

**Clarendon**  
Sixth Form College

# **Safeguarding Policy: Children/young people and vulnerable adults**

# Tameside College Safeguarding Children and Vulnerable Adults

## 1 Introduction

The college has a statutory and moral duty to ensure that it safeguards and promotes the welfare of all its students specifically ensuring it protects those who are suffering or are likely to suffer significant harm. This policy has been developed to address the legal duties set out in: ‘Working Together to Safeguard Children 2015’ “Keeping Children Safe in Education 2016” and the “Care Act 2014”.

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

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

In relation to **children/young people**, our policy adopts the definition of safeguarding used in the Department for Education guidance “Keeping Children Safe in Education, 2016”:

*“Protecting children from maltreatment; preventing impairment of children’s health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; taking action to enable all children to have the best outcomes” (part one, paragraph 1)*

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

*“Where a child is suffering significant harm, or is likely to do so, action should be taken to protect the child. Action should be taken to promote the welfare of a child in need of additional support, even if they are not suffering harm or are at immediate risk”*

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

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

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

Everyone who comes into contact with children/young people, vulnerable adults and their families has a role to play in safeguarding. College staff are particularly important as they are in a position to identify concerns early and provide help in order to prevent concerns from escalating. Schools and colleges and their staff form part of the wider safeguarding system for children. As a college, we are committed to working with social care, the police, health services and other services to promote the welfare of our students and protect them from harm.

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

## 2 Objectives

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

## 3. The role of college staff

- All staff members have a responsibility to provide a safe environment in which all our students can learn.
- All staff members have a responsibility to identify children/young people/vulnerable adults who may be in need of extra help or who are suffering, or are likely to suffer, significant harm. All staff then have a responsibility to take appropriate action, working with other services as needed.
- In addition to working with the designated Safeguarding Team, staff members are aware that they may be asked to support other agencies in making decisions about promoting the welfare of the individual concerned
- All staff members have a responsibility to identify emerging concerns and provide early intervention with support from the Safeguarding Team.

## 4. What college staff need to know

- All staff members are made aware of systems within the college which support safeguarding and these are explained to them as part of staff induction. This specifically includes: the college's Employee Code of Conduct for staff
- Staff members receive subsequent safeguarding training which is regularly updated. Our Safeguarding introduction training provides specific detail about types of abuse/case studies and how and when to report concerns to the Safeguarding Team

## 5. What school college staff should look out for

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

## 6. What college staff should do if they have concerns about a child/young person or vulnerable adult

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

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

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

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

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

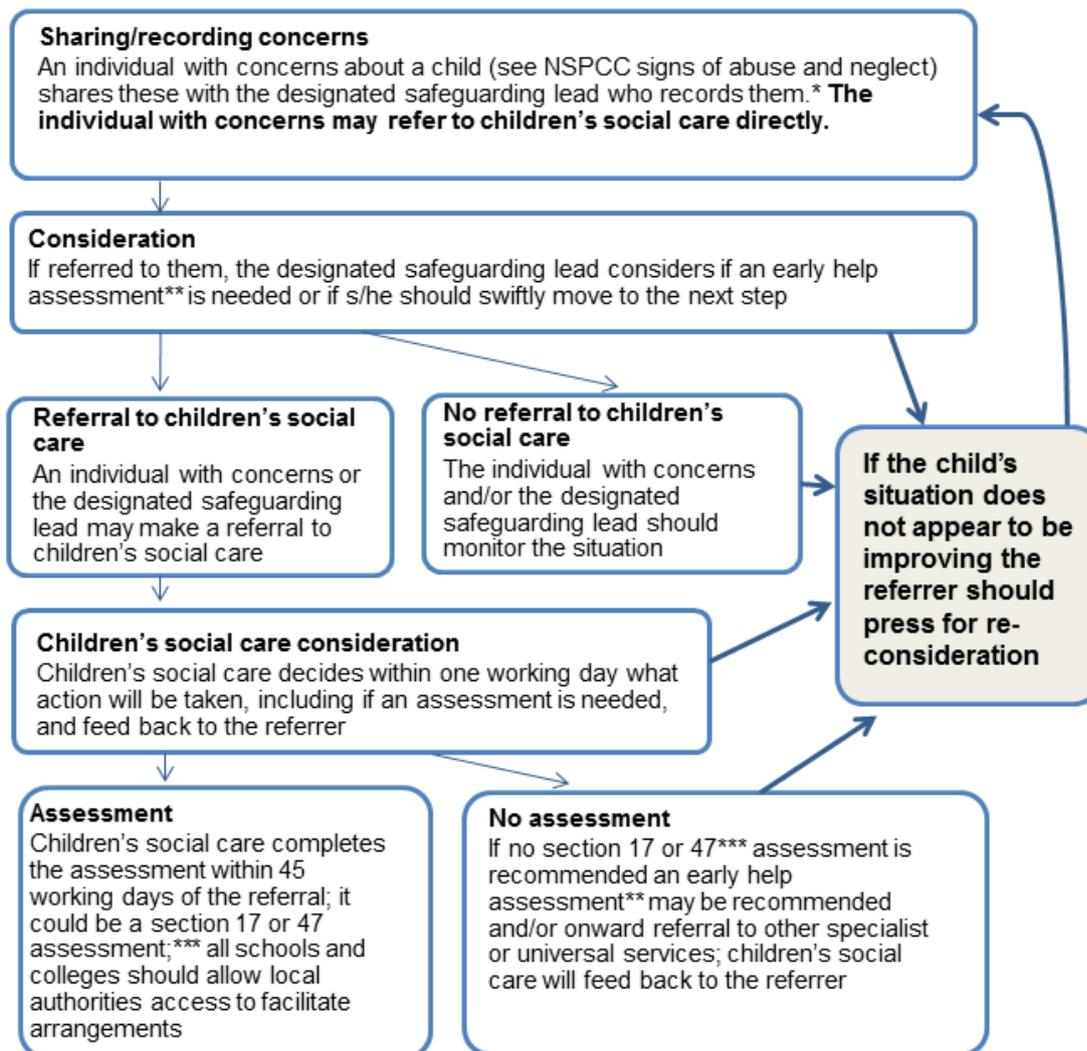
See referral flow chart below: a similar process applies where vulnerable adults are concerned however the referral would be made via adult services.

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

### Action when a child has suffered or is likely to suffer harm

This diagram illustrates what action should be taken and who should take it when there are concerns about a child. If, at any point, there is a risk of immediate serious harm to a child a referral should be made to children’s social care immediately.

**Anybody can make a referral.**



\* In cases which also involve an allegation of abuse against a staff member, see part four of this guidance which explains action the school or college should take in respect of the staff member

\*\* Where a child and family would benefit from coordinated support from more than one agency (eg, education, health, housing, police) there should be an inter-agency assessment. These assessments should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed via a statutory assessment under the Children Act 1989. The early help assessment should be undertaken by a lead professional who could be a teacher, special educational needs coordinator, General Practitioner (GP), family support worker, and/or health visitor.

\*\*\* Where there are more complex needs, help may be provided under section 17 of the Children Act 1989 (children in need). Where there are child protection concerns local authority services must make enquiries and decide if any action must be taken under section 47 of the Children Act 1989.

## 7. Types of Abuse and Neglect

**Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. They may be abused by an adult or adults or another child or children.

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

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

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

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

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

*"Abuse" includes financial abuse; and for that purpose "financial abuse" includes:*

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

### **Other Safeguarding Issues**

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

- child sexual exploitation (CSE) – see also below
- bullying including cyberbullying
- domestic violence

- drugs
- fabricated or induced illness
- faith abuse
- female genital mutilation (FGM) – see also below
- forced marriage
- gangs and youth violence
- gender-based violence/violence against women and girls (VAWG)
- mental health
- private fostering
- radicalisation (prevent)
- sexting
- teenage relationship abuse
- trafficking

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

All staff should recognise that students are capable of abusing their peers and should put measures in place to minimise the risk of peer on peer abuse. This type of abuse should never be tolerated or passed off as “banter” or “part of growing up”.

Peer on peer abuse can manifest itself in many ways “Keeping Children Safe in Education 2016” references specific areas such as “sexting” and “on-line abuse”. Staff should also be aware of issues relating to peer on peer exploitation.

The college’s Acceptable Behaviour Policy outlines the steps to be taken in reference to:

*“a culture where students are taught to respect themselves and each other. On enrolling at college each student signs our Learning Agreement to confirm that they accept our standards of behaviour, values and expectations”*

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

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

### **Radicalisation (for further details please refer to Prevent Strategy document)**

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

- Pursue
- Protect
- Prepare
- Prevent

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

Prevent strategy seeks to:

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

## **8. Local Partnerships**

- A college representative is a member of both the Local Safeguarding Children Board. As a college, TSC follows working practices/guidance agreed by the local Children Safeguarding Board.
- The college has working partnerships with the police in both the local area. Community Police Officers regularly attend college and are well known to staff and students.
- The College also works with local schools and the local authority and supports transition arrangements for vulnerable students as they come to college.
- The college has a commitment to inter-agency working and the sharing of information in accordance with the principles outlined in government guidance: “Information Sharing 2015”. We have regard for the sharing of information to be “necessary, proportionate, relevant, adequate, accurate, timely and secure”
- The college has procedures in place to refer to the Local Authority Designated Officer (LADO) in the event that there is an allegation made against a staff member (pages 9-13)
- The college works closely with the local Leaving Care Service to promote the educational achievement of children/young people who are looked after.
- The college works with the Youth Offending Team to support the achievement of learners on an order and also to manage risk as and where appropriate.
- The college has a representative on the Tameside Child Sexual Exploitation working group along with Police, Social Care, Youth Offending Team.
- The college has a representative as part of the CAMHS and Schools Link Project 2016

## **9. Safer Recruitment**

It is vital that the college creates a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children.

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

For appropriate appointments, an enhanced DBS check with barred list information is obtained as the majority of staff will be engaging in regulated activity. Regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:

- Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- Work for a limited range of establishments (‘specified places’), with opportunity for contact: e.g. schools, children’s homes, childcare premises.
- Not work carried out by supervised volunteers;
- Relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional;

In considering which checks should be undertaken on supervised volunteers, the college has regard to separate statutory guidance published by the DFE in relation to supervision and regulated activity. The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

The same approach is applied to volunteers, visitors (if unsupervised), governors, contractors and work placement officers depending on “regulated activity”.

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

All applicants must show the DBS certificate to the college before they take up post or as soon as practicable afterwards. If the college allows an individual to start work in regulated activity before the DBS certificate is available then we will ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

**All new appointments to regulated activity:** An offer of appointment to a successful candidate, including one who has lived or worked abroad, must be conditional upon satisfactory completion of pre-employment checks.

A DBS certificate must be obtained from the candidate before or as soon as practicable after appointment. Alternatively, if the applicant has subscribed to it and gives permission, the college may undertake an online update check through the DBS Update Service.

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

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

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

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

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

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

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

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

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

The college uses the guidance from “Keeping Children Safe in Education 2016” in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) for children under 18 years of age has:

- behaved in a way that has harmed a child/young person, or may have harmed a child/young person;
- possibly committed a criminal offence against or related to a child/young person; or
- behaved towards a child/young person or children/young person in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children/young people.

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

For further details please refer to the college’s Disciplinary Policy

### **Initial considerations**

Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children’s social care services. In these cases, local arrangements are followed to resolve cases without delay.

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

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

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

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

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

They should not:

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

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

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

If there is any indication, however small that the staff member has behaved in any of the ways described above the **Head of Human Resources must be immediately informed who will in the first instance consult the LADO.**

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

There may be situations when the Head of Human Resources will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children/young people or there is evidence of a possible criminal offence. Where there is no such evidence, the Head of Human Resources should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the Head of Human Resources and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The Head of Human Resources should then consider with the LADO what action should follow both in respect of the individual and consult with the Senior Leadership Team or appropriate manager with regards to those who made the initial allegation.

The Head of Human Resources in conjunction with the a member of the Senior Leadership Team or appropriate manager will inform the employee facing the allegation as soon as possible after consulting the LADO. It is extremely important that they provide them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the Head of Human Resources should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the employee.

The college will then consider carefully whether the circumstances of a case warrant a person being suspended from contact with children in their role or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension will be considered prior to taking that step (see further information on suspension which follows).

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion would be convened in accordance with *Working Together to Safeguard Children*. Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO will discuss the next steps with the Head of Human Resources. In those circumstances, the options open to the college depend on the nature and circumstances of the allegation and the evidence and information available. The outcome will range from taking no further action to dismissal or a decision not to use the person's services in future. For further details please refer to the college's Disciplinary Procedure.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO will discuss with the Head of Human Resources how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a member of the college's management team. The college's HR Team will keep the person who is subject to the allegation informed of the progress of the case and consider what support is appropriate for that individual.

Parents or carers of a child/young person or children/young people involved will be told about the allegation as soon as possible if they do not already know of it. At this point it is more appropriate for the Safeguarding Lead/Assistant Principal to liaise with young people/their parents/carers than the Head of Human Resources.

However, where a strategy discussion is required, or police or children's social care services need to be involved, the Head of Human Resources should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed. However, the parents or carers of the child should be told that the investigation has concluded and appropriate action has been taken (this does not necessarily mean disclosing details of the investigation/action).

In cases where a child/young person may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, will consider what support is needed.

### **Confidentiality**

When an allegation is made, the college will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school or college (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State<sup>46</sup> 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. The provisions commenced on 1 October 2012.

The Head of Human Resources will take advice from the LADO, police and children's social care services and consult with the Senior Leadership Team to agree the following:

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

### **Resignations and ‘settlement agreements’**

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

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

### **Suspension**

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

Suspension will be considered only in a case where there is cause to suspect a child/young person or other children/young people at the college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically: the Head of Human Resources will consider carefully whether the circumstances warrant suspension from contact with children/young people at the college or until the allegation is resolved, and may wish to seek advice from the LADO. In cases where the college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school or college it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL’s investigation.

### **Information sharing**

In a strategy discussion or the initial evaluation of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

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

The police will inform the employer and LADO immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the Head of Human Resources whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children’s social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### **On conclusion of a case**

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

**There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child/young person; or if a person otherwise poses a risk of harm to a child.** Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Head of Human Resources and Senior Leadership Team will consider how best to facilitate that. Consideration will also be given to the person's contact with the child/young person or children/young people who made the allegation.

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

**Learning lessons:** At the conclusion of a case in which an allegation *is* substantiated, the LADO will review the circumstances of the case with the Head of Human Resources/Safeguarding Lead to determine whether there are any improvements to be made to the college's procedures or practice to help prevent similar events in the future. This will include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated.

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

Overall strategic responsibility:

Vice Principal – Quality and Services to Learners

Responsibility for Safeguarding learners:

Director of Learning and Pastoral Support

Responsibility for Safer Recruitment and Employee Allegations:

Head of Human Resources

Responsibility for implementing Safer Recruitment and dealing with staff allegations:

Head of Human Resources

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Approved By: Senior Leadership Team

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