerable adults, consideration must be given to the possible need to alert those who manage her/him in that role.

These procedures can also be applied if an allegation is made against a person in relation to his/her work with adult service users, which causes concern about the welfare of an adult service user's children.

Compliance with these procedures must help to ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process.

**Underlying principles:**

- The welfare of the child is paramount;
- Adults about whom there are concerns must be treated fairly and honestly and must be provided with support.

It is the responsibility of all adults to safeguard and promote the welfare of children. This responsibility extends to a duty of care for those adults employed, commissioned, or contracted to work with children.

## 2. Roles and Responsibilities

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Knowsley Local Safeguarding Children Board (KSCB) has responsibility for ensuring there are effective inter agency procedures in place for dealing with allegations against people who work with children and for monitoring and evaluating the effectiveness of those procedures.

In order to discharge the duties of the Board each member organisation must identify a named **senior officer** with overall, strategic responsibility for:

- Ensuring that the organisation operates these procedures for dealing with allegations in accordance with guidance of Working Together 2018;
- Resolving any inter agency issues that may arise;
- Liaising with the Knowsley Safeguarding Children Board (as appropriate);
- Meeting with the **Local Authority Designated Officer** (LADO) on a regular basis to discuss organisational response to allegations against professionals.

**Employers must:**

- Put in place and operate arrangements for handling allegations in accordance with these procedures;

- Identify a Senior Manager to whom allegations or concerns must be reported, and a deputy in his/her absence or if he/she is the subject of the allegation.

Within every organisation, which works with or comes into regular contact with children, there must be clear lines of accountability and communication as well as safeguarding policies and procedures that are consistent with Knowsley's managing allegations procedures.

All adults who come into contact with children have a responsibility to safeguard and promote their welfare. They are also vulnerable to the potential for false, malicious or misplaced allegations being made, either deliberately or innocently, arising from normal and proper association and conduct. However, it is regrettably the case that some adults/professionals have been found to be perpetrators of child abuse and/or for behaving in ways which have harmed children and which indicates that they are unsuited to working with them.

Employers also have a duty of care towards their employees/volunteers and must take account of this at a number of levels through the provision of appropriate induction/training, through the provision of clear guidance on codes of conduct and relevant disciplinary procedures, alongside those for managing allegations.

**The LADO's role includes:**

- The management and oversight of individual cases;
- Providing advice and guidance to employers and voluntary organisation's;
- Liaising with the police and other agencies;
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible and are consistent with a thorough and fair process;
- Report regularly to the KSCB on the number, nature, and progress of cases;
- Meet with Named Senior Officers on a quarterly basis to monitor organisational response to allegations made against professionals.

Where allegations are made against adults who work with children, it is the Police and Children's MASH Team (see [Multi Agency Safeguarding Hub \(MASH\) Procedure](#)) who initially investigate alleged or suspected abuse or possible criminal behaviour. Once either of those agencies indicates they will not be conducting an investigation, the LADO will discuss next steps with the senior named person in the organisation.

The LADO is responsible for coordinating investigations in relation to employment in the KMBC catchment area. The employee must ordinarily work in the area irrespective of where the organisation's head office is based and if the incident takes place outside the area of employment e.g. a holiday location, or school trip,

then this will be case managed where the employee is normally based. In relation to Foster Carers, their place of work is considered to be their home address, therefore any foster carer living inside the local authority boundary will be dealt with by their home local authority and not the area where the Fostering Agency is based.

### 3. Responding to an Allegation

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Agencies covered by these pan-Knowsley procedures must have in place their own policies, procedures and guidance relating to the conduct of their employees and they must be used to ensure compliance with these procedures.

Information sharing (see the [GOV.UK website](#)) is vital to safeguarding and promoting the welfare of children. Disclosure of information to safeguard children is supported by the Children Act 1989 and 'Working Together', and by application of the welfare principle. Additionally, there are clauses within both the Data Protection Act and Human Rights Act, which allow for information to be shared for these purposes.

Staff must be aware that children might feel unable to express concerns. All staff must therefore be aware that they have a legal duty to take action, if the concern is about the safety of children.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately, she/he must initiate their agency's escalation procedures or report it to the regulatory body/LADO.

Historical allegations must be responded to in the same way as contemporary concerns if the person continues to be employed. It is important to establish if the person is still working with children and if so inform the current employer or voluntary organisation.

There are a number of sources from which an allegation may arise, such as a child, parent, carer, member of the public, work colleague, professional body.

#### **The person to whom the allegation is reported initially must:**

- Treat the matter seriously;
- If the allegations are so serious and there is an immediate risk to the child or young person then a telephone referral must be made to MASH followed a referral form to the LADO;
- Avoid asking leading questions and keep an open mind;

- Make a written record of the information (where possible in the child's/adult's own words) including:
  - What is alleged to have happened;
  - When the alleged incident took place (time and date);
  - Where the alleged incident took place;
  - Who was present (including any witnesses);
- Sign and date the written record;
- Report the matter immediately to their line manager, who completes the allegations Referral Form for consideration by the organisation's named senior person for managing allegations.

#### 4. Initial Action by Senior Manager

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Senior Managers need to understand which behaviours to address directly through their complaints or disciplinary procedures and under what circumstances they must contact the LADO. What constitutes appropriate or inappropriate behaviour will vary depending upon the context and nature of the work undertaken. All employers have a responsibility to set personal and professional boundaries for their staff and to be explicit about what behaviours are illegal, inappropriate, or unacceptable.

The Senior Manager **must not** investigate the matter by interviewing the accused person, any child(ren) or potential witnesses. The Senior Manager must:

- Obtain written details of the allegation, signed and dated, from the original recipient;
- Record any other information at their disposal i.e. what else is known about any of the individuals implicated – length of service, specific role within the organisation, previous/current level of contact with the child(ren) involved, details of any relevant plans pertaining to the child(ren) implicated, (e.g. behaviour management plan), whether there have been any previous relevant concerns/allegations/disciplinary issues;
- Whether the subject of the allegation has any children of their own or children who reside at their home address;
- Check to see whether any contemporaneous records exist which might relate to the alleged incident. (For example, care and control/behaviour records);
- Counter- sign and date an updated record of discussions and decisions.



Discussions about suspension/change of duties, (that do not include contact with children), may take place and while other professionals may wish to express a view, the decision to suspend/change duties rests ultimately with the employer and should be in accordance with each organisation's own policies.

**If the allegation meets, any of the criteria above the Senior Manager must refer the matter to the LADO within 24 hours of being notified of the allegation.**

This is done by forwarding the completed referral form electronically together with any reports, incident sheets, etc. A copy must also be retained as per the organisation's policies and procedures.

In the event that the decision about whether to refer to the LADO is not clear, then the Senior Manager must contact the LADO via telephone in order to discuss and verify whether there is evidence or information that establishes that the allegation is false or unfounded or outside the scope of this procedure.

Where a notification to LADO is to be made then it is imperative that the subject of the allegation is notified formally as soon as possible and it is followed up in writing. The LADO will advise the Senior Manager on when and how to inform the employee of the allegation and any parents/carers as appropriate.

The LADO will notify the employer/senior manager of any notifications made directly to the Police or Knowsley's MASH of which the organisation may not otherwise be aware.

(See [Appendix B: Referral to the LADO](#)).

## 5. Responding to Allegation made to the Police

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Police Officers who receive allegations in the course of their duties should ensure that this is reported to the Police Team based in Knowsley MASH. This should be done by completing and submitting the police form VPRF1. Operational Police officers should always notify their line-managers immediately when an allegation is made. If an allegation places the child at risk of immediate harm operational police officers should make a telephone referral to the police MASH Team without delay. The MASH Police Team will be responsible for making the notification to the LADO within 24 hours and ensuring that liaison also takes place with the Children's Social Care Team within MASH. Out-of-hours, if an allegation is made which suggests the possibility of immediate harm to the child, Operational Police officers should advise their line-managers and the on-duty Vulnerable Persons Team (VPU). A telephone call should also be made to the Emergency Duty Team in these circumstances to report the incident and request further advice.

## 6. Responding to Allegation made to Social Care

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If the allegation is received by Knowsley MASH Team, the Team Manager/Senior Practitioner must ensure that the completed allegations referral form is sent to the LADO within 24 hours of being made aware of the allegation. (See [Appendix B: Referral to the LADO](#)).

## 7. Initial Considerations and Actions

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The Senior Manager and **LADO** must consider the nature, content, and context of the allegation and agree a course of action together. They must therefore:

- Establish that the complaint/allegation is within the scope of these procedures;
- Verify whether there is evidence or information that establishes that the allegation is false or unfounded;
- Consider whether further details are required (i.e. such as previous history, whether child/family have made similar allegations, and current contact with children).

This 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, and the manager will then decide how best to proceed within their organisation:

- Establish that the complaint/allegation is within the scope of these procedures;
- Verify whether there is evidence or information that establishes that the allegation is false or unfounded;
- Consider whether further details are required (i.e. such as previous history, whether child/family have made similar allegations, and current contact with children).

For all other cases, the discussion will then focus on agreeing a course of action including deciding whether the information meets agreed thresholds to hold a **Strategy Meeting** under **Child Protection** Procedures and/ or a LADO allegations management meeting.

The advice of the LADO may also be sought where an employee's behaviour is a matter for concern because it compromises or may be seen to compromise the reputation and ability of the organisation to safeguard children. Some examples include:

- Contravened any safe practice guidance;
- Exploited or abused a position of power;
- Acted in an irresponsible manner, which any reasonable person would find alarming or questionable given the nature of work undertaken;
- Demonstrated a failure to understand or appreciate how his or her own actions or those of others could adversely impact upon the safety and wellbeing of a child;
- Demonstrated an inability to make sound professional judgments, which safeguard the welfare of children;
- Failed to follow adequately policy or procedures relating to safeguarding and promoting the welfare of children;
- Failed to understand or recognise the need for clear personal and professional boundaries in his or her work;
- Behaved in a way in his or her personal life, which could put children at risk of harm;
- Become the subject of criminal proceedings not relating to a child;
- Become subject to enquiries under local child protection procedures;
- Behaved in a way, which seriously undermines the trust and confidence placed in him or her by the employer.

### Strategy Discussions

Where there is reasonable cause to suspect that a child has suffered, is suffering, or is likely to suffer **Significant Harm**, or where a lack of clarity remains, then a **Strategy Discussion** will take place within 24 hours. The LADO will be consulted as part of this process and it will involve Knowsley MASH, the Police, and the Senior Manager from any other relevant organisation. In some cases, it may be that the Strategy Discussion will agree upon the need for immediate investigative or protective action i.e. **Section 47** or criminal investigations.

Alternatively, the Strategy Discussion may indicate that a Section 47 investigation is not required and will discuss alternative arrangements with the LADO including the matter being dealt with by the employer in accordance with their own procedures. In other cases, a formal Allegations Management meeting may need to be convened.

### Allegations Management Meetings

A formal professional Allegations Management meeting may be convened in response to an allegation; this will occur **within 5 working days**. The meeting will be coordinated and chaired by the LADO. Information shared is of a highly

confidential nature and reports must not be copied without prior consent of the author of the report or chair. Attendees must have already provided any information they hold including, any previous concerns, training, DBS number, employment history, incident reports, etc. etc.

All those invited to the Allegations Management meeting will receive minutes, which will carry a reference to confidentially. In convening, an Allegations Management meeting **consideration** must be given to inviting appropriate representatives from all of the agencies involved with a child/family, alongside representatives from inspectorates where this is in line with notification requirements.

While there may be a need to invite certain professionals with particular expertise on a case-by-case basis, Police, Children's Social Care MASH Team and the employer, (except where to do so may impede an investigation or place a child or young person at increased risk), must always be invited.

**The Allegations Management meeting must:**

- Share all relevant information;
- Consider the current allegation or concern and review any previous allegations or concerns made against the member of staff and/or the establishment;
- Decide whether there must be a S.47 enquiry / criminal investigation (if not already commenced);
- Scope and plan any s.47 enquiry / criminal investigation;
- Consider if an S.47 enquiry is appropriate, whether a complex abuse investigation is applicable;
- Allocate tasks agreeing any further action with timescales required and who is responsible;
- Identify who may need to be interviewed e.g. witnesses, staff, children – and who will do this: decide who to inform and when, (subject of allegations, child, parents);
- Make recommendations regarding immediate suspension without prejudice, disciplinary, competency, regulatory or complaints procedures;
- Agree criteria for a re-referral where new evidence comes to light suggesting that a further Allegations Management meeting needs to be convened;
- Agree arrangements for the outcome of any internal process to be reported to the LADO;

- Set a date for a review Allegations Management meeting that must occur, wherever possible, **within 28 days** of an initial Allegations Management meeting.

## 8. Restrictions on Identifying Teachers Whom Allegations of Criminal Misconduct Have Been Made

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With effect from 1 October 2012, the Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school, (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. 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. Breaching the reporting restrictions is a criminal offence.

The case manager must take advice from the LADO, 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 must arise.

(Note that this provision applies only to teachers, not to other staff in educational establishments).

## 9. Use of Suspension

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Working Together states that suspension must be considered in every case where:

- There is cause to suspect a child is at risk of **Significant Harm**.
- The allegation warrants investigation by the police; or

- The allegation is so serious that it might be grounds for dismissal.

Suspension is a neutral act and must not be seen as an automatic response or a default option to an allegation. A decision to suspend without careful thought could impede a police investigation.

If suspension is deemed appropriate, the reasons and justification must be recorded and the individual notified of the reasons.

## 10. Review Allegations Management Meeting

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The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness, and complexity of the allegations. However, it is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort must be made to manage cases in order to avoid unnecessary delay. Individual agencies must ensure that they have in place the appropriate monitoring and review mechanisms to do this. The LADO will monitor and record timescales in respect of all cases and liaise with Senior Managers and appropriate bodies in the event of delay.

The Review Allegations Management Meeting will draw together all relevant information following the completion of enquiries by Knowsley Children's Services, the Police and any other agency (as appropriate), and make multi-agency decisions about any further action to be taken in the case, including timescales for completion.

Where difficulties have been encountered by investigative agencies the review will also provide an opportunity to clarify what these are, to identify solutions, make further plans and agree upon timescales.

Most enquiries take longer than the initial four-week period, then the case will be reviewed at appropriate intervals agreed in the Allegations Management Review Meeting.

The LADO will monitor the progress of cases either via:

- Review Allegations Management discussions/meetings; **or**
- By liaising with the Police, Children's Social Care, employers, and regulatory bodies/inspectorates as appropriate.

## 11. Resignations and Settlement Agreements

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The fact that a person tenders his or her resignation, or ceases to provide their Services, must not prevent an allegation from being followed up in accordance with these procedures and a formal conclusion reached.

A settlement/compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer. The organisation must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority children's social care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.

Wherever possible, the subject of the allegation must be given an opportunity to answer the allegation and make representations. Any enquiries and investigations must continue to a conclusion even if the person refuses to co-operate; decisions will be taken on the strength of what is known in the event that an individual chooses not to make representations.

## 12. Disciplinary Considerations

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Where the initial consideration decides that the allegation does **not** meet the LADO criteria, it will be dealt with by the employer in accordance with the organisation's procedures as quickly as possible. The LADO will oversee all investigations and provide advice and guidance.

If disciplinary action is required, it must be carried out in accordance with the employer's procedures. These must be resolved as quickly as possible.

If the Police or Crown Prosecution Service decides not to charge or to administer a caution, or if the person is acquitted, the Police must ensure that all relevant information is made available to the employer without delay. Police and Social Care must seek permissions to share statements etc where relevant. Where this does not occur, the LADO will liaise with the Police Senior Manager.

If the person is convicted, the Police must inform the employer and LADO immediately to enable the employer to take any appropriate action. This will normally be via a review Allegations Management meeting to share the information and plan next stages. Referrals to regulatory bodies will be discussed at that meeting.

Consideration must be given at the beginning of enquiries to gaining consent from those involved to use the statements obtained and information gathered in disciplinary proceedings. This will enable information sharing to take place at the earliest opportunity.

### 13. Record Keeping

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Employers must keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual.

The record must include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It must be kept at least until the person reaches normal retirement age or for ten years if longer.

The record must also contain details of the category into which the allegation falls, as follows:

- **Substantiated** – A substantiated allegation is one which is supported or established by evidence or proof;
- **Unsubstantiated** – An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- **Unfounded** – This indicates that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation;
- **Malicious** – This implies a deliberate intention to deceive. A malicious allegation may be made by a child following an altercation with a member of staff or a parent who is in dispute with the organisation. For an allegation to be classified as malicious, it will be necessary to have evidence, which proves this intention.

Each employer must ensure that they have appropriate policies and procedures in place governing record retention and suitable arrangements for the secure destruction/disposal of records at the end of their lifecycle.

The LADO must be informed of the outcome of any action taken by the employer. Copies of the investigation file must be mailed to the LADO so that it can be demonstrated that a thorough and impartial investigation has been conducted.

The record will provide accurate information for any future reference and provide clarification if a future **DBS** disclosure reveals an allegation that did result in a prosecution or conviction. This record will prevent unnecessary re-investigation if the allegation must resurface.



Employers must ensure that they have procedures in place to alert those with a need to know that more detailed information regarding an allegation than that contained in an employee's personnel record is held elsewhere by the LADO.

Each employer must implement policies and procedures to govern the disclosure of information relating to allegations in response to requests for employment references.

#### 14. Monitoring Progress

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The LADO will keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays.

The record will assist the LSCB to monitor and evaluate the effectiveness of the procedures and provide statistical information to the Department for Further Education (DFE) and OFSTED if required.

The Police can consult the Crown Prosecution Service (CPS) at any stage regarding the evidence needed to charge a person, but they must also set target dates for reviewing the progress of the investigation and consulting the CPS about charging, continuing, or closing the investigation.

#### 15. False / Malicious Allegations

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If an allegation has been deliberately invented or malicious, the Police must be asked to consider whether any action might be appropriate against the person responsible.

#### 16. Referral to DBS or Regulatory Body

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If an allegation is substantiated and the person is dismissed, if the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, decisions need to be taken about the need for referrals to be made to Disclosure and Barring Service or Education. This will enable the regulatory bodies to consider whether the individual should be barred from, or have conditions imposed in respect of, working with children. The LADO can and must offer this advice although recommendations may already have been made at an Allegations Management meeting. The LADO must also advise whether it is appropriate to make a referral to a professional body or regulator and, if so, it must be made **within one month of the decision to refer**

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Reviewed by:	John Hays, Director of HR and Safeguarding Lead
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Approved by:	Governors