

# CHILD AND VULNERABLE ADULT PROTECTION POLICY

### 1) Policy Statement

- a) Stephenson College fully recognises its responsibility for child and vulnerable adult protection and for safeguarding and promoting the welfare of young people and vulnerable adults.
- b) Everyone who comes into contact with children/vulnerable adults and their families/carers has a role to play in safeguarding them.
- c) The College aims to create and maintain a safe environment for young people and similarly for students who are over eighteen, staff, volunteers, and visitors.

### 2) Coverage

- a) The policy applies to all governors, staff, agency workers, contractors, visitors and volunteers working in the college.

### 3) Definitions

- a) For the purposes of the Child and Vulnerable Adult Protection Policy
  - i) a 'young person' means any person under the age of 18 (i.e. those who have not yet reached their 18th birthday).
  - ii) a 'vulnerable adult' means any person " who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation because of mental or other disability, age or illness."
  - iii) 'staff' means all employees, full-time and fractional, and all agency, franchise, contract and volunteer staff working for the College.

### 4) Aims of Child and Vulnerable Adult Protection Policy

- a) The aims of the policy are
  - i) To promote an environment that is safe, where staff and students treat each other with mutual respect and develop good relationships built on trust.
  - ii) To raise the awareness of all staff, teaching and non-teaching, of the need to safeguard young people and vulnerable adults and of their rights and responsibilities in identifying and reporting possible cases of abuse.
  - iii) To provide a systematic means of supporting young people and vulnerable adults known or thought to be at risk of harm.
  - iv) To ensure that relevant information about a young person or vulnerable adult at risk of harm is disseminated to appropriate staff within the College on a 'need to know' basis.
  - v) To develop a structured college procedure which will be followed by all members of the College staff in cases of suspected abuse.
  - vi) To support the development of effective working relationships with other agencies, especially the Police and Children's Services.
  - vii) To ensure that all staff who have access to young people or vulnerable adults have been checked for their suitability.

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- viii) To ensure that all relevant policies and procedures within the College are linked to, and comply with, the Stephenson College Child and Vulnerable Adult Protection Policy and Procedures.
- ix) To support young people's and vulnerable adults' development in ways that will foster security, confidence and independence.

### **5) Key Safeguarding Principles**

- a) Stephenson College is committed to follow the key safeguarding principles outlined by the Local Safeguarding Children/Adult Boards and the guidance of the Department for Education.
  - i) The needs of the young person are paramount and underpin all child protection work and resolve any conflict of interests
  - ii) All young people have the right to be safeguarded from harm and exploitation
  - iii) Colleges have a responsibility to provide a safe environment and minimise risks of harm to young people's welfare
  - iv) Staff have a responsibility to identify young people who are suffering or likely to suffer significant harm and take appropriate action with the aim of making sure they are kept safe both at home and at college
  - v) Responsibility for protection of young people must be shared because young people are safeguarded only when all relevant agencies (eg Social Care, police, health services) and individuals accept responsibility and co-operate with one another
  - vi) Statements about or allegations of abuse or neglect made by young people must be taken seriously
- b) Stephenson College is further committed to applying these safeguarding principles to vulnerable adults

### **6) Responsibility for Child and Vulnerable Adult Protection**

- a) A nominated governor (see Annex D) will be responsible for the oversight of child and vulnerable adult protection policy and procedures.
- b) A Designated Senior Person (see Annex D) will take lead responsibility for child and vulnerable adult protection and receive appropriate training and support and adequate resources to carry out this role.
- c) The college will in addition have a Safeguarding and Protection team who will deputise for the Designated Senior Person and will also lead on the implementation of this policy in the areas of the college for which they have responsibility. The Safeguarding and Protection Team are listed in Annex D
- d) All staff are expected to contact either the Designated Senior Person, or one of the Safeguarding and Protection Team for advice, when necessary, or to make referrals.

### **7) Staff Appointments**

- a) Stephenson College will ensure that all college staff have been checked for their suitability before taking up their appointment
- b) All applicants will be scrutinised by.
  - i) Verifying identity and their legal right to reside and work in the United Kingdom.
  - ii) Verifying any academic or vocational qualifications
  - iii) Obtaining professional and character references.

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- iv) Checking previous employment history.
- v) Checking that a candidate has the health and physical capacity for the job.
- vi) Holding face to face interviews.
- vii) Carrying out a check of the Adult's Barred List and Children's Barred List.
- viii) Carrying out an Enhanced Disclosure and Barring Service (DBS) check before the candidate takes up the post. An employee may commence employment prior to the receipt of the DBS Enhanced Disclosure, providing that the Departmental Manager has completed a suitable risk assessment and that an Exceptional Start has been authorised by the Director of Human Resources or Human Resources Manager.

### **8) Work Experience**

- a) Stephenson College will ensure that:
  - i) Appropriate health and safety checks are in place prior to establishing work experience placements.
  - ii) Employers are aware of their responsibilities in relation to safeguarding and the protection of children or vulnerable adults.
  - iii) Staff are aware of the action to be taken, and by whom, should a child or vulnerable adult protection issue be raised before, during or after the placement.
  - iv) Additional safeguards, will be made when there are certain risk factors present. The risk factors include:
    - (1) A young person or vulnerable adult likely to be or will be alone with an adult as part of the work placement. (NB. This does not apply to short periods alone, for example, a solicitor taking a student to and from court in a properly insured car).
    - (2) The student who is vulnerable. The College will identify to the placement organiser any student who may be vulnerable, for example, because of special needs, immaturity, abuse or neglect, substance misuse, etc, and who may therefore require additional safeguards.

### **9) Staff Training on Stephenson College Procedures**

- a) Stephenson College will ensure that
  - i) The Designated Senior Person responsible for Child and Vulnerable Adult Protection and members of the Safeguarding Team will receive training in inter-agency procedures which gives them the knowledge and skills needed to fulfil their responsibilities and will undertake refresher training at 2 yearly intervals.
  - ii) All new members of staff and governors will be made aware of the Stephenson College child and vulnerable adult protection policy and procedures during their induction into the College.
  - iii) All staff and governors will receive initial training on the College's child and vulnerable adult protection policy and procedures and undertake suitable refresher training at 3 yearly intervals.
- b) The initial training will ensure that all staff.
  - i) Know who to contact if they have a concern that a young person or vulnerable adult is at risk of serious harm.

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- ii) Know where to go for advice in relation to safeguarding or protection issues or when they are uncertain about whether to refer a concern about a child or vulnerable adult.
- iii) Know the College procedure for referrals on child and vulnerable adult protection issues.
- iv) Understand that they have the right to contact the appropriate agencies if they feel that concerns are not being passed on appropriately by designated college staff.
- v) Are aware of the requirement to keep detailed, accurate, secure written records of any referrals or concerns.
- vi) Are aware of the early help process, are able to recognise and respond to safeguarding and welfare concerns and take action in a timely manner.
- vii) Understand their responsibilities in being alert to the signs of abuse.
- viii) Know how to respond to a student who discloses abuse or is at risk of self harm.
- ix) Know the College's policy and procedures on Confidentiality and Disclosure in Child and Vulnerable Adult Protection cases.
- x) Understand that there is a need to take special care when working with young people with special needs or vulnerable adults to be alert to signs of abuse as these members of the college may not be able to raise concerns themselves.
- xi) Are aware of appropriate approaches to confidentiality and disclosure of information.

### **c) Guidance on relationships with students**

- i) Stephenson College will:
  - (1) Provide staff with guidance on appropriate relationships with students (Annex B).
  - (2) Have procedures in place for dealing with allegations of abuse against members of staff and volunteers (Annex E)

## **10) Confidentiality, Reporting and Disclosure**

- a) The college recognises the need to comply with relevant legislation and guidance in relation to data protection and confidentiality.
- b) It is also recognised that, where there are concerns about abuse or safeguarding, data sharing with appropriate agencies may be necessary even when it is contrary to the wishes of an individual.
- c) The circumstances when data should or should not be shared are outlined in a flow chart at Annex C.
- d) The following issues will inform decisions about sharing data:
  - i) Stephenson College will ensure that as part of the child and vulnerable adult protection training for staff, the issue of confidentiality is clarified so that staff know they cannot promise confidentiality in all cases as they may have to pass on information to other professionals to keep the young person or vulnerable adult safe.
  - ii) The principle of 'proportionality' applies to sharing confidential information, i.e. when disclosing information without consent the member of staff limits the extent of the disclosure to that which is absolutely necessary to protect the young person or vulnerable adult.

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- iii) Stephenson College recognises that young people aged 16 or 17 will have the understanding to make decisions about their own lives and their views and wishes will be respected unless they are deemed to be at risk of harm which is a serious threat to their personal safety or they are the victim of a crime.
- iv) Young people under 16 may be sufficiently mature to understand and consent to the disclosure of information. The young person's ability to make such decisions should be assessed on a case-by-case basis.
- v) Referrals to other agencies such as Children's Social Care should be made with the young person's agreement where practicable. However, it may not be practicable to seek their agreement where, for example, seeking permission might place them or another person at risk of serious harm or where they are not mentally competent to give their agreement. There may also be cases where the young person's agreement is sought but they refuse to give that agreement.
- vi) Disclosure of information can take place without consent in cases where this is justifiable in the overriding public interest – e.g. to protect the young person from significant harm.
- vii) In the context of child protection the welfare of the young person outweighs the family's right to privacy.
- viii) Vulnerable adults may choose to remain at risk in dangerous situations. Professional staff may find they have no statutory powers in cases where the adult is judged to have sufficient capacity to make his or her own choices and refuses the help which staff feel is needed and where public interest considerations do not apply.
- ix) In these cases, where a member of the college staff considers that the decisions of the vulnerable adult should be respected they must immediately seek advice from the college's Senior Manager responsible for Child and Vulnerable Adult Protection.
- x) Decisions about the capacity and the ability of the vulnerable adult to give informed consent are a matter of medical judgement and multi-disciplinary assessment. There should be no abandonment of the duty to care.

### **e) Reporting**

- i) The college will routinely report to the Local Authority Designated Officer (LSCB) any case involving concerns of malpractice, abuse or poor professional practice by:
  - (1) A local authority
  - (2) A college employee
  - (3) A volunteer
  - (4) A paid or unpaid carer, relative or friend
  - (5) An employee of a private care agency
  - (6) An employee of another organisation providing care to the vulnerable adult

### **11) Record Keeping**

- a) An accurate record should be made whenever there is a concern about a child or vulnerable adult in terms of risk of harm or safeguarding.
- b) The record should include:
  - i) Appropriate personal details of the child or vulnerable adult.

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- ii) The nature of the concern.
- iii) The source(s) of information about the concern.
- iv) Any advice given.
- v) Whether confidentiality has been discussed with the child or vulnerable adult.
- vi) Names of staff with whom discussed
- vii) Details of action taken or any referral to an external agency
- viii) Date and name of the person making the record

### **12) Raising awareness of safeguarding and protection issues**

- a) Parents/carers of students under eighteen will be made aware of the responsibilities of staff members with regard to child protection procedures by publicising this on the college website.
- b) All students will be supported to understand safeguarding and protection issues through:
  - i) Induction and tutorial programmes that will support young people's and vulnerable adults' development in ways that will foster security, confidence and independence, including raising their awareness of online safety.
  - ii) The creation of a climate in which responsible behaviour is encouraged and where students feel safe to ask for help if threatened or at risk of abuse.
  - iii) The promotion of a healthy lifestyle that includes consideration of diet, sexual relationships, alcohol and drug abuse.
- c) Staff will receive regular safeguarding updates to provide them with relevant skills and knowledge to safeguard children and vulnerable adults effectively.
- d) The College will have appropriate filters and monitoring systems in place to ensure that children and vulnerable adults are safeguarded from potentially harmful and inappropriate online material.

### **13) Monitoring and Review of the Policy**

- 1. Stephenson College will review its policies and procedures to ensure that they comply with the relevant legislation and the agreed procedures. The Child and Vulnerable Adult Protection Policy will be reviewed annually, or more frequently, and updated to remedy any deficiencies or weakness in regard to child and vulnerable adult protection arrangements that are identified without delay.

### 1) Types of abuse and neglect

#### a) Abuse

- i) A form of maltreatment. Somebody may abuse or neglect a young person or vulnerable adult by inflicting harm or by failing to act to prevent harm. They may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults or by another child or children.

#### b) Physical abuse

- i) This may take many forms e.g. hitting, shaking or poisoning a young person or vulnerable adult. It may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health to a young person or vulnerable adult.

#### c) Emotional abuse

- i) This is the persistent emotional maltreatment of a young person or vulnerable adult such as to cause severe and persistent effects on their emotional development. It may involve conveying to them that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving them 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 them. These may include interactions that are beyond their developmental capability as well as overprotection and limitation of exploration and learning, or preventing them from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing them to feel frightened or in danger. Some level of emotional abuse is involved in most types of maltreatment of young people or vulnerable adults, although emotional abuse may occur alone.

#### d) Sexual abuse

- i) This involves forcing or enticing a young person or vulnerable adult to take part in sexual activities, not necessarily involving a high level of violence, whether or not they are aware of what is happening. This may include non-contact activities such as looking at, or in the production of sexual images, watching sexual activities or encouraging young people or vulnerable adults to behave in sexually inappropriate ways, or grooming them 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.

#### e) Neglect

- i) Involves the persistent failure to meet a young person's or vulnerable adult's basic physical and/or psychological needs, likely to result in the serious impairment of their health and development. This may involve failure to ensure access to appropriate medical care or treatment. It may also include neglect of basic emotional needs. Neglect may occur during pregnancy as a result of maternal substance abuse.

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### 2) The Context of Abuse

#### a) Family Circumstances: Domestic Violence

- i) Where there is domestic violence the implications for the vulnerable adult or young person at college and for younger children in the household must be considered. Young people from families with a history of domestic violence often have behavioural difficulties, absenteeism, ill health, bullying, and drug and alcohol misuse.

#### b) Drug/alcohol abusing parents

- i) There is an increased risk of violence in families where this occurs. A young person at College may have to take on responsibilities for younger children in the family.

#### c) Forced Marriages

- i) Forced marriage is an entirely separate issue from arranged marriage. Forced marriage is a human rights abuse and falls within the Crown Prosecution Service definition of domestic violence. Young people at risk of a forced marriage are usually experiencing physical and/or emotional abuse at home. Some communities use religion and culture as a way to coerce a person into marriage.

#### d) Female Genital Mutilation (FGM)

- i) Female genital mutilation (sometimes referred to as female circumcision) refers to procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons. The practice is illegal in the UK. Teachers **must personally report** to the police cases where they discover that an act of FGM appears to have been carried out; this is a mandatory requirement.

#### e) Mental Health Issues

- i) Self-harming and suicidal behaviour
- ii) Self harm, suicide threats and gestures by a young person or vulnerable adult must always be taken seriously and may be indicative of a serious mental or emotional disturbance. The possibility that self-harm, including a serious eating disorder has been caused or triggered by any form of abuse or chronic neglect should not be overlooked.

#### f) Peer on peer abuse

- i) This is most likely to include, but may not be limited to, bullying (including cyberbullying), gender based violence/sexual assaults and sexting.
- ii) Bullying is a common form of deliberately hurtful behaviour, usually repeated over a period of time, when it is difficult for the victims to defend themselves.
- iii) It can take many forms, but the three main types are physical (e.g. hitting); verbal (e.g. threats); and emotional (e.g. isolating the individual).
- iv) It may involve physical, sexual or emotional abuse including homophobic, sexual, racial or religious harassment, or behaviour which is offensive to those with learning or physical disabilities.
- v) Severe harm may be caused to young people and vulnerable adults by the abusive and bullying behaviour of their peers. The damage inflicted by bullying is often underestimated and can cause considerable distress. In extreme cases it can cause significant harm, including self-harm.

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- g) Child Sexual Exploitation (CSE)
- i) Sexual exploitation of children involves situations where young people receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing sexual activities. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation 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 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.
- h) Honour-based violence (HBV)
- i) So-called 'honour-based' violence (HBV) encompasses crimes which have been committed to protect or defend the honour of the family and/or community, including Female Genital Mutilation (FGM), forced marriage and practices such as breast ironing. All forms of so called HBV are abuse (regardless of the motivation) and should be handled and escalated as such.
- 3) Vulnerable groups
- a) Looked After Children/Care Leavers
- i) The most common reason for children becoming 'looked after' is as a result of abuse and/or neglect.
- b) Children with Special Educational Needs (SEN) and Disabilities
- i) Children with special educational needs and disabilities can face additional safeguarding challenges. Additional barriers can exist when recognising abuse and neglect in this group of children. These can include:
- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration
  - Children with SEN and disabilities can be disproportionately impacted by things like bullying – without outwardly showing any signs
  - Communication barriers and difficulties in overcoming these barriers
- c) Children missing from education
- i) A child going missing from education is a potential indicator of abuse or neglect and such children are at risk of being victims of harm, exploitation or radicalisation. College staff should follow procedures for unauthorised absence and for dealing with children that go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation, and to help prevent the risks of going missing in future.

### Guidance on Relationships with Students

1. The majority of staff who work with young people and vulnerable adults in education settings act professionally and seek to provide a safe and supportive environment for students. It is recognised that achieving this aim is not always straightforward. Much relies on student and staff interactions where tensions and misunderstandings can occur. It is here that staff behaviours can give rise to allegations being made against them. Allegations may be genuine, malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.
2. This guidance should not be interpreted to mean that, in order to avoid misplaced allegations, all forms of physical or close contact with students should be avoided. There will be occasions where physical contact is appropriate, e.g. in situations where a degree of physical intervention is required. The guidance is concerned with avoiding sexual activity in a relationship of trust and other contact which may be inappropriate.

### Relationships of Trust

3. A relationship of trust exists where a teacher, member of staff or volunteer is in a position of power or influence over a student by virtue of the work or nature of the activity being undertaken. Those in a position of trust must carry the responsibility of ensuring that they do not abuse their position or put themselves in a position where allegations of abuse of trust, whether justified or unfounded, could be made.
4. It is important to recognize that a variety of circumstances can arise, including a sexual relationship at one end of the scale, through close friendships, to, at the other end of the scale, an innocent situation which has been entirely misconstrued. Staff and volunteers should take steps to minimize the risk of circumstances being misconstrued or misunderstood and relationships with language and conduct which could give rise to comment and speculation.
5. All staff should clearly understand the need to maintain appropriate boundaries in their dealings with students. Intimate or sexual relationships between staff and students will be regarded as a grave breach of trust. Where a relationship of trust exists, allowing a relationship to develop in a way that might lead to a sexual relationship is wrong. A sexual relationship will be intrinsically unequal within a relationship of trust and is therefore unacceptable. Abuse of trust involving sexual activity with a young person under 18 or a vulnerable adult who is a student at the College may be a criminal offence under the Sexual Offences Act 2003. It is also inappropriate since the professional relationship of trust would be altered.
6. From time to time staff may encounter students who display attention-seeking behaviour, profess to be attracted to them or begin to develop a relationship of emotional dependency. Particular care should be exercised if the student is vulnerable. Staff should aim to deal with those situations sensitively and appropriately, but ensure that their behaviour cannot be misinterpreted. The member of staff or volunteer should inform their line manager if they have any concerns or if there is a concern that a young person is becoming attracted to him or her, or that there is a developing attachment or dependency. If a member of staff or volunteer is concerned that s/he might be developing a relationship with a young person which could have the potential to represent an abuse of trust, the first advice must be to ensure that the relationship does not develop further. Arrangements should be made by the line manager to minimise direct contact between the student and member of staff or volunteer and to prevent all contact if possible. Where contact must take place another member of staff should be present at all times.
7. Staff should be aware that private meetings with individual students might give rise to concern. There will be occasions when a confidential interview or a one-to-one meeting is

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necessary. Such interviews should be conducted in a room with visual access or an area which is likely to be frequented by other people. Another student should be present or nearby. Where such conditions cannot apply, staff should ensure that another adult knows that the interview is taking place.

8. Students should not be asked or encouraged to visit the home of a member of staff or socialise informally outside college. These contacts or visits can place staff in a vulnerable position and can in some case lead to allegations being made against staff. Private or additional tuition for students should be conducted on college premises.
9. The following are examples of actions, albeit not overtly abusive, that could be interpreted as a member of staff 'grooming' a student or allowing a dependent relationship to begin or continue.
  1. Inviting students to their home.
  2. Visiting students at their home.
  3. Giving students gifts.
  4. Offering students lifts outside normal duties.
  5. Singling individual students out for special attention.
  6. Seeing students socially.
  7. Giving students their mobile or home telephone number

The frequency, nature and degree of such behaviour may justify the need for further investigation.

### Physical Contact

10. Physical contact may be misconstrued by a student, parent or observer. Touching students, including well-intentioned gestures such as putting a hand on a shoulder, can, if repeated regularly, lead to serious questions being raised, particularly if this occurs when a member of staff is alone with a student. As a general principle, staff must not make gratuitous physical contact with their students. It is particularly unwise to attribute touching to their teaching style or as a way of relating to students.

11. There may also be occasions where a distressed student needs comfort and reassurance which may include physical comforting such as caring parent would give. Staff should use their discretion in such cases to ensure that what is normal and natural does not become unnecessary and unjustified contact, particularly with the same student over a period of time. Where a member of staff has particular concern about the need to provide this type of care and reassurance they should seek the advice of the Director of Quality/Human Resources Manager.

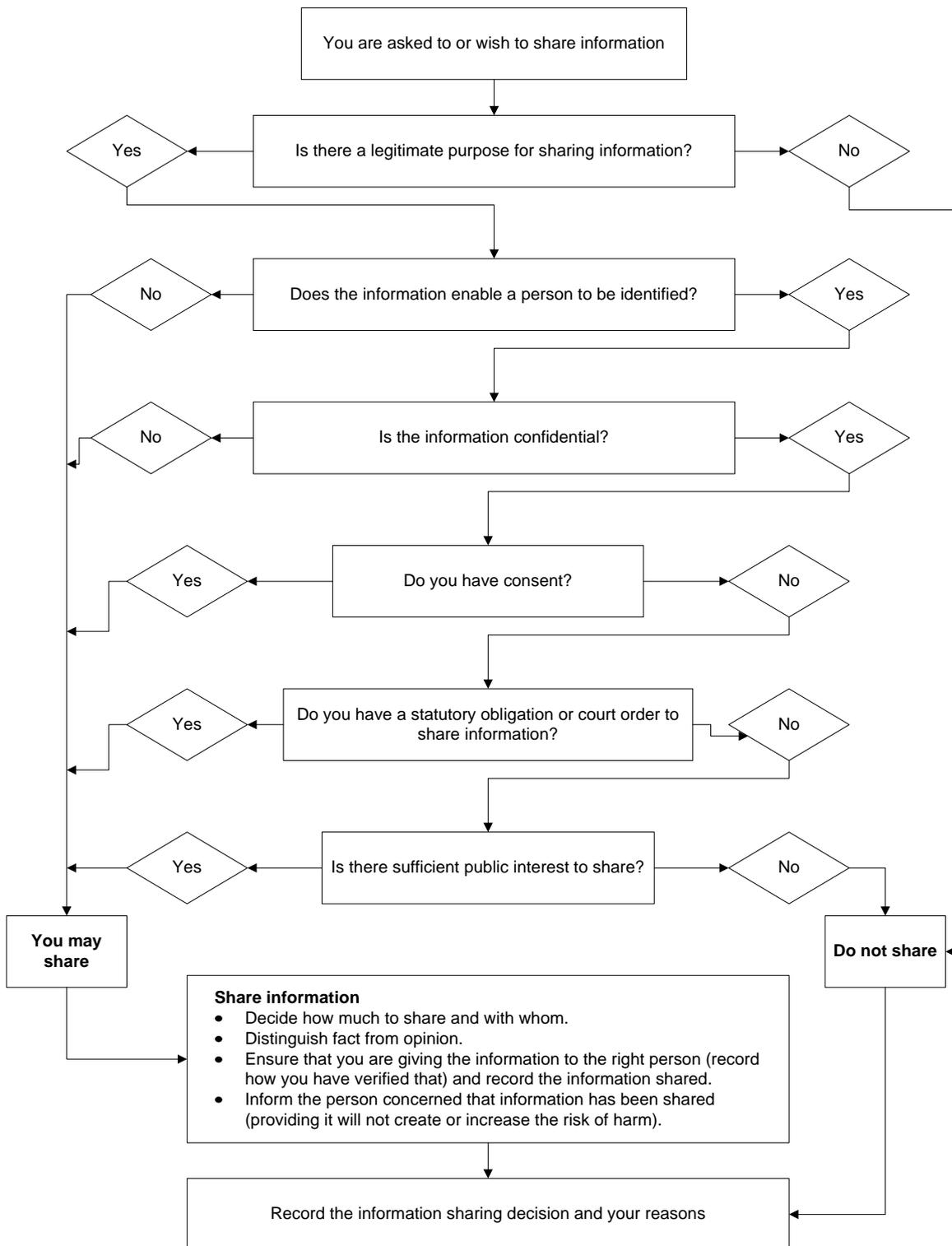
12. Some staff are also likely to come into physical contact with students from time to time in the course of their duties. Examples of this could include sports coaching which may involve non-sexual physical contact. Contact of this type should not take place when a member of staff is alone with a student.

13. In care situations where a student may require assistance with personal care such as toileting. Staff should respect the student's right to dignity and the level of support needed agreed with the student. Staff should be aware of the limits within which such contact should properly take place and of the possibility of such contact being misinterpreted. Staff should inform their line manager of the level of support they have agreed with the student.

# Child and Vulnerable Adult Protection Policy and Procedures

## Child Protection and the Protection of Vulnerable Adults Principles for information sharing

Annex C



**CHILD AND VULNERABLE ADULT PROTECTION POLICY**

**Nominated Governor for Safeguarding**

<b>Name</b>	<b>Job Title</b>	<b>Telephone Ext No</b>
Chris Brown		105

**Designated Senior Person**

<b>Name</b>	<b>Job Title</b>	<b>Telephone Ext No</b>
Simon Kibble	Director of Quality and Development	276

**Safeguarding and Child Protection Officers**

<b>Name</b>	<b>Job Title</b>	<b>Telephone Ext No</b>
Lynette Parker	Student Services Manager	241
Andy Allsop	Health & Safety Officer	237
Rebecca Bellamy	Senior Administrator/Student Advisor, Nottingham	425

### REPORTING AND DEALING WITH ALLEGATIONS OF ABUSE AGAINST MEMBERS OF STAFF

This procedure has been drawn up in consultation with staff, unions and the Local Safeguarding Children Board.

The procedures apply to all staff, whether teaching, administrative, management or support, as well as to volunteers. The word “staff” is used for ease of description.

#### **1 Introduction**

1.1 In rare instances, staff of education institutions have been found responsible for child abuse. Because of their frequent contact with children and young people, staff may have allegations of child abuse made against them. The College recognises that an allegation of child abuse made against a member of staff may be made for a variety of reasons and that the facts of the allegation may or may not be true. It is imperative that those dealing with an allegation maintain an open mind and that investigations are thorough and not subject to delay.

1.2 The College recognises that the Children Act 1989 states that the welfare of the child is the paramount concern. It is also recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Therefore, those dealing with such allegations within the College will do so with sensitivity and will act in a careful, measured way.

#### **2 Receiving an Allegation**

2.1 A member of staff who receives an allegation about another member of staff should follow the guidelines in Part C for dealing with disclosure

2.2 The allegation should be reported immediately to the Principal, unless the Principal is the person against whom the allegation is made, in which case the report should be made to the Senior Staff Member with Lead Responsibility [or the Designated Governor]. The Principal (or designated person if the allegation is against the Principal) should:

2.2.1 Obtain written details of the allegation from the person who received it, that are signed and dated. The written details should be countersigned and dated by the Principal (or designated person).

2.2.2 Record information about times, dates, locations and names of potential witnesses

#### **3 Initial Assessment by The Principal (or designated person)**

3.1 The Principal (or designated person) should make an initial assessment of the allegation, consulting with the Senior Staff Member with Lead Responsibility, the Designated Governor, Human Resources Director and the local social services department or agency as determined by local arrangements as appropriate. Where the allegation is considered to be either a potential criminal act or indicates that the child has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the local social services department.

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3.2 It is important that the Principal (or designated person) does not investigate the allegation. The initial assessment should be on the basis of the information received and is a decision whether or not the allegation warrants further investigation.

3.3 Other potential outcomes are:

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

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

### **4 Enquiries and Investigations**

4.1 Child protection enquiries by social care or the police are not to be confused with internal, disciplinary enquiries by the College. The College may be able to use the outcome of external agency enquiries as part of its own procedures. The child protection agencies, including the police, have no power to direct the College to act in a particular way, however, the College should assist the agencies with their enquiries.

4.2 The College shall hold in abeyance its own internal enquiries while the formal police or social services investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform with the existing staff disciplinary procedures.

4.3 If there is an investigation by an external agency, for example the police, the Principal (or designated person) should normally be involved in, and contribute to, the inter-agency strategy discussions. The Principal (or designated person) is responsible for ensuring that the College gives every assistance with the agency's enquiries. At this stage agreement should be reached that police and/or social services information gathered during their inquiries, including witness statements, will be made available to the college to assist with any internal inquiries. He/she will ensure that appropriate confidentiality is maintained in connection with the enquiries, in the interests of the member of staff about whom the allegation is made. The Principal (or designated person) shall advise the member of staff that he/she should consult with a representative, for example, a trade union.

4.4 The Principal (or designated person) will consult with the police or other investigating agency (e.g. social care), particularly in relation to timing and content of the information to be provided, and shall:

4.4.1 inform the young person/vulnerable adult or parent/carer making the allegation that the investigation is taking place and what the likely process will involve.

4.4.2 Ensure that the parents/carers of the young person/vulnerable adult making the allegation have been informed that the allegation has been made and what the likely process will involve.

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4.4.3 Inform the member of staff against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve.

4.4.4 Inform the Chair of Governors (and/or the designated governor) of the allegation and the investigation.

4.5 The Principal (or designated person) shall keep a written record of the action taken in connection with the allegation.

### **5 Suspension of Staff**

5.1 Suspension should not be automatic. In respect of staff other than the Principal, suspension can only be carried out by the Principal or a designated Senior Post Holder as defined in the Articles of Government. In respect of the Principal, suspension can only be carried out by the Chair of Governors (or in his/her absence, the Vice Chair).

5.2 Suspension may be considered at any stage of the investigation. It is a neutral, not a disciplinary, act and shall be on full pay. Consideration should be given to alternatives: e.g. paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties.

5.3 Suspension should only occur for a good reason. For example:

5.3.1 where a young person or vulnerable adult is at risk.

5.3.2 where the allegations are potentially sufficiently serious to justify dismissal on the grounds of gross misconduct.

5.3.3 where necessary for the good and efficient conduct of the investigation.

5.4 If suspension is being considered, the member of staff should be encouraged to seek advice, for example from a trade union.

5.5 Prior to making the decision to suspend, the Principal (or Designated Senior Post Holder or Chair or Vice Chair of Governors) should interview the member of staff. This should occur with the approval of the appropriate agency [identified by the LSCB]. In particular, if the police are engaged in an investigation the officer in charge of the case should be consulted.

5.6 The member of staff should be advised to seek the advice and/or assistance of his/her trade union and should be informed that they have the right to be accompanied by a trade union representative or work colleague. The member of staff should be informed that an allegation has been made and that consideration is being given to suspension. It should be made clear that the interview is not a formal disciplinary hearing, but solely for raising a serious matter which may lead to suspension and further investigation.

5.7 During the interview, the member of staff should be given as much information as possible, in particular the reasons for any proposed suspension, provided that doing so would not interfere with the investigation into the allegation. The interview is not intended to establish the member of staff's innocence or guilt, but give the opportunity for the member of staff to make representations about possible

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suspension. The member of staff should be given the opportunity to consider any information given to him/her at the meeting and prepare a response, although that adjournment may be brief.

5.8 If the Principal (or Designated Senior Post Holder or Chair, or Vice chair, or Chair of Governors) considers that suspension is necessary, the member of staff shall be informed that he/she is suspended from duty. Written confirmation of the suspension, with reasons, shall be despatched as soon as possible, and ideally within one working day.

5.9 Where a member of staff is suspended, the Principal (or Chair, or Vice Chair, of Governors) should address the following issues:

5.9.1 the Chair of Governors should be informed of the suspension in writing.

5.9.2 the Governing Body should receive a report that a member of staff has been suspended pending investigation, the detail given to the governing body should be minimal

5.9.3 where the Principal has been suspended, the Chair or Vice Chair of Governors will need to take action to address the management of the College

5.9.4 the parents/carers of the young person or vulnerable adult making the allegation should be informed of the suspension. They should be asked to treat the information as confidential. Consideration should be given to informing the young person or vulnerable adult making the allegation of the suspension

5.9.5 senior staff who need to know of the reason for the suspension should be informed

5.9.6 depending on the nature of the allegation, the Principal should consider [with the nominated Governor] whether a statement to the students of the College and/or parents/carers should be made, taking due regard of the need to avoid unwelcome publicity

5.10 The Principal shall consider carefully and review the decisions as to who is informed of the suspension and investigation. The LSCB and external investigating authorities should be consulted.

5.11 The suspended member of staff should be given appropriate support during the period of suspension. He/she should also be provided with information on progress and developments in the case at regular intervals.

5.12 The suspension should remain under review in accordance with the College disciplinary procedures.

## **6 The Disciplinary Investigation**

6.1 The disciplinary investigation should be conducted in accordance with the existing staff disciplinary procedures.

6.2 The member of staff should be informed of:

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6.2.1 the disciplinary allegations(s) against him/her.

6.2.2 his/her entitlement to be accompanied or represented by a trade union representative or work colleague.

A senior member of staff will be appointed to conduct the investigation or an independent investigation may be commissioned. Where there has been police and/or social services inquiries, information from these should be sought to prevent the need to re-interview the complainant or witnesses.

The senior member of staff/independent investigator should assess the information available and determine how the matter should be dealt with in accordance with the disciplinary procedures.

The outcome of police inquiries should inform, but should not determine the approach to be taken. It is important to bear in mind the difference between a criminal investigation and trial, where the proof must be 'beyond reasonable doubt' and a civil process such as the discipline procedures, where the college's primary duty is to safeguard the welfare of children and vulnerable adults. In such processes decisions are reached on the balance of probabilities. It should be remembered that there are many reasons why a prosecution may not be pursued or may fail, while there is sufficient evidence to indicate that there are continuing risks.

Advice about such situations should be sought from the Child Protection and Review Unit at Leicestershire Social Services

The outcome of the investigation and/or formal consideration of the information could be:

- no disciplinary action
- referral to a formal Disciplinary Hearing in accordance with the College's Disciplinary Procedure, the outcome of which will be in accordance with Section 11 of the Disciplinary procedure.

6.3 Where the member of staff has been suspended and no disciplinary action is to be taken, the suspension should be lifted immediately and arrangements made for the member of staff to return to work. It may be appropriate to offer counselling.

6.4 The child/children or vulnerable adult(s) making the allegation and/or their parents should be informed of the outcome of the investigation and proceedings. This should occur prior to the return to College of the member of staff (if suspended).

6.5 The Principal (or designated person) should give consideration to what information should be made available to the general population of the College.

## **7 Allegations which are considered not proven**

7.1 False allegations are extremely rare. There are many reasons why a young person or vulnerable adult may withdraw an allegation once made. They may also have misinterpreted actions by the member of staff. Investigators should be cautious in assuming that an allegation is false or malicious. Obviously false allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the local social services department or agency as determined by local arrangements in order that other agencies may act upon the information.

7.2 In consultation with the designated senior member of staff [and/or the designated Governor], the Principal shall:

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7.2.1 inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or child protection action will be taken. Consideration should be given to offering counselling/support.

7.2.2 inform the parents/carers of the alleged victim that the allegation has been made and of the outcome.

7.2.3 where the allegation was made by a child or vulnerable adult other than the alleged victim, consideration to be given to informing the parents/carers of that child or vulnerable adult.

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

### **8 Records**

8.1 It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken, details retained on the member of staff's personal and confidential file. Where the allegation is found to be without foundation, a record of the allegation, investigation and outcome should be retained.

8.2 If a member of staff is dismissed or resigns before the disciplinary process is completed, he/she should be informed about the College's statutory duty to inform the Secretary of State for Education in accordance with the Statutory Guidance for Schools and Colleges "Keeping Children Safe in Education".

### **9 Monitoring Effectiveness**

Where an allegation has been made against a member of staff, the nominated Governor, together with the senior staff member with lead responsibility should, at the conclusion of the investigation and any disciplinary procedures, consider whether there are any matters arising from it that could lead to the improvement of the College's procedures and/or policies and/or which should be drawn to the attention of the LSCB.

#### Prevention of Violent Extremism – The ‘Prevent’ Agenda

- In February 2008 the Government published guidance to local partners including colleges on preventing violent extremism. While the guidance was prompted following examples of Al Qaida behaviour, it is also aimed at reducing the risk of radicalisation of vulnerable people by other groups, including some Animal Rights Groups and Far Right Groups.
- Young people and vulnerable groups are particularly targeted by groups who may promote violent extremist activity.
- College staff should be aware of signs of radicalisation and have the confidence to report their concerns.
- Any such concerns should be recorded in writing and reported to a member of the Safeguarding Team. They will liaise with the Leicestershire Police contact following the procedures in the joint protocol and/or make a referral to the Channel programme.
- The College will also promote the ethos of the ‘Prevent’ agenda by encouraging free and open debate but challenging extreme views. It will encourage through its classroom practice, induction activities, a belief in Equality of Opportunity and the celebration of Diversity.
- The College will not host or allow its premises to be used by extreme groups and will seek to prevent the distribution of extreme literature.
- The College has a legal responsibility to forbid the promotion of partisan political views in the teaching of any subject in the college and must take such steps as are reasonably practicable to secure that where political issues are brought to the attention of students they are offered a balanced presentation of opposing views. Promotion of any organisations linked to violent extremism is contrary to the values of the college and could constitute misconduct.
- The College will provide appropriate support through its own staff or by referral to external agencies, for any student in danger of radicalisation.