

CHILD PROTECTION PROCEDURE

Reference CP/PRO-6/SA

SAFEGUARDING

Related Policies, Procedures and Guidance

Safeguarding Policy
Anti-Bullying, Harassment and Sexual Misconduct Policy and Procedure
Student Disciplinary Policy and Procedure
Student Behaviour Policy
Student Agreement
Drugs and Alcohol Policy and Procedure
Physical Intervention Policy
Security Procedures
Admissions and Progression Policy
Behaviour Management Procedure
Equality & Diversity Policy
Children on College Premises Guidelines
Staff Disciplinary Procedure
Whistleblowing Guidance and Procedure
Low Level Concerns Procedure
IT Acceptable Use Policy
Health & Safety Policy
Code of Conduct (Staff)
Use of Social Networking Websites Guidance and Procedure
Recruitment and Selection Policy and Procedure
Procedure for Searching Students for Prohibited Items
Policy on Access to Staff and Student IT Accounts & IT Equipment

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This procedure has a completed equality impact assessment

CONTENTS

1. Child Protection Statement	5
2. Dealing with disclosures and concerns	5
2.1 General Principles	5
2.2 Disclosure to third parties	5
2.3 Students Consent to the Referral	6
2.4 Immediacy and Urgency	7
2.5 Dealing with Allegations of abuse made by children, young people or vulnerable adults	7
2.6 Dealing with suspicions of abuse	8
2.7 Allegations of abuse by people now over eighteen years old regarding incidents during childhood	8
3. Reporting - MyConcern	9
4. Students who go missing from Education	9
5. Safeguarding and Forced Marriage	10
5.1 Staff actions following disclosure or a concern	10
5.2 Where a Student is Going Overseas Imminently	10
6. Female Genital Mutilation	11
6.1 Indications that FGM may have already taken place	12
6.2 Reporting FGM	12
7. Exploitation	12
8. Child on Child Abuse	13
8.1 Responding to incidents or allegations of bullying/ child on child abuse	13
8.1.1 Supporting the victim	13
8.1.2 Supporting the alleged perpetrator	13
8.2 Sexual Violence and Sexual Harassment	13
8.3 Responding to reports of Sexual Violence and Sexual Harassment from students	14
8.3.1 Risk assessment	14
8.4 Action following a report of sexual violence or sexual harassment	15
8.4.1 Options to manage the report	15
8.4.2 Subsequent considerations	17
8.4.3 The end of the criminal process	17
8.4.4 Ongoing safeguarding response and supporting the victim	17
8.4.5 Safeguarding and supporting the alleged perpetrator	17
9. Sharing nudes and semi nudes: how to respond to an incident	18
9.1 What is meant by sharing nudes and semi-nudes?	18
9.2 How to respond to an incident of sharing nudes or semi-nudes	18
10. Private fostering arrangements	19
11. Homelessness	19
12. Safeguarding and Work Placements	19

13. Off-site arrangements	21
14. Physical Intervention (physical contact/restraint)	21
14.1 Staff training	21
14.2 Individual Risk Assessment	21
14.3 Reporting the Use of Physical Intervention	22
15. Power to search students without consent	22
16. Supervision of Child Protection work	22
17. Record keeping	23
17.1 Child Protection Referral Form	23
18. Transferring of records	23
19. Reporting and Dealing With Allegations Regarding Safeguarding or Child Protection Issues Against Members of Staff	24
19.1 Introduction	24
19.2 Staff reporting concerns about a colleague or other adult who works with children (Whistleblowing)	24
19.3 Receiving an allegation from a child, young person or vulnerable adult	25
19.4 Initial Assessment by the Designated Safeguarding Lead	25
19.4.1 The 'harms' threshold	25
19.5 Low Level Concerns	25
19.6 Allegations that may meet the harms threshold.	26
19.6.1 Initial response	26
19.6.2 Looking after the welfare of the young person/vulnerable adult	26
19.6.3 Investigating and supporting the person subject to the allegation	26
19.6.4 External Enquiries and Investigations	26
19.7 Suspension of Staff	27
19.8 The Disciplinary Investigation	27
19.9 Allegations Without Foundation/Malicious Allegations	27
19.10 Following a criminal investigation or a prosecution	28
19.12 Monitoring Effectiveness	29
19.13 Media	29
20. Safer Recruitment	29
20.1. Advertising vacancies	29
20.2 Recruitment Process	29
20.3 Interview and Selection	30
20.4 Pre-appointment vetting checks, regulated activity and Recording Information	31
20.4.1 Employment History and References	31
20.4.2 Disclosure and Barring Services (DBS) and Barred Lists	32
20.4.2.1 Individuals	32
20.4.2.2 Processing the DBS	33
20.4.2.3 Roles and Responsibilities	34
20.4.2.4 Criminal Convictions	34
20.4.3 Recording Information	35
20.5 New staff induction	35

21. Important Contacts	35
22. Responsibility for the Procedure	36
23. Monitoring the effectiveness of the Procedure	36
24. Dates of reviews	36

1. Child Protection Statement

At WCG we recognise our moral and statutory responsibility to safeguard and promote the welfare of young people and vulnerable adults. We endeavour to provide a safe and welcoming environment where young people and vulnerable adults are respected and valued and can study, work and develop to their full potential. We are alert to the signs of abuse and neglect and follow our procedures to ensure that children receive effective support, protection and justice.

These procedures apply to all staff, volunteers, contractors and governors and are consistent with statutory guidance and those of the locally agreed multi agency safeguarding arrangements put in place by Warwickshire and Worcestershire Safeguarding Partnerships.

These procedures form part of the College **Safeguarding Policy** which is available on the intranet and can be accessed [here](#). They are developed in line with the statutory guidance **Working Together to Safeguard Children (DfE, 2018)** and **Keeping Children Safe in Education (DfE, 2022)**.

2. Dealing with disclosures and concerns

College staff are not expected to counsel young people or vulnerable adults who have been abused, but they should be able to respond appropriately if a young person or vulnerable adult chooses to confide in them. An appropriate response should take into account the age and vulnerability of the young person or vulnerable adult as well as any possible continuing risk to which they may be exposed.

2.1 General Principles

- a. The safety of children, young people and vulnerable adults is the first and paramount concern.
- b. All staff will receive relevant training to enable them to carry out the duties required of them.
- c. All members of staff and others will be informed of the contents of this procedure and will be advised in its implementation.

All staff should be aware that young people and vulnerable adults may not feel ready or know how to tell someone that they are being abused, exploited or neglected and/or they may not recognise their experiences as harmful. This should not prevent staff from speaking to the Designated Safeguarding Lead or Designated Person if they have concerns.

2.2 Disclosure to third parties

Referrals of child abuse must be made to the Social Services office in the area in which the child, young person or vulnerable adult resides. In Warwickshire this referral is made to the **Warwickshire Front Door**. In Worcestershire this is made through the **Worcester Front Door**. For children living outside these areas the appropriate agency must be contacted.

Useful Contacts:

Warwickshire: <http://www.warwickshire.gov.uk/wscbresources>

Worcestershire: <http://www.worcestershire.gov.uk/safeguardingchildren/>

The principles to be used in deciding whether or not to share information disclosed by a young person or vulnerable adult who has been, or is being, abused are set out in Warwickshire's/Worcestershire's Safeguarding Board Document 'Inter Agency Child Protection Procedures' which is the statutory guidance for all the agencies involved in safeguarding (child protection).

The Designated Safeguarding Lead on the Senior Leadership Team (DSL-SLT), Designated Safeguarding Leads (DSLs) and Designated Persons (DPs), follow training by the Local Authority, each have access to the updated relevant procedures through the Safeguarding pages on the Authorities websites and have received relevant guidance on referrals and appropriate forms.

Any information should normally only be shared with third parties with the consent of the disclosing person. However, in some cases, consideration of the safety and welfare of the young person or vulnerable adult may override the obligation to observe confidentiality. All staff must be aware that the Data Protection Act 2018 and UK GDPR do not prevent the sharing of information for purposes of keeping children safe. This would be the case if the young person or vulnerable adult were judged to be 'at risk of significant harm'.

Where there is a concern that a young person or vulnerable adult is at risk of significant harm, all information held by the college must be shared with Children's Social Care, Police and health professionals. Section 47 of the Children Act 1989 and sections 10 and 11 of the Children Act 2004 empower all agencies to share information in these circumstances. In the event of any doubt, the DSL/DP should liaise with the Multi-Agency Safeguarding Hub (MASH). In the unlikely event of no DSL/DP being available, the person to whom information has been disclosed should make the referral.

When making a referral, the Designated Person should:

- Be clear that they wish to make a referral that may require an investigation relating to abuse;
- State their name and the circumstances in which the disclosure took place;
- Set out the information as shared by the person concerned;
- Explain clearly what action the child, young person or vulnerable adult is likely to be expecting;
- Ensure that all details of conversations and any referral forms completed are added to the child or young persons' file on My Concern
- If a member of staff or other is asked to attend a case conference, it is important that they do so or at least send a written report. However, on no account should volunteers act as advocates or representatives on behalf of children, young people and/or vulnerable adults in dealing with abuse issues. A record of any meeting attended should be entered on My Concern and any minutes of meetings uploaded to the concern.

Staff and others involved should be available to provide information or talk to the authorities as required. The Designated Person for 14-19 collaborative programmes will contact the Designated Person at the relevant school before or after making the referral.

2.3 Students Consent to the Referral

At the beginning of contact with a person who may choose to disclose information, staff should ensure that the young person and/or vulnerable adult is aware that the discussion between them and the member of staff cannot be kept confidential if they disclose that they, or others known to

them, are at risk of significant harm, in the form of physical abuse, emotional abuse, sexual abuse or neglect.

If the young person and/or vulnerable adult can understand the significance and consequences of making a referral their views regarding a referral to Children's Social Work Services should be obtained and taken into consideration by the referring professional. If the young person or vulnerable adult is adamant that they do not want any disclosure to the authorities, even if they are aware of the College's confidentiality principles, staff and others should seek advice from a Designated Safeguarding Lead/Designated Person about whether there is a case for going against their wishes. The final decision should be made by the DSL/DP in light of the seriousness of the disclosure and the level of continuing risk to the young person or vulnerable adult and to any others who may be involved. However, if there is a suspicion of harm, a referral must be made.

Names do not need to be given straight away if you only wish to ask for advice from Social Services.

2.4 Immediacy and Urgency

The more serious and the more recent the incident of abuse, the more immediacy is likely to be required to any response. It is still important to balance the risk to a young person or vulnerable adult's physical safety, where this exists, against the harm that may be caused by hasty action in situations which may be of long standing, no matter how unsatisfactory.

As previously stated, as far as possible, issues of disclosure should initially be discussed with a Designated Safeguarding Lead/Designated Person, so that the College as an organisation can provide the appropriate support needed by the member of staff or others involved in the incident, so long as this does not result in undue delay.

2.5 Dealing with Allegations of abuse made by children, young people or vulnerable adults

If staff have a concern about a young person or vulnerable adult they should report these concerns to the Safeguarding Team using MyConcern.

If a young person under eighteen years of age or a vulnerable adult confides to a member of staff that they are, or someone known to them is being abused the member of staff should:

- Listen carefully and remain calm;
- remind the young person or vulnerable adult that what they say is possibly going to have to be shared with others in order to keep them or other young people safe;
- make sure that the young person or vulnerable adult knows what is meant by sharing information and what is likely to happen – usually that a social worker will talk to them and that, if necessary, the police may become involved;
- do not ask leading questions or jump to conclusions about what is being said, but let the young person or vulnerable adult talk, in their own time and using their own words, asking for further details only if absolutely necessary to clarify a point;
- make a note of what has been said and check it with the young person or vulnerable adult for accuracy;
- Reassure the young person or vulnerable adult that by telling you, they have done the right thing; and

- Pass this information onto the safeguarding team as soon as possible, using MyConcern.

If the young person or vulnerable adult is freely recalling events, the response should be to listen, rather than stop them; questioning of the information given must be limited to confirming actual accuracy required to provide a quality referral e.g. who are the people involved, what has actually happened and when and where did any incident occur.

If a young person or vulnerable adult has an injury but no explanation is volunteered it is acceptable to enquire how the injury was sustained. However, the young person or vulnerable adult must not be pressed for information, led or cross examined. Nor must they be given false assurances of absolute confidentiality, as such well intentioned actions could prejudice any Police investigations.

It is important that the young person or vulnerable adult should not be asked to repeat the information to a colleague or write the information down. Making an accurate and verbatim record of what the young person or vulnerable adult has said (disclosure), using the young person's or vulnerable adult's own words, is the responsibility of the person to whom the disclosure is being made.

If a member of staff has a concern about a student and contacts a DSL/DP to speak with the student then the DSL/DP is responsible for the initial record.

LISTEN - RECORD - REPORT

Staff should not investigate concerns or allegations themselves but should report them immediately on MyConcern

2.6 Dealing with suspicions of abuse

Where a member of staff or other person suspects that a child, young person or vulnerable adult may be at risk of harm, although no disclosure or complaint has been made, the circumstances should be discussed with a DSL/DP prior to referral to a statutory agency.

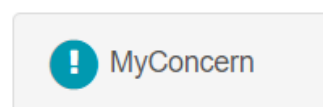
All staff should be aware that children, young people and vulnerable adults may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful. This should not prevent staff from speaking to the DSI or DP if they have concerns.

2.7 Allegations of abuse by people now over eighteen years old regarding incidents during childhood

In many cases people may only be able to discuss incidents of abuse in childhood when they reach adulthood. In the event of such disclosures, staff or others should not act as counsellors but should suggest to the person where they can obtain specialist help or information. The person should also be encouraged to pass the information on if the abuser continues to have access to other children, young people or vulnerable adults.

In any event, the "Interagency Safeguarding Procedures" of the relevant local authority can be used for reference:

Regional Child Protection Procedure for West Midlands <https://westmidlands.procedures.org.uk/>



3. Reporting - MyConcern

Any situation in which a child, young person or vulnerable adult tells a member of College staff or other that they have been or are being abused or are in an unsafe environment / relationship **must be notified immediately to a Designated Safeguarding Lead or Designated Person.**

The notification should include:

- the time and circumstances of the disclosure; and
- the substance and seriousness of the allegations made by the child, young person or vulnerable adult, including any possible risk to their safety.

The College uses the MyConcern safeguarding platform for the recording and reporting of all concerns relating to children, young people and vulnerable adults. MyConcern can be accessed by selecting the app via the intranet or through this link [Log in - The Safeguarding Company](#). New members of staff are sent an activation link and complete online training on using MyConcern and there are multiple training handouts available within the safeguarding system in the Help section.

All safeguarding referrals should be made through this platform, however, if the concern needs immediate attention this should also be reported verbally to a DSL/DP as soon as possible to make them aware of the incident.

Posters are displayed around the college with contact details for members of the Safeguarding Team (DSLs and DPs). These are also available on the Safeguarding and Prevent section of the intranet and can be accessed via the links below:

[Warwickshire Safeguarding Team](#)
[Worcestershire Safeguarding Team](#)

The contact details for the **Designated Safeguarding Leads** are below:

Name	College	Email	Telephone	Mobile
Katherine Skudra	All	kskudra@warwickshire.ac.uk	0330 135 6174	07793 118341
Sharon Williams	Pershore and Evesham	swilliams@warwickshire.ac.uk	0330 135 7020	07887 521829

4. Students who go missing from Education

A student going missing from education is a potential indicator of abuse or neglect, including child criminal exploitation, sexual exploitation, FGM, forced marriage or travelling to conflict zones. Staff will be alert to these safeguarding concerns when a student goes missing for an extended period, or on repeat occasions and any such concerns must be reported immediately to a DSL/DP.

Staff should refer to the **Missing in Education Policy** for further information, this is available on the staff intranet and can be accessed via this link - [Missing in Education Policy](#)

5. Safeguarding and Forced Marriage

A forced marriage is a marriage in which one or both spouses do not (or, in the case of some adults with learning difficulties or disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

Staff will be particularly alert to suspicions or concerns raised by a student about being taken abroad and not being allowed to return to England or a marriage taking place where the young person or vulnerable adult does not have the mental capacity to consent to the marriage.

5.1 Staff actions following disclosure or a concern

The following steps should be followed If a member of staff suspects or is approached by a student who is being forced into marriage:

- See the student immediately in a secure and private place where the conversation cannot be overheard
- See the student on their own - even if they attend with others
- Listen carefully and stay calm
- Question the student normally and without pressure in order to be certain that you understand what the young person or vulnerable adult is telling you
- Reassure him/her about confidentiality ie family member will not be informed
- Inform the student that you must pass this information on, but only to individuals who need to know, and advise who this will be
- Make a detailed note of what has been said
- Agree a discreet way of contacting the young person or vulnerable adult in the future
- Refer immediately to the DSL/DP

Do not:

- Send the young person or vulnerable adult away
- Approach members of their family or community
- Disclose the information to anyone other than the designated members of staff for safeguarding
- Attempt to be a mediator

5.2 Where a Student is Going Overseas Imminently

If a student informs you that they are travelling overseas within days, a second meeting may not be possible so staff should try to get as much of the following information from the student as is possible before referring them to a member of the safeguarding team.

- A photocopy of their passport for retention purposes (encourage them to keep a copy of their passport number and place and date of issue in a safe place)

- As much information as possible about their family including:
 - Full name and date of birth of the person under threat
 - Their fathers name
 - Any address where they may be staying overseas
 - Potential spouse's name (if known)
 - Date of the proposed wedding (if known)
 - The name of the potential spouse's father (if known)
 - Address of any extended family in the UK and overseas
 - Any known phone numbers
- Any information that only they would be aware of (if the victim is a British national this may assist any subsequent interview at an Embassy/British High Commission in case another person of the same age/gender is produced pretending to be them)
- Details of any travel plans and people likely to accompany the person under threat
- A safe means by which to contact them eg a mobile telephone number that will function overseas
- An estimated return date. Ask that they contact you without fail on their return
- A written statement by the student explaining that they want the police, adult or children's social care, a teacher or third party to act on their behalf if they do not return by a certain date.

The DSL or DP will report details of the case with the full family history to the Forced Marriage Unit. Only in exceptional circumstances (absence of all designated staff for safeguarding and members of the Senior Leadership Team) should this be done directly. If due to exceptional circumstances a direct report is made, the DSL should be informed immediately.

Multi agency statutory guidance for dealing with forced marriage can be found at [The right to choose: government guidance on forced marriage](#)

Since June 2014, forcing someone to marry has become a criminal offence in England and Wales under section 121 of the Anti-Social Behaviour Crime and Policing Act 2014, See <https://www.gov.uk/stop-forced-marriage> for further information.

6. Female Genital Mutilation

Female Genital Mutilation (FGM) is the collective name given to a range of procedures involving the partial or total removal of the external female genitalia for non-medical reasons or other injury to the female genital organs. FGM is typically carried out on girls aged between four and thirteen years, but in some cases is performed on new born infants or young women before marriage or pregnancy.

In England, Wales and Northern Ireland, FGM is illegal under the Female Genital Mutilation Act 2003, it is also illegal to take a child abroad to undergo FGM.

If staff have a concern that a student may be at risk of FGM they should report this in the same way as any other safeguarding concern. The DSL/DP will discuss this with Children's Social Care with a view to making a referral and inform the Police as appropriate.

6.1 Indications that FGM may have already taken place

Indications may include a child, young person or vulnerable adult:

- having difficulty or looking uncomfortable when walking, sitting or standing
- spending longer than normal in the bathroom due to difficulties urinating
- spending long periods of time away from the classroom with bladder or menstrual problems
- having frequent urinary, menstrual or stomach problems
- having prolonged or repeated absences, especially with noticeable behaviour changes (withdrawal or depression) on their return
- confiding in a member of staff without being explicit about the problem due to fear or embarrassment
- talking about pain or discomfort between her legs

6.2 Reporting FGM

Teachers have a statutory duty defined by Section 5B of the Female Genital Mutilation Act 2003 to report to the Police **personally** where they discover (by means of a disclosure) that an act of FGM appears to have been carried out on a girl who is under the age of 18. This is known as mandatory reporting.

Staff in this situation will record their concerns and inform a member of the safeguarding team who will support them in making a direct report to the Police. A referral will also be made to Children's Social Care.

Further information on when and how to make a report can be found at:

<https://www.gov.uk/government/publications/mandatory-reporting-of-female-genital-mutilation-procedural-information>

7. Exploitation

As with all forms of exploitation, staff are asked to be vigilant to the risk of it being practised and to report any concerns to the safeguarding team using MyConcern. The DSL or DP will then follow the guidelines published on the local Safeguarding Partnership websites.

Further information is available at <https://www.somethingsnotright.co.uk/> (Warwickshire) and <https://www.safeguardingworcestershires.org.uk/home/wscb/professionals/cse/> (Worcestershire)

8. Child on Child Abuse

If a young person causes harm to another this should not necessarily be dealt with under these procedures. However, it may be appropriate to regard a young person's behaviour as abusive if:

- there is a large difference in power (eg age size, ability, development) between the young people concerned; or
- The perpetrator has repeatedly tried to harm one or more other young people; or
- There are concerns about the intention of the alleged perpetrator

Children can abuse other children (often referred to as child-on-child abuse) and this can happen both inside and outside of college and online. Child-on-child abuse is most likely to include, but may not be limited to: bullying, abuse in intimate personal relationships between children (sometimes known as 'teenage relationship abuse'), physical abuse, sexual violence, sexual harassment, consensual and non-consensual sharing of nude and semi-nude images and/or videos, upskirting and initiation/hazing type rituals.

WCG has a zero tolerance approach to any reports of abuse of this nature and all staff understand the importance of challenging inappropriate behaviours between children, young people and vulnerable adults. If the matter is assessed to be abusive and/or there is a safeguarding concern this needs to be reported to the safeguarding team following the normal procedure as set out in section 3.

This section should be read in conjunction with the **Student Anti-bullying, Harassment and Sexual Misconduct Policy and Procedures**, available on the intranet.

8.1 Responding to incidents or allegations of bullying/ child on child abuse

All complaints about bullying should be taken seriously and treated sensitively and it is important to discuss possible/desirable strategies with the victim in the first instance and proceed as appropriate.

8.1.1 Supporting the victim

The College recognises that victims may not disclose the whole picture immediately and so dialogue will be kept open and encouraged. Pastoral support will be provided to the victim of child on child abuse and the college will do everything reasonably it can to protect the victim from bullying and harassment as a result of any report they have made.

8.1.2 Supporting the alleged perpetrator

The College recognises that along with safeguarding the victim of an incident or allegation of child on child abuse, we have a responsibility to provide the alleged perpetrator with an education, safeguarding support and implement any disciplinary sanctions.

The College will consider the proportionality of the response. Support (and sanctions) will be considered on a case by case basis. An alleged perpetrator may have unmet needs, be subject to negative reactions from their peers due to the allegation against them as well as potentially posing a risk of harm to other young people.

8.2 Sexual Violence and Sexual Harassment

The College recognises that a whole college approach to preventing **child on child** sexual violence and sexual harassment is important. All staff should be aware that Sexual Violence and

Sexual Harassment can happen between young people in college, what sexual violence and sexual harassment look like and how to report any concerns.

Sexual Violence and Sexual Harassment will not be tolerated and it is of particular importance to ensure that it is not passed off as banter, part of growing up or having a laugh.

General safeguarding principles should be followed, as detailed in this guidance, and the college will ensure any reports of sexual violence and sexual harassment are dealt with in a reasonable timeframe.

8.3 Responding to reports of Sexual Violence and Sexual Harassment from students

It is essential that all victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward, and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment, nor should they be made to feel ashamed by making a report. It is important to explain that the law is in place to protect children and young people rather than criminalise them in a way that avoids distressing them further.

When responding to a report from a young person or vulnerable adult staff should:

- Not promise confidentiality at the initial stage as it will likely need to be shared further;
- Only share the report with those people that are necessary to progress it and explain to the victim who this will be;
- Listen carefully, be non-judgemental and only ask open questions (when, where, what etc);
- Consider the best way to make a record of the report. Best practice would be to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to give their full attention to the young person or vulnerable adult;
- Only record the facts as given, the notes should not reflect the personal opinion of the note taker
- Where the report includes an online element, be aware of UKCIS advice on sharing nudes and semi nudes (for staff working in education) and the information in section 9. The key consideration is for staff **not to** view or forward illegal images of a child, young person or vulnerable adult;
- If the DSL or DP is needed involved in the initial report, inform them as soon as is practically possible; and
- Follow the reporting procedure in section 3.

8.3.1 Risk assessment

Where there has been a report of sexual violence, the DSL or DP will carry out a dynamic risk assessment. Where there has been a report of sexual harassment, the needs for a risk assessment will be considered on a case by case basis.

The risk assessment will consider:

- The victim, especially their protection and support;
- The alleged perpetrator; and

- All of the other young people (and if appropriate, adult students and staff) at the college especially any actions that are appropriate to protect them.

Risk assessments will be recorded on the rationale or file section in MyConcern and kept under review and the DSL or DP will engage with Children's Social Care and specialist services as required.

8.4 Action following a report of sexual violence or sexual harassment

The College will carefully consider any report of sexual violence and/or sexual harassment. Important considerations will include:

- the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims will be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. However, if the victim asks the college not to tell anyone about the sexual violence or sexual harassment, the DSL or DP will have to balance the victim's wishes against their duty to protect the victim and other young people and vulnerable adults. It is likely to be justified and lawful to share the information if doing so is in the public interest e.g. to protect the victim and other young people from harm and to promote the welfare of children;
- the nature of alleged incident(s) including, whether a crime may have been committed and consideration of harmful sexual behaviour;
- the ages and developmental stages of the young people or vulnerable adults involved;
- any power imbalance between the young people, for example, is the alleged perpetrator(s) significantly older, more mature or more confident? Does the victim have a disability or significant learning difficulty?
- if the alleged incident is a one off or a sustained pattern of abuse;
- that sexual violence and sexual harassment can take place within intimate personal relationships between young people;
- the importance of understanding intra familial harms and any necessary support for siblings following incidents;
- whether there are ongoing risks to the victim, other young people or vulnerable adults, adult students or college staff;
- informing parents/carers (unless this would put the victim at greater risk);
- only sharing information with those staff who need to know in order to support the young people involved and/or be involved in any investigation. For instance, personal learning advisers may be asked to monitor the victim's welfare without needing to know that they are a victim of sexual violence or harassment.

8.4.1 Options to manage the report

The College will consider every report on a case by case basis. Where a report is going to be made to children's social care and/or the police, then, as a general rule, the college will speak to the relevant agency and discuss next steps and how the alleged perpetrator will be informed of the allegations. However, this does not and will not stop the college taking immediate action to safeguard young people and vulnerable adults, where required.

There are four likely scenarios the college will consider when managing any reports of sexual violence and/or sexual harassment.

Manage internally

In some cases of sexual harassment, for example, one-off incidents, the college may take the view that the young person concerned are not in need of early help or statutory intervention and that it would be appropriate to handle the incident internally, through the disciplinary process and by providing pastoral support.

Early help

The college may decide that the young people involved do not require statutory interventions, but may benefit from early help. The College will keep the needs and circumstances of young people and vulnerable adults receiving early help under constant review. If the situation does not improve and/or the young person or their parent/carer does not consent to early help the college will make a judgement about whether, without help, the needs of the young person will escalate.

Referrals to children's social care

Where a young person has been harmed, is at risk of harm, or is in immediate danger, the college will make a referral to local children's social care. At the referral to children's social care stage, the college will generally inform parents or carers, unless there are compelling reasons not to (if informing a parent or carer is going to put the young person at additional risk). Any such decision will be made with the support of children's social care. The colleges will not wait for the outcome of a children's social care investigation before putting measures in place to protect the victim and other young people in college.

Reporting to the Police

Any report to the police will generally be in parallel with a referral to children's social care (as above). Where a report of rape, assault by penetration or sexual assault is made, the starting point is this should be passed on to the police. At this stage, the colleges will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a young person at additional risk.

It is the prerogative of victims and their parents/carers to make direct complaints to the Police. However, the college will also be very clear with victims and parents/carers that the college has a duty to ensure the Police are informed when an alleged crime has been committed in order to safeguard other young people and vulnerable adults.

Where a report has been made to the Police, the college should consult the Police and agree what information can be disclosed to staff and others, in particular the alleged perpetrator and their parents/carers. In some cases it may become clear very quickly that the Police will not take further action.

From April 2017, the use of police bail has been dramatically reduced and will only be used when deemed necessary and proportionate in exceptional circumstances. Consideration will be given to less invasive options to safeguard victims and witnesses and the administration of justice. Therefore, it is less likely that a young person attending college will be on police bail with conditions attached if there are alternative measures to mitigate any risk. In the absence of bail conditions, when there is a criminal investigation, early engagement and joined up working between the college, children's social care and the police will be critical to support the victim, alleged perpetrator and other young people involved (especially potential witnesses). Where required, advice from the police will be sought in order to help the college manage their safeguarding responsibilities.

There may be delays in any case that is being progressed through the criminal justice system. The colleges will not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other young people in college.

8.4.2 Subsequent considerations

The needs and wishes of the victim should continue to be paramount as the case progresses. Wherever possible, the victim if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victims' daily experience as normal as possible so that the college is a safe space for them.

Similarly, the alleged perpetrator(s) has an ongoing right to an education and should be able to continue in their normal routine subject to the ongoing risk assessment and the needs of the victim.

8.4.3 The end of the criminal process

If a young person or vulnerable adult is convicted or receives a caution for a sexual offence, the college will update its risk assessment, ensure relevant protections are in place for all the young people at the college and consider any additional suitable action in light of the student disciplinary policy.

If the perpetrator remains in college along with the victim, the college will set out clear expectations regarding the perpetrator now they have been convicted or cautioned. This could include expectations regarding behaviour and certain reasonable and proportionate restrictions.

Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other students. The college will support and protect both the victim and alleged perpetrator, especially from any bullying or harassment (including online).

Where cases are classified as “no further action” (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, the college will continue to offer support to the victim and the alleged perpetrator for as long as is necessary.

A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated does not necessarily mean that it was unfounded. The college will discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator is also likely to require ongoing support for what will have likely been a difficult experience.

8.4.4 Ongoing safeguarding response and supporting the victim

The college recognises that victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. Dialogue will be kept open and encouraged.

A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. The college will work with the victim and recognise that there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities.

The college will do everything reasonably it can to protect the victim from bullying and harassment as a result of any report they have made.

Where the college is able to share the information it will provide the victim with the outcome, or an explanation of any actions taken, or not taken, as a result of the complaint.

8.4.5 Safeguarding and supporting the alleged perpetrator

The following principles are based on effective safeguarding practice and will be used to help shape any decisions regarding safeguarding and supporting the alleged perpetrator.

The college recognises that it may be a difficult balancing act to consider. On one hand, the college has a duty to safeguard the victim (and the wider student body) and on the other hand provide the alleged perpetrator with an education, safeguarding support as appropriate and

implement any disciplinary sanctions.

Where the college is able to share the information it will provide the alleged perpetrator with the outcome, or an explanation of any actions taken, or not taken, as a result of the complaint.

The college will consider the age and the developmental stage of the alleged perpetrator and nature of the allegations. Any young person will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.

- The college will consider the proportionality of the response. Support (and sanctions) will be considered on a case-by-case basis. An alleged perpetrator may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other young people. Harmful sexual behaviours in young children may be (and often are) a symptom of either their own abuse or exposure to abusive practices and or materials. Advice will be taken, as appropriate, from children's social care, specialist sexual violence services and the police.
- If the alleged perpetrator does move to another educational institution (for any reason), the college will inform the new educational institution of any ongoing support needs and where appropriate, potential risks to other young people and staff.

9. Sharing nudes and semi nudes: how to respond to an incident

The college will act in accordance with the guidance 'Sharing nudes and semi-nudes: advice for education settings working with children and young people' (UK Council for Internet Safety, 2020) <https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

9.1 What is meant by sharing nudes and semi-nudes?

In the latest advice for schools and colleges (UKCIS, 2020), this is defined as the sending or posting of nude or semi-nude images, videos or live streams online by young people under the age of 18. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop which works offline.

Alternative terms used by children and young people may include 'dick pics' or 'pics'. The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated.

This advice does not apply to adults sharing nudes or semi-nudes of under 18-year olds. This is a form of child sexual abuse and must be referred to the police as a matter of urgency.

9.2 How to respond to an incident of sharing nudes or semi-nudes

Having regard to the points below, any incidents should be reported immediately to the DSL or DP, following the guidance in section 3.

- **Never** view, copy, print, share, store or save the imagery yourself, or ask a young person to share or download – **this is illegal**.
- If you have already viewed the imagery by accident (e.g. if a young person has shown it to you before you could ask them not to), report this to the DSL/DP and seek support.
- Do not delete the imagery or ask the young person to delete it.
- Do not ask the young person(s) who are involved in the incident to disclose information regarding the imagery. This is the responsibility of the DSL/DP.

- Do not share information about the incident with other members of staff, the young person(s) it involves or their, or others, parents and/or carers.
- Do not say or do anything to blame or shame any young people involved.
- Do explain to them that you need to report it and reassure them that they will receive support and help from the DSL/DP

The risk assessment 'Safeguarding; Assessing the risk- nudes and semi nudes images of under 18s' will then be completed by the Deputy Principal (DSL-SLT) and a DSL.

10. Private fostering arrangements

We recognise that private fostering occurs when a child under the age of 16 (or under 18, if the person has a disability) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer.

Such arrangements may come to the attention of college staff through the normal course of their interaction, and promotion of learning activities, with young people. If a member of staff becomes aware that this is the case regarding a young person under 18 who has a disability they should notify the safeguarding team via MyConcern.

The college will notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child.

11. Homelessness

Being homeless or being at risk of becoming homeless presents a real risk to young person's or vulnerable adult's welfare. Any disclosures of this nature should be referred immediately to a DSL/DP following the guidance in section 3.

The DSL/DP refer any concerns to the Local Housing Authority so they can raise/progress concerns at the earliest opportunity.

We also recognise that whilst young people who live with their families may be at risk of homelessness due to factors such as household debt, rent arrears, domestic abuse etc, in some cases 16 and 17 year olds could be living independently away from parents or guardians and will require a different level of support and intervention. In these circumstances, the DSL will refer to Children's services as appropriate.

12. Safeguarding and Work Placements

Safeguarding should be given equal prominence to health and safety and should be considered as part of the initial assessment of the general suitability of any placement. The **Employer Placement Procedures**, available on the intranet, sets out the requirements and checks carried out with potential placement providers. A guidance document 'Guidance for Employers on Equality of Opportunity, Safeguarding, the Prevent Duty and British Values' should be given to all employers offering placements.

The Placement Coordinator meets with employers to complete the Employer Compliance Checklist which confirms the following:

- Does the employer have Safeguarding arrangements in place?;
- Does the employer have a designated person for safeguarding on site?;
- Does the employer agree to contact the WCG DSL as soon as a safeguarding issue arises?; and
- Confirmation that the employer has the contact details for the DSL

Additional safeguards will be determined by risk assessment when one or more of the following conditions apply, the placement:

- Is for more than one day per week;
- Is for longer than one term in any academic year;
- Is aimed at young people who may be vulnerable, e.g. those who have special needs or are young (aged under 18);
- Is one where the workplace supervisor or a colleague will have substantial unsupervised access to the young person or vulnerable adult, because of the nature of the business (i.e. micro business, sole trader or journeyman); or
- has a residential component

If any of the conditions above apply, the following safeguards should be in place and others may need to be agreed and implemented as part of the safeguarding risk assessment:

- WCG staff who arrange, vet, or monitor work placements should have had training in safeguarding;
- The employer should be provided with the contact details of the WCG Safeguarding Team so that they can make contact if they have any safeguarding concerns during the work placement;
- Employers taking responsibility for a young person or vulnerable adult on a long term placement should be asked to make a commitment to safeguarding their welfare by endorsing an agreed safeguarding policy or statement of principles;
- Employers are willing to ensure that their staff have an understanding of what actions/behaviours are appropriate when dealing with young people or vulnerable adults;
- Any person whose normal duties include regularly caring for, training, looking after, or supervising a young person in the workplace should already be vetted and subject to Disclosure and Barring Service (DBS) checks. However, this would not include people who will have contact with the student simply because they will be in the same location as part of their work. If a member of staff has volunteered to supervise a student whilst they are on placement, it is unlikely that they will require a DBS check unless the risk assessment identifies there is significant risk based on the criteria listed above;
- The young person or vulnerable adult should have a good understanding of safeguarding and must be given clear advice about who to contact if they are worried or uncomfortable about their surroundings or if they suffer abuse.

The risk assessment will be reviewed and signed off by the relevant Head of Department prior to the student beginning their placement.

13. Off-site arrangements

All off-site arrangements are subject to a risk assessment to satisfy health and safety and safeguarding requirements. When our students attend off-site activities, including day and residential visits, we will check that effective child protection and whistleblowing arrangements are in place.

14. Physical Intervention (physical contact/restraint)

It is not realistic to suggest that staff should never touch students, and they and other staff in College have the right to use reasonable force to control or restrain students in certain circumstances. Use of reasonable force, Advice for head teachers, staff and governing bodies DfE 2013 outlines what types of incidents may require the use of force and what constitutes reasonable force in the following terms:

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.
2. Force is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. Reasonable in the circumstances' means using no more force than is needed
4. As mentioned above, Colleges generally use force to control students and to restrain them. **Control** means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom. **Restraint** means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.
5. College staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student.

The **WCG Student Physical Intervention Policy**, available on the intranet, describes the purpose of physical intervention as being to take control of, divert, defuse or de-escalate a potentially dangerous situation in order to prevent or significantly reduce the risk of harm to the person and those around them.

14.1 Staff training

The College provides **Team-Teach** training for its key members of staff who may come into contact with students where the risk of requiring physical intervention is greater. The Team-Teach brand is nationally recognised for de-escalation training.

Team-Teach aims:

through positive behaviour support approaches and plans, with a focus on de-escalation, to actively reduce risk and the need for restraint; to support teaching, learning and caring, by increasing staff confidence and competence, in responding to behaviours that challenge, whilst promoting and protecting positive relationships.

14.2 Individual Risk Assessment

All students who are identified as presenting risk should have an individual risk assessment

(IRA). These are created in collaboration with professionals (if necessary), staff, students and parents, or those acting as loco parentis where appropriate, and will be regularly reviewed, at least annually.

14.3 Reporting the Use of Physical Intervention

Any use of physical intervention with a student will be recorded on MyConcern along with an uploaded completed Physical Interventions Recording Sheet, available within the Student Physical Intervention Policy as Appendix 1, so that a central record is maintained.

15. Power to search students without consent

In addition to the general power to use reasonable force described above, authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following **prohibited items**.

Searching, screening and confiscation, Advice for headteachers, school staff and governing bodies, DfE January 2018 defines these as:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person

Staff should follow the **Procedure for Searching Students for Prohibited Items**, available on the intranet. The details of any searches carried out should be recorded on MyConcern.

16. Supervision of Child Protection work

We recognise that staff working in the college who have become involved with a young person or vulnerable adult who has suffered harm, or appears to be likely to suffer harm may find the situation stressful and upsetting.

There are clear and effective arrangements for staff development and training in respect of the protection and care of students. The Supervision Procedure, available on the college intranet and can be accessed [here](#), details the arrangements to support staff who may have received disclosures or witnessed distressing events.

This is in addition to the Employee Assistance Programme which is free to all staff. The confidential helpline is available 24/7, 365 days a year and provides access to an advice and an employee counselling service offering professional support on a range of issues.

Access details: Tel: 0333 015 0830

www.lap-online.co.uk Username: warwickshirecg Password: employee

17. Record keeping

The importance of good clear child welfare and child protection record keeping has been highlighted in the learning from serious case reviews.

- Child protection records must be securely held, separate from the main students file, and in a secure place.
- Access to any records and details of a case will be on a 'need to know' basis decided on a case by case basis, to enable those people to take appropriate steps to safeguard the students or to carry out their own duties.
- Any contact with other agencies must be recorded as should the rationale for sharing or not sharing information.

Child Protection records would normally include:

- a. Child Protection Referral Form(s);
- b. further forms, evidence or statements where appropriate;
- c. case meeting reports where appropriate; and / or
- d. any other information pertinent to the case.

The majority of this information should be uploaded to the MyConcern system and any paper records stored securely with access limited only to DSLs or DPs. Records received from previous schools should be logged and noted on the My Concern platform. Paper records from schools should then be stored as above.

The MyConcern system is monitored by the Designated Safeguarding Leads and the Designated Persons. Once a concern is logged, every interaction with the child or young person should thereafter be recorded on the My Concern platform to inform the chronology and ensure all necessary actions are followed up.

Ongoing monitoring can be devolved to Personal Learning Advisers and other support staff in certain circumstances.

Child protection records should be retained by the College until age of 24 years is, or would be, reached by the young person/vulnerable adult subject to the abuse.

17.1 Child Protection Referral Form

If a referral to Children's Services or Social care is needed, the College follows the procedure relevant to the Local Authority where the child or young person lives.

18. Transferring of records

Information about students should follow the young person throughout their education, therefore, for the most part the Child Protection information will go to the young person's next education provider.

It is good practice for the DSL of the previous setting and the DSL of the new setting to make the transfer of child protection information directly, allowing them to also verbally discuss any pertinent issues if relevant.

The transfer of all information between settings should occur as soon as possible and within 5 days for an in-year transfer or within the first 5 days of the start of a new year/term. The DSL should ensure secure transit; if sending in the post, information should be sent as securely as possible (special delivery or secure courier at least), if transferring electronically, secure/encrypted email delivery should be used. The new setting should be informed that the information has been sent and confirmation of receipt should be obtained.

In addition to the child protection file, the DSL will also consider if it would be appropriate to share any information with the new educational setting in advance of a young person leaving. For example, information that would allow the new educational setting to continue supporting young people who have had a social worker and been victims of abuse, or those who are currently receiving support through the 'Channel' programme and can have that support in place for when the child arrives. More information on the child protection file is in Annex C of KCSiE 2022.

19. Reporting and Dealing With Allegations Regarding Safeguarding or Child Protection Issues Against Members of Staff

19.1 Introduction

The College recognises that as part of its approach to whole college safeguarding it must ensure that it promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately. By creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical in encourage an open and transparent culture enabling the college to identify concerning, problematic or inappropriate behaviour early and therefore minimise the risk of abuse and ensure that adults working in or on behalf of the college are clear about professional boundaries and act within these boundaries.

In rare instances, staff in educational institutions have been found responsible for abuse. As a result of their frequent contact with children, young people and vulnerable adults, staff may have allegations of abuse made against them. The College recognises that an allegation of 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 important that those dealing with an allegation maintain an open mind and that any investigations are thorough and not subject to delay.

The College recognises that the Sexual Offences (amendment) Act 2000 established a criminal offence of the abuse of trust affecting teachers and others who are in a relationship of trust with 16-18 year olds; a relationship of trust being one where a member of staff or volunteer is in a position of power or influence over a pupil or student by virtue of the work or nature of the activity being undertaken. The legislation is intended to protect young people in education who are over the age of consent but under 18 years of age.

Where the college is able to share the information it will provide the involved parties with the outcome, or an explanation of any actions taken, or not taken, as a result of the complaint.

19.2 Staff reporting concerns about a colleague or other adult who works with children (Whistleblowing)

Staff who are concerned about the conduct of a colleague, including visiting practitioners and volunteers, towards a student may worry that they have misunderstood a situation and whether a report could jeopardise a colleague's career. All staff must remember that the welfare of the young person or vulnerable adult is paramount.

Staff are expected to report all concerns about poor practice or possible child abuse by colleagues, including those that may seem minor contraventions of the **Staff Code of Conduct**. The reports should be made following the guidance as set out in the **Whistleblowing Guidance and Procedures** document available on the intranet [here](#) or from the HR department.

19.3 Receiving an allegation from a child, young person or vulnerable adult

A member of staff who receives an allegation about another member of staff from a child, young person or vulnerable adult, or becomes aware of a concern regarding the actions/behaviours of a member of staff, should report this immediately to a Designated Safeguarding Lead following the guidelines in section two on dealing with a disclosure.

19.4 Initial Assessment by the Designated Safeguarding Lead

The DSL receiving the allegation from a member of staff, young person or vulnerable adult will carry out an initial investigation on whether or not the allegation/concerns meets one of the below levels of allegation/concern:

- Allegations/concerns that do not meet the harms threshold – referred to as ‘low level concerns’.
- Allegations that may meet the harms threshold.
- The allegation can be shown to be false because the facts alleged could not possibly be true.

19.4.1 The ‘harms’ threshold

In assessing the level of concern, an assessment will be made on whether the member of staff/contractor has:

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

Having conducted this initial assessment action needs to be taken, as outlined below.

19.5 Low Level Concerns

The term ‘low-level’ concern does not mean that it is insignificant, it means that the behaviour towards a young person or vulnerable adult does not suggest a member of staff or contractor has met the harms threshold.

A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ - that an adult working in or on behalf of the college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and

- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

The **Low Level Concerns Procedure** available [here](#) and located within the Safeguarding and Prevent pages on the college intranet, should be referred to and followed in this instance.

19.6 Allegations that may meet the harms threshold.

Where the allegation is considered to be either a potential criminal act or indicates that the young person or vulnerable adult has suffered, is suffering, is likely to suffer significant harm or the allegation indicates the person may not be suitable to work with young people or vulnerable adults, the **Staff Disciplinary Procedure** should be followed to instigate a disciplinary investigation and assess whether there is a case to answer.

19.6.1 Initial response

Where the initial assessment identifies that a young person or vulnerable adult has been harmed, that there may be an immediate risk of harm to the young person or vulnerable adult or the situation or assessed as an emergency, Children's Social Care and as appropriate the Police will be contacted.

19.6.2 Looking after the welfare of the young person/vulnerable adult

The Designated Safeguarding Lead will be responsible for ensuring that the young person or vulnerable adult is not at risk and will refer cases of suspected abuse to the local authority Children's social care.

Subject to agreement from the LADO, police or other investigating agency, the Designated Safeguarding Lead shall:

- inform the young person/vulnerable adult or parent/guardian/carer making the allegation that the investigation is taking place and what the likely process will involve and likely timescales.
- ensure that the parents/guardians/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 and likely timescales.

19.6.3 Investigating and supporting the person subject to the allegation

As per the Staff Disciplinary Procedure, an Investigating Manager will be appointed to collate relevant information, including holding investigation meetings with the person subject to the allegation as well as other parties as required.

19.6.4 External Enquiries and Investigations

Safeguarding/child protection enquiries by social services or the police are not to be confused with internal staff disciplinary enquiries by the College. The College may be able to use the outcome of the external agency enquiries as part of its own procedure. The safeguarding (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.

The College shall hold in abeyance its own internal enquiries while the formal police or social services investigation proceeds when to do otherwise may prejudice the investigation. Any internal enquiries shall conform to the existing **Staff Disciplinary Procedure**.

If there is an investigation by an external agency, for example the police, the Group Deputy Principal and Director of HR or their representatives should normally be involved in, and contribute to, the inter-agency strategy discussions. The Group Deputy Principal is responsible for ensuring that the College provides assistance to the agency's enquiries. 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.

Subject to advice from the police or other investigating agency, the Group Deputy Principal shall:

1. inform the child/children or young person(s) or vulnerable adult(s) that an investigation is taking place and what the likely process will involve;
2. ensure that the parent(s)/carer(s) of the child, young person or vulnerable adult who has made the allegation have been informed that the allegations have been made and what the likely process will involve;
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 and advise them to seek advice from their Trade Union; and
4. inform the Chair of Governors of the allegations and the investigation.

The Group Deputy Principal shall keep a written record of the action(s) taken in connection with the allegation.

19.7 Suspension of Staff

Suspension should not be automatic. In respect of staff suspension, this will be carried out in accordance with the **Staff Disciplinary Procedure**. In respect of the Group Principal, and other senior post-holders, suspension can only be carried out by the Chair of Governors (or, in his/her absence, the Vice Chair).

Suspension may be considered at any stage of the investigation. It is a neutral act, 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.

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

- where a child, young person or vulnerable adult is believed to be at risk;
- where the allegations are potentially serious enough to justify dismissal on the grounds of gross misconduct; or
- where necessary for the good and efficient conduct of the investigation.

19.8 The Disciplinary Investigation

Should a disciplinary investigation be deemed necessary, it should be conducted in accordance with the **Staff Disciplinary Procedure**.

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.

The child/children, young person(s) or vulnerable adult(s) making the allegation and/or their parents/carers 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).

19.9 Allegations Without Foundation/Malicious Allegations

False/malicious allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the relevant Safeguarding Board in order that other agencies may act on the information.

If a report is shown to be deliberately malicious, the College will consider whether any disciplinary action is appropriate against the individual who made it.

In consultation with the Group Deputy Principal, the Director of HR shall:

- inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or safeguarding (child protection) action will be taken. Consideration should be given to offering counselling/support;
- inform the parents/carers of the alleged victim that the allegation has been made and of the outcome;
- where the allegation was made by a child, young person or vulnerable adult other than the alleged victim, consideration should be given to informing the parents/carers of that child, young person or vulnerable adult also;
- prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above actions have been taken; and
- consider taking disciplinary action against a person making false accusations.

19.10 Following a criminal investigation or a prosecution

The police should inform the LADO and the College immediately when:

- a criminal investigation and any subsequent trial is complete;
- it is decided to close an investigation without charge, or
- it is decided not to continue to prosecute after the person has been charged.

In those circumstances, during the joint assessment meeting the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care will also inform that decision. The options will depend on the circumstances of the case and the consideration should 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.

19.11 Records of an Investigation

It is important that documents concerning 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 in accordance with the College's Staff Disciplinary Procedure.

If a member of staff is dismissed or resigns before the staff disciplinary process is completed, he/she should be informed about the College's statutory duty to inform the Secretary of State for Education.

The College will report any member of staff dismissed for abuse following investigation to the Independent Safeguarding Authority (ISA), under the Vetting and Barring requirements.

Child protection records are to be kept for a minimum of 25 years.

19.12 Monitoring Effectiveness

Where an allegation has been made against a member of staff, the Group Deputy Principal in conjunction with the Director of HR should, at the conclusion of the investigation and any disciplinary action, 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 Local Children's Safeguarding Partnership, Safeguarding Adults Board, or Governors. Consideration should also be given to the training needs of staff.

19.13 Media

Any communication with the media about such an allegation should be referred to the Group Deputy Principal in the first instance.

20. Safer Recruitment

Safer recruitment is central to the safeguarding of young people, vulnerable adults and in creating a culture that safeguards and promotes the welfare of young people and vulnerable adults. We endeavour to do our utmost to ensure that staff and volunteers are suitable to work with young people and vulnerable adults by complying with the requirements of Keeping Children Safe in Education, 2022. This also includes deterring and preventing people who are unsuitable to work with young people and vulnerable adults from applying for or securing employment, or volunteering opportunities with us.

This section should be read in conjunction with the **Recruitment and Selection Policy and Procedures**, available on the intranet.

20.1. Advertising vacancies

The College advertises all of its vacancies on line and all adverts include the job description with the person specification as defined by the recruiting manager. This will include the skills and behaviours required for the role as well as the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to young people and vulnerable adults.

The information for applicants will also include:

- the college's commitment to safeguarding and promoting the welfare of young people and vulnerable adults and will make it clear that safeguarding checks will be undertaken;
- the safeguarding responsibilities of the post as per the job description and personal specification; and
- whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

20.2 Recruitment Process

Where a role involves engaging in regulated activity relevant to young people and vulnerable adults the College will include a statement in the job description and on our website that it is an

offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

The College will require applicants to provide:

- personal details, current and former names, current address and national insurance number;
- details of their present (or last) employment
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment;
- Qualifications, including verification of essential qualifications;
- details of referees; and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

Candidates apply online by sending a copy of their CV to the recruitment and selection team. The successful candidate is required to complete an application form and a self declaration form of their criminal record or information that would make them unsuitable to work with young people or vulnerable adults.

Self-declaration will include:

- Confirmation of right to work
- Details of time spent living or working overseas in the last 5 years
- if they have a criminal history;
- Any other information relevant to their suitability to work at the College

The College will:

- ensure that at least two people carry out the shortlisting exercise;
- consider any inconsistencies and look for gaps in employment and reasons given for them; and
- explore all potential concerns

20.3 Interview and Selection

The College will ensure that an interview panel will consist of at least two people and at least one member of the panel will have attended safer recruitment training.

The College uses a range of selection techniques to identify the most suitable person for the post. Interview questions will be agreed before by those interviewing, these will include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with young people and vulnerable adults;
- exploring their skills and asking for examples of experience of working with children which are relevant to the role;
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this;
- a safeguarding question. This is compulsory for all interviews and HR will provide the panel with example scenario questions which can be used or adapted.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case. All information considered in decision making will be clearly recorded along with decisions made.

20.4 Pre-appointment vetting checks, regulated activity and Recording Information

All offers of appointment will be conditional until satisfactory completion of the mandatory pre-employment checks. These checks include:

- verification of a candidate's identity;
- obtaining (via the applicant) an enhanced DBS check (including children's barred list information, for those who will be engaging in regulated activity with children);
- verification of the candidate's mental and physical fitness to carry out their work responsibilities;
- a minimum of two employment references;
- verification of the person's right to work in the UK, including EU nationals;
- verification of professional qualifications, as appropriate;
- before employing a person to carry out teaching work in relation to children, the college will conduct a Teacher Regulation Agency (TRA) check;
- an online search of the preferred candidate is completed to help to identify any incidents or issues that have happened, and are publicly available online, which the college may need to explore with the candidate further.

20.4.1 Employment History and References

A minimum of two employment references are obtained by the HR department. At least one reference should be from the candidate's line manager or most recent employer. Referees will be asked standard questions including:

- Dates of employment
- Any reason why the individual should not work with children or vulnerable adults
- Whether there have been any allegations expressed about the candidate relating to the safety or welfare of young people or vulnerable adults
- Any other relevant information

Where the post holder will have access to student residential accommodation, additional reference checks are required. In this case references are obtained from every previous employment involving access or care of children or vulnerable adults in line with the Minimum Care Standards. If these references have not been obtained prior to the postholder's start date then the manager must complete a Safeguarding Risk Assessment to be returned to HR before the postholder starts work with WCG.

Pre-prepared references will not be accepted.

20.4.2 Disclosure and Barring Services (DBS) and Barred Lists

20.4.2.1 Individuals

New employees

All new employees will be required to complete a DBS Enhanced Disclosure application (as the College deems itself to be a 'specified place' as defined in Keeping Children Safe in Education, 2022 as 'paid workers remain in regulated activity even if supervised') subject to meeting the requirements of regulated activity (see Recruitment & Selection Guidance and Procedures, Section 4).

In addition to the DBS check it is a statutory requirement that the College check the ISA Children's List & ISA Adults List before making an appointment. The College accepts that due to operational reasons members of staff may be required to start before DBS clearance is received. In these circumstances the recruiting manager is asked to complete a Safeguarding Risk Assessment to identify if any safeguarding risk can be mitigated. This can include ensuring no unsupervised one to one contact takes place and the individual is appropriately supervised.

Existing members of staff

Existing members of staff must declare any criminal offences or cautions that they receive during their employment with the College.

The DBS will be formally notified of individual staff details where disciplinary action has led to dismissal and the College deems that the individual's behaviour is such as to put young and vulnerable people at risk.

Governors

Governors will be required to agree to a DBS enhanced disclosure. They will also be issued with a College lanyard and identification badge to be worn when attending the College premises.

In the event of a disclosure being made concerning a member of the Governing body a decision will be made as to the suitability of their appointment by the Chair of Governors, the Governor with responsibility for Safeguarding and the CEO.

Volunteers

It is the responsibility of the employing area manager to ensure that details of volunteers are passed to HR in order that appropriate checks are in place. A volunteer must complete an application form, self declaration and read and sign a safeguarding statement. Where a DBS is required this must be processed and the DBS disclosure certificate produced before a volunteer can start at the College.

Such volunteers must be issued with a staff ID card. Authorisation will be given by HR in order that an ID card can be issued. It is the responsibility of the employing Manager to advise HR when volunteers leave in order that an accurate record of current volunteers can be maintained.

Visitors

It is not necessary or practical for the College to require a DBS disclosure for all visitors who may have not or only have incidental contact with young people and vulnerable adults and will only be in the College for a short period of time. The Visitors Procedure gives clear protocol for the admittance of external visitors to the college, including the arrangements in place for different categories of visitors, including, guest speakers, approved contractors and approved externals.

20.4.2.2 Processing the DBS

HR utilises E-Safeguarding as an external umbrella body to conduct DBS checks. The HR team will request and verify identification as outlined in DBS guidance to support the completion of the DBS check and the college has a zero tolerance towards evidence of convictions relating to sexual activity.

Disclosure information is treated as confidential and only handled by the HR team. Disclosures and information pertaining to these are held securely within the employee's personal file which is stored on a secure HR drive.

The College's computerised HR system will hold the following information:

- the date the clearance is issued;
- the level of check completed (i.e. Enhanced)
- the Countersignatory name;
- the disclosure number; and
- the date of the Barred List check and who completed this.

Staff in certain higher risk roles will have three yearly DBS checks undertaken, managed and monitored by the HR team. The checks will take place at the end of the summer term, every three years.

The College will ensure it does not contract staff from an external staffing agency unless the agency confirms they undertake DBS clearance checks for their staff, in accordance with DBS and legislative requirements.

Where there has been a breach of Safeguarding and action under the disciplinary procedure has been taken, the College may refer names to the relevant external Government authorities e.g. Local Children's Safeguarding Board and ISA, DBS or TRA.

20.4.2.3 Roles and Responsibilities

- The College uses the online service provided by e-Safeguarding to process DBS checks for staff, volunteers and Governors.
- The Clerk to the Corporation ensures HR are advised when new governors are appointed in order that DBS checks are undertaken.
- It is the responsibility of the HR team to operate the process described within these procedures and the Recruitment & Selection Policy and Procedures.
- Line managers are responsible for checking that members of their team have followed the appropriate process.
- Staff are responsible for applying for disclosure and for declaring any offences.

20.4.2.4 Criminal Convictions

Where an applicant discloses a criminal conviction on their self-declaration form this is discussed with the applicant by the HR Team and an Objective Assessment of Risk form completed to capture the details, mitigating factors etc.

When a DBS disclosure indicates a conviction or caution a member of the HR team will arrange to meet them to discuss the nature of their conviction. Each case will be dealt with on an individual basis, depending upon the nature of the conviction and the job role of the member of staff. The information gathered includes:

- Details of the caution / conviction including dates, associated penalty or custodial sentence
- Consideration of mitigating factors
- References
- Any pattern of behaviour
- Relevance to the role

If it is deemed that the conviction(s) do not pose a safeguarding risk the matter will be taken no further and the member of staff will be advised accordingly. If HR feels that the nature of the conviction(s) are such that the offer of employment should not be made or withdrawn the offer of employment will be withdrawn.

In the case of existing staff, if a caution/conviction is disclosed and following an assessment of risk to children and vulnerable adults the College decides that the

employee is unable to continue in their current role, the College will consider options of alternative employment within the College. However, if it is felt that the caution / conviction is sufficiently serious, dismissal would take place in accordance with the Instrument and Articles of Government.

20.4.3 Recording Information

The college maintains a single central record of pre-appointment checks. The single central record contains information relating to staff, including agency staff providing education to young people under the age of 18.

The single central record will indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- an identity check;
- a barred list check;
- an enhanced DBS check;
- further checks on people who have lived or worked outside the UK;
- a check of professional qualifications, where required;
- a check to establish the person's right to work in the United Kingdom; and
- details of safeguarding and Prevent training undertaken

The details of an individual will be removed from the single central record once they no longer work at the College.

Whilst they are not employees of the College, the single central record will also contain the following information about contractors and agency staff:

- Name
- Role
- DBS check clearance date and number

20.5 New staff induction

All new members of staff and volunteers will undergo an induction that includes familiarisation with the college's safeguarding policy, child protection procedures and staff code of conduct. All new staff complete essential E Learning Safeguarding training within the first week of their employment as part of the staff essential training programme. This is complemented by face to face delivered sessions for staff who require more detailed training.

21. Important Contacts

Contact details for a referral for young people residing in:

Warwickshire Contacts - <https://www.safeguardingwarwickshire.co.uk/>

- Children's Social Care during office hours: 01926 410410
- Emergency Duty Service 01926 886922 outside office hours only

Worcestershire Contacts - <https://safeguardingworcestershire.org.uk>

- Access Centre 01905 822666 from Monday to Thursday 8.30am to 5.00pm (until 4:30pm on Friday)
- Emergency Duty Team (EDT) on 01905 768020 outside office hours

Coventry Contacts

- Coventry Multi-Agency Safeguarding Hub (MASH) - 024 7678 8555

<https://www.coventry.gov.uk/children-families/coventrys-multi-agency-safeguarding-hub-mash>

Where the young person or vulnerable adult does not reside in one of the above areas the referrals must be made to the appropriate cross border local authorities. These must also be confirmed in writing.

22. Responsibility for the Procedure

The Group Deputy Principal has responsibility for this procedure as DSL-SLT and the member of the senior leadership team with responsibility for Safeguarding.

23. Monitoring the effectiveness of the Procedure

The effectiveness of the procedure is monitored by reference to student, staff and parent/carer views and analysis of data relating to safeguarding. This includes tutorials, Student Voice, focus groups and information provided to the Safeguarding and Prevent Committee as well as direct opportunity for feedback through customer services and the Complaints Procedure.

24. Dates of reviews

Dates of Reviews	Revised by	Description of the Revision
4th August 2017	Nicola Perrett	Related Policy list and job titles updated, sections 5-8 added
September 2018	Nicola Perrett /Katherine Skudra	Reviewed with only job titles updated
November 2019	Nicola Perrett Katherine Skudra	Review to ensure all still relevant and include reference to Worcestershire referral process and job titles updated
November 2020	Katherine Skudra	Review to ensure all relevant and updates -minor changes re DP information May need to review in year when new reporting and recording system in place
November 2021	Katherine Skudra	Reviewed to record the My Concern system now adopted and some minor changes to record collection and storage

December 2022	Nicola Perrett, Jo Hodgson and Katherine Skudra	Reviewed and updated to ensure compliance with KCSIE 2022. Additions: children not feeling ready to tell they are being abused, child-on-child abuse and to include information on a range of issues to support staff in dealing with CP concerns
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