



# Safeguarding Procedure

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## Safeguarding Procedure

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## 1. Introduction

- 1.1 Tyne Coast College has a statutory and moral duty to ensure that the College functions with a view to safeguarding and promoting the welfare of those receiving education and training at the College. This procedure has been developed to meet those statutory requirements and is mandatory for all staff, volunteers and agency workers.

This procedure should be read in conjunction with Tyne Coast College's Safeguarding Policy.

- 1.2 Throughout these policies and procedures, reference is made to "children and young people" OR "child protection". These terms are used to mean "those under the age of 18". The governing body recognise that some adults are also vulnerable to abuse, accordingly, the procedures may be applied (with appropriate adaptations) to allegations of abuse and the protection of adults at risk. An Adult at risk as defined by the Care Act 2014 may be defined as someone who:

(a) has needs for care and support

(b) is experiencing, or is at risk of, abuse or neglect, and

(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it

- 1.3 The governing body is committed to ensuring that the College:
- Provides a safe environment for children and young people to learn in
  - Identifies children and young people who are suffering, or likely to suffer, significant harm, and
  - Takes appropriate action to see that such children and young people are kept safe, both at home and at the College.
- 1.4 In addition this procedure uses the term 'victim'. It is a widely recognised and understood term. The college recognises that not everyone who has been subjected to sexual violence and/or sexual harassment considers themselves a victim or would want to be described in this way. Therefore, when managing any incident we will use any term with which the individual is most comfortable.
- 1.5 This procedure also uses the term 'alleged perpetrator' and where appropriate 'perpetrator'. These are widely used and recognised

terms and the most appropriate to aid effective drafting of advice. However, the college will carefully consider what is acceptable in particular instances as appropriate, on a case-by-case basis.

## **2. Early Help Procedure**

- 2.1 Where staff identify a cause for concern they should discuss this with a member of the safeguarding team appendix 5. Where appropriate the safeguarding contact will liaise with the Designated Safeguarding Lead (DSL) (or Deputy) to consider whether an Early Help Assessment (EHA) is required as per the Local Safeguarding Board threshold document. If it is deemed appropriate the EHA will be undertaken by the Designated Safeguarding Lead (DSL) or Deputy.

For an early help assessment to be effective:

- The assessment should be undertaken with the agreement of the child and their parents or carers. It should involve the child and family as well as all the professionals who are working with them;
  - The member of the Safeguarding team or lecturer should be able to discuss concerns they may have about a child and family with a social worker in the local authority.
  - If parents and/or the child do not consent to an EHA then the Safeguarding contact should make a judgement as to whether without help, the needs of the child will escalate. If so a referral into local authority children's social care may be necessary.
- 2.2 If at any time it is considered that the child may be a child in need as defined in the Children Act 1989, or that the child has suffered significant harm or is likely to do so, a referral should be made immediately to local authority children's social care or if there is the possibility of imminent danger a referral should be made directly to the police. This referral can be made by any professional.
- 2.3 A child in need is defined under section 17 of the Act as those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development or their health or development will be significantly impaired without the provision of service. A child with a disability is a child in need.

## **3. Procedure for Dealing with Concerns**

- 3.1 College staff who have regular contact with students are well placed to observe significant changes in a young person's

behaviour, a failure to thrive, outward signs of abuse or behaviour which may indicate a risk of being drawn into terrorism or other concerns. In addition, young people may choose to share their concerns with staff they feel they can trust and with whom they are comfortable. Staff need to know how to respond sensitively to a young person's concerns and who to approach for advice. Whilst college staff are not responsible for investigating abuse it is essential that any suspicions of significant harm, allegations of abuse, or concerns over potential radicalisation are acted on and treated seriously.

- 3.2 The following guidelines should be used: (Appendix 2 and 3)
- a) Stay calm and reassure the young person that she/he is right to tell someone of his/her concerns.
  - b) Do not promise confidentiality. Be honest. Explain who you need to pass the information on to and why (i.e. the appropriate person in college who will seek further advice and help.) The young person can accompany you if he/she wishes. Only the people who need to know will be told.
  - c) Allow the young person to speak in his/her own way and at his/her own pace, avoid interrupting when the young person is recalling significant events.
  - d) Do not be judgemental, but make a professional judgement on the likelihood of harm occurring.
  - e) Do not interview the young person; do not ask leading questions. Factual questions are permitted in order to gather as much information as possible to create a full picture of what has happened so that this can be reported to the DSL.
  - f) Only clarify what the young person is trying to say and ascertain whether there are any immediate issues of safety for the young person or any other children.
  - g) Note as accurately as possible what is said, use the young person's own words do not interpret. Best practice is to wait until the end of the report and immediately write up a thorough summary but include the time, context and location of the disclosure. Date and sign the notes. In addition to the young person's name, add the address, date of birth, telephone contact and college course, if known. A College, Safeguarding Young People concern Form (Appendix 6) is available to write up "rough notes" taken at the time of disclosure. All notes should be passed on to the DSL and it important to be aware that notes of such reports could become part of a statutory assessment by children's social care and/or part of a criminal investigation;

- h) Do not investigate any suspicions, allegations or incidents of abuse, but report them within the hour (or as soon as practicable) to a Safeguarding Contact and pass on the written notes.

### 3.3 Do not contact the young person's parents or carers.

- a) The safeguarding contact will seek advice from the DSL (or Deputy) who will then contact The Children's Services section of the Local Authority, CPP and/or the North East PREVENT coordinator
- b) Where the report includes an online element, staff are advised not to view or forward illegal images of a child. Further detailed advice is available from the DfE and can be obtained from the DSL (or Deputy).
- c) If possible, managing reports with two members of staff present, (preferably one of them being the DSL, Deputy or a Safeguarding contact). However, this might not always be possible and staff should not delay dealing with a report in order to achieve this.
- d) Where there is a concern that a young person is experiencing, may already have experienced abuse or neglect, is suffering or is likely to suffer 'significant harm' the DSL (or Deputy) will refer immediately to Children's Services at the LA or the Adult Safeguarding Team (see Appendix 4 for external contact details)
- e) Where there is concern of a real threat to life Emergency Services must be contacted immediately
- f) In exceptional circumstances if the DSL (or Deputy) are not available advice should be sought from the Principal or a member of the Senior Executive Group, who will liaise with the required services as appropriate.

## 4. Child on child sexual violence and sexual harassment

This section identifies factors to be considered and the process to be followed specifically in relation to child on child sexual violence and sexual harassment. The College considers that a number of these factors are common to many safeguarding issues and therefore this section should be consulted for all safeguarding issues.

Child on child sexual violence and sexual harassment is dealt with in the same way as any other safeguarding issues with special reference to the following:

### 4.1 Risk assessment

- 4.1.1 When there has been an allegation of sexual violence, the DSL (or deputy) should make an immediate risk and needs assessment. Where there has been an allegation of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:
- the victim, especially their protection and support;
  - the alleged perpetrator; and
  - all the other children (and, if appropriate, adult students and staff) especially any actions that are appropriate to protect them;
- 4.1.2 Risk assessments should be recorded within the college safeguarding database and should be kept under review. At all times, the college will consider the risks posed to all students and will put adequate measures in place to protect them and keep them safe.
- 4.1.3 The DSL (or deputy) will engage with children's social care and specialist services as required. Where there has been an allegation of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required.

## **4.2 What to consider**

- 4.2.1 The DSL (or deputy) is likely to have a complete safeguarding picture and will be the most appropriate person to advise on the initial response to allegations of child on child sexual violence and sexual harassment. Important considerations will include:
- a) 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 should 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;
  - b) the nature of the alleged incident(s), including: whether a crime may have been committed and consideration of harmful sexual behaviour;
  - c) the ages of the children involved;
  - d) the developmental stages of the children involved;
  - e) any power imbalance between the children. For example, is the alleged perpetrator significantly older, more mature

or more confident? Does the victim have a disability or learning difficulty?

- f) if the alleged incident is a one-off or a sustained pattern of abuse;
- g) are there ongoing risks to the victim, other children, adult students or school or college staff; and
- h) other related issues and wider context. More details on Contextual safeguarding can be found in the Safeguarding Policy.

4.2.2 As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, staff should follow the college's safeguarding principles as set out in the Safeguarding Policy.

4.2.3 The starting point regarding any allegation should always be that sexual violence and sexual harassment is not acceptable and will not be tolerated. Especially important is not to pass off any sexual violence or sexual harassment as 'banter', 'part of growing up' or 'having a laugh'.

### **4.3 Children sharing a classroom: Initial considerations**

4.3.1 Any allegation of sexual violence is likely to be traumatic for the victim.

However, allegations of rape and assault by penetration are likely to be especially difficult with regard to the victim and close proximity with the alleged perpetrator is likely to be especially distressing.

4.3.2 Whilst the DSL (or deputy) establishes the facts of the case and starts the process of liaising with children's social care and the police, the alleged perpetrator should be removed from any classes they share with the victim.

4.3.3 The college will consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school or college premises and on transport to and from the school or college, where appropriate. These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the alleged perpetrator.

4.3.4 For other allegations of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator and considerations regarding shared classes, sharing school or

college premises and school or college transport, should be considered immediately.

- 4.3.5 In all cases, the initial allegation should be carefully evaluated, reflecting the considerations set out at paragraph --, the wishes of the victim, the nature of the allegations and the protection of all children in the school or college will be especially important when considering any immediate actions.

#### **4.4 Options to manage the allegation**

The college will consider every allegation on a case-by-case basis and will consider very carefully when to inform the alleged perpetrator. Where a report is going to be made to children's social care and/or the police, the next steps and how the alleged perpetrator will be informed of the allegations will be discussed as part of the referral. However, this will not prevent immediate action to safeguard children being taken where required.

There are four likely scenarios to consider when managing any allegations of sexual violence and/or sexual harassment:

##### **4.4.1. Manage internally**

- In some cases of sexual harassment, for example, one-off incidents, the children concerned may not be in need of early help or statutory intervention and therefore it would be appropriate to handle the incident internally, perhaps through utilising their behaviour and bullying policies and by providing pastoral support.
- In all cases, however, this will be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions will be recorded on the Safeguarding database by a member of the safeguarding team.

##### **4.4.2. Early help**

- In line with 1 above the children involved may not require statutory interventions, but may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.

- Full details of the early help process are outlined in the College Safeguarding Policy

#### 4.4.3. Referrals to children's social care

- Where a child has been harmed, is at risk of harm, or is in immediate danger, then a referral will be made to the local children's social care.
- At the referral to children's social care stage, we will generally inform parents or carers specifically in relation to child on child sexual violence and sexual harassment, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision will be made in conjunction with children's social care.
- If a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.
- Where statutory assessments are appropriate, the DSL (or Deputy) will work alongside, and cooperate with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator and any other children that require support.
- The College will not wait for the outcome (or even the start) of a children's social care investigation before protecting the victim and other children in the college. The DSL (or deputy) will work closely with children's social care (and other agencies as required) to ensure any actions the college takes do not jeopardise a statutory investigation. The risk assessment as per paragraph 4.1 will help inform any decision.
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The DSL (or deputy) will refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.

#### 4.4.4 Reporting to the Police

- Any report to the police will generally be in parallel with a referral to children's social care (as above).

- It is important that the DSL (and Deputies) is (are) clear about the local process for referrals for North and South of the Tyne and takes due regard for those processes.
- Where an allegation of rape, assault by penetration or sexual assault is made, the starting point is this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach.
- At the referral to the police stage, we will generally inform parents or carers specifically in relation to child on child sexual violence and sexual harassment, unless there are compelling reasons not to (if informing a parent or carer is going to put the child at additional risk). Any such decision will be made in conjunction with the police.
- the DSL will liaise with the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator and their parents or carers. They will also discuss the best way to protect the victim and their anonymity.
- The DSL (and Deputies) will have an understanding of the local arrangements for police investigations into child abuse.
- In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, the DSL (or Deputy) will continue to engage with specialist support for the victim as required.

## **4.5 Considering bail conditions**

- 4.5.1 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 child attending school or college will be on police bail with conditions attached if there are alternative measures to mitigate any risk.
- 4.5.2 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 children involved (especially potential witnesses). Where required, the DSL (or Deputy) should seek advice from the police in order to help the college manage its safeguarding responsibilities.

- 4.5.3 The term 'Released Under Investigation' or 'RUI' will replace those previously on bail for offences in circumstances that do not warrant the application of bail to either re-attend on a particular date or to include conditions preventing activity or in some cases ensuring compliance with an administrative process.
- 4.5.4 Where bail is deemed proportionate and necessary, the DSL (or Deputy) will work with children's social care and the police to manage any implications and safeguard their children. An important consideration will be to ensure that the victim can continue in their normal routine, including continuing to receive a suitable education.

#### **4.6 Managing any delays in the criminal process**

- 4.6.1 There may be delays in any case that is being progressed through the criminal justice system. The College will not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator and other children in the school or college. The risk assessment as per paragraph 4.4.1 will be used to help inform any decision.
- 4.6.2 Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator, the DSL (or deputy) will work closely with the police (and other agencies as required), to ensure any actions the college takes do not jeopardise the police investigation.

#### **4.7 The end of the criminal process**

- 4.7.1 If a child is convicted or receives a caution for a sexual offence, the risk assessment will be updated to ensure relevant protections are in place for all children in college and, consideration will be made of any suitable action in light of the College's Behaviour Policy. If the perpetrator remains in college as the DSL (or Deputy) will identify and communicate the College's expectations regarding the perpetrator once they have been convicted or cautioned. This could include expectations regarding their behaviour and any restrictions the college thinks are reasonable and proportionate with regard to the perpetrator's timetable.
- 4.7.2 Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students. It will be important to ensure both the victim and alleged perpetrator remain protected, especially from any bullying or harassment (including online). The DSL (or Deputy)

will work with other staff to ensure this is monitored and appropriate action is taken.

- 4.7.3 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 DSL (or Deputy) 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.

## **5. Ongoing response – Appendix 1**

### **5.1 Safeguarding and supporting the victim**

The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the victim.

- a) Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. By the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator and the College will consider this in dealing with the issue.
- b) The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the college is a safe space for them.
- c) The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.
- d) Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape. Support can include:

- Children and Young People's Independent Sexual Violence Advisors (ChISVAs), where available, provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. The college will work in partnership with the ChISVAs to ensure the best possible outcomes for the victim.
  - Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or DSL (or Deputy).
  - Child and adolescent mental health services (CAMHS)
  - Rape Crisis Centre's can provide therapeutic support for children who have experienced sexual violence.
  - Internet Watch Foundation (to potentially remove illegal images)
- 5.2 Victims may not disclose the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, the college will provide a designated trusted adult (for example, their lecturer, PPA or a safeguarding contact) to talk to about their needs. The choice of any such adult should be the victim's.
- 5.3 A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. The College will avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups. However, 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 support the victim's wishes at this time.
- 5.4 It may be necessary for the college to maintain arrangements to protect and support the victim for a long time. The College will be prepared for this and will work with children's social care and other agencies as required.
- 5.5 The College will do everything it reasonably can to protect the victim from bullying and harassment as a result of any allegation they have made.
- 5.6 Whilst they should be given all the necessary support to remain in their school or college, if the trauma results in the victim being unable to do this, alternative provision or a move to another

school or college should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).

- 5.7 It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file.

## **6. Safeguarding and supporting the alleged perpetrator**

- 6.1 The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator.

In these circumstances there is a difficult balancing act to consider. On one hand they need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator with an education, safeguarding support as appropriate and implement any disciplinary sanctions. The following should be considered:

- a) the age and the developmental stage of the alleged perpetrator and nature of the allegations. Any child 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.
- b) the proportionality of the response. Support (and sanctions) should 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 children. Harmful sexual behaviours in young children may be a symptom of either their own abuse or exposure to abusive practices and or materials. Advice should be taken, as appropriate, from children's social care, specialist sexual violence services and the police.
- c) It is important that if the alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file

## 7. Reporting and Dealing with Allegations of Abuse against Members of Staff

- 7.1 In rare instances, staff of education institutions have been found responsible for child abuse. Because of their frequent contact with children and young people, staff may have allegations of child abuse made against them. The College recognises that an allegation of child abuse made against a member of staff may be made for a variety of reasons and that the facts of the allegation may or may not be true. It is imperative that those dealing with an allegation maintain an open mind and that investigations are thorough and not subject to delay.
- 7.2 The College recognises that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Therefore, those dealing with such allegations within the College will do so with sensitivity and will act in a careful, measured way.

## 8. Receiving an Allegation from a Child regarding a member of staff

- 8.1 A member of staff who receives an allegation about another member of staff from a child should follow the guidelines in section 4 for dealing with disclosure
- 8.2 The allegation should be reported immediately to the Principal, unless the Principal is the person against whom the allegation is made, in which case the report should be made to the DSL or the Designated Governor. The Principal (or DSL or Governor if the allegation is against the Principal) will inform the Executive Director of HR and should:
- a) Obtain written details of the allegation from the person who received it, that are signed and dated. The written details should be countersigned and dated by the Principal (or DSL or Governor if the allegation is against the Principal).
  - b) Record information about times, dates, locations and names of potential witnesses.

## 9 Initial Assessment by the Principal (or DSL)

- 9.1 The Principal (or Assistant Principal (AP)/Deputy Principal (DP)) should make an initial assessment of the allegation, consulting with the DSL and Executive Director of HR as well as the Local Authority Designated Officer (LADO) as appropriate. **Where the allegation is considered to be either a potential criminal act or indicates that the child has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the LADO.**

- 9.2 It is important that the Principal (or AP)) does not investigate the allegation. The initial assessment should be on the basis of the information received and to determine whether or not the allegation warrants further investigation.
- 9.3 Other potential outcomes are:
- 9.3.1 The allegation represents inappropriate behaviour or poor practice by the member of staff and is neither potentially a crime nor a cause of significant harm to the child. The matter should be addressed in accordance with the College disciplinary procedures.

## **10. Enquiries and Investigations**

- 10.1 Safeguarding enquiries by social services or the police are not to be confused with internal, disciplinary enquiries by the College. The College may be able to use the outcome of external agency enquiries as part of its own procedures. The Safeguarding 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.
- 10.2 The College shall hold in abeyance its internal enquiries while the formal police or social services investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform with the existing staff disciplinary procedures.
- 10.3 If there is an investigation by an external agency, for example the police, the DSL (or Deputy) and the Executive Director of Human Resources should normally be involved in, and contribute to, the inter-agency strategy discussions. The DSL (or Deputy) is responsible for ensuring that the College gives every assistance with 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. The DSL (or Deputy) shall advise the member of staff that he/she should consult with a representative such as a trade union.
- 10.4 Subject to objections from the police or other investigating agency, the DSL (or Deputy) shall:
- 10.4.1 inform the child/children or parent/carer making the allegation that the investigation is taking place and what the likely process will involve.
- 10.4.2 ensure that the parents/carers of the child making the allegation have been informed that the allegation has been made and what the likely process will involve.

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

10.4.4 inform the Chair of Governors and/or the designated governor of the allegation and the investigation.

10.5 The Principal (or DSL) shall keep a written record of the action taken in connection with the allegation.

## **11. Suspension of Staff**

The appropriate section of the College Staff Disciplinary Policy and Procedure should be followed.

## **12 The Disciplinary Investigation**

12.1 The disciplinary investigation should be conducted in accordance with the Staff Disciplinary Policy and Procedure following advice provided by a senior member of the HR Team.

12.2 Where a member of staff is dismissed, moved to an area that is not regulated activity or resigns before the disciplinary process is completed as a result of such allegations the College has a statutory duty to inform the Disclosure and Barring Service (DBS). It is the Executive Director of HR's responsibility to inform the DBS.

## **13. Supporting those involved**

13.1 The college will act to manage and minimise the stress inherent in the allegations process. In line with our other procedures individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to welfare counselling or medical advice through the college Occupational Health provider, via HR.

13.2 Parents or carers of the child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, this should not be done until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome

of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, would not normally be disclosed but the parents or carers of the child can be told the outcome in confidence only after discussion with the Executive Director of HR.

- 13.3 Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.
- 13.4 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

#### **14. Allegations without foundation**

- 14.1 False allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the LADO in order that other agencies may act upon the information.
- 14.2 In consultation with the DSL and the Executive Director of HR the Principal (or appropriate Manager) shall:
- 14.2.1 inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or Safeguarding action will be taken. Consideration should be given to offering counselling/support.
- 14.2.2 inform the parents/carers of the alleged victim that the allegation has been made and of the outcome.
- 14.2.3 where the allegation was made by a child other than the alleged victim, consideration to be given to informing the parents/carers of that child.
- 14.2.4 prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken.

#### **15 Records**

- 15.1 Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was

followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

- 15.2 The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- 15.3 The College has an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.
- 15.4 The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.
- 15.5 If a member of staff is dismissed, moved to an area that is not regulated activity or resigns before the disciplinary process is completed, he/she should be informed about the College's statutory duty to inform the DBS.

## **16. Monitoring Effectiveness**

- 16.1 Where an allegation has been made against a member of staff, the DSL together with the Executive Director of HR should, at the conclusion of the investigation and any disciplinary procedures, consider whether there are any matters arising from it that could lead to the improvement of the College's procedures and/or policies and/or which should be drawn to the attention of the LSCB. Consideration should also be given to the training needs of staff at this time.

## **17. Informing ESFA about Serious Safeguarding Incidents**

- 17.1 ESFA has included new Safeguarding clauses in the funding agreements and contracts which require an institution, when it is itself (or one of its sub-contractors) the subject of an investigation by the Local Authority or the police to advise the ESFA. In such circumstances the Chair, Chief Executive or DSL must e-mail [Enquiries.EFA@education.gov.uk](mailto:Enquiries.EFA@education.gov.uk)
- 17.2 This applies to Safeguarding and PREVENT referrals.

17.3 Where staff are referred to the DBS the ESFA must also be advised of the referral using the email address above.

## **18. Recruitment and Selection**

18.1 The College has an established recruitment and selection procedure and HR process that seeks to identify individuals who are unsuitable to work with children.

18.2 The College will undertake appropriate recruitment and vetting checks on individuals who are being considered for employment working with children, young people and vulnerable adults.

18.3 The process ensures compliance with guidance issued by the Department of Education, Ofsted, UK Employment Legislation and appropriate professional bodies e.g. CIPD.

## **19. Complaints**

19.1 Any complaints about the handling of any safeguarding issue should be sent to the DSL. If the complaint is about the DSL then the Director of Governance should be informed. Any complaint will be dealt with in accordance with the College formal complaints procedure.

19.2 If the complainant is not satisfied with the college response then the complaint should be referred to the Education and Skills Funding Agency, [Enquiries.EFA@education.gov.uk](mailto:Enquiries.EFA@education.gov.uk)

## **20. Policy Review**

20.1 The effectiveness of this procedure will be monitored and reviewed annually in light of experience and best practice. This mechanism recognises that changes as a result of experience and/or to employment legislation may prompt a review of the policy before the end of the year.

20.2 On considering the effectiveness of this procedure, consultation will be undertaken with the Trade unions, Employees and Managers to assist in the policy review and monitoring of this policy.

## Appendix 1

### **Ongoing Considerations: Victim and alleged perpetrator sharing classes**

Once the designated safeguarding lead (or a deputy) has decided what the next steps will be in terms of progressing the allegation, they should consider again the question of the victim and alleged perpetrator sharing classes and sharing space at school or college. This will inevitably involve complex and difficult professional decisions, including considering their duty to safeguard children and their duty to educate them. It is important each allegation is considered on a case-by-case basis and risk assessments are updated as appropriate. As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, the College will follow general safeguarding principles as per the College Safeguarding Policy

Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator should be removed from any classes they share with the victim. The school or college should also consider how best to keep the victim and alleged perpetrator a reasonable distance apart on school or college premises and on transport to and from school or college where appropriate. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator. Close liaison with the police is essential in these circumstances.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the college will take suitable action, if they have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator to remain in college would seriously harm the education or welfare of the victim (and potentially other students).

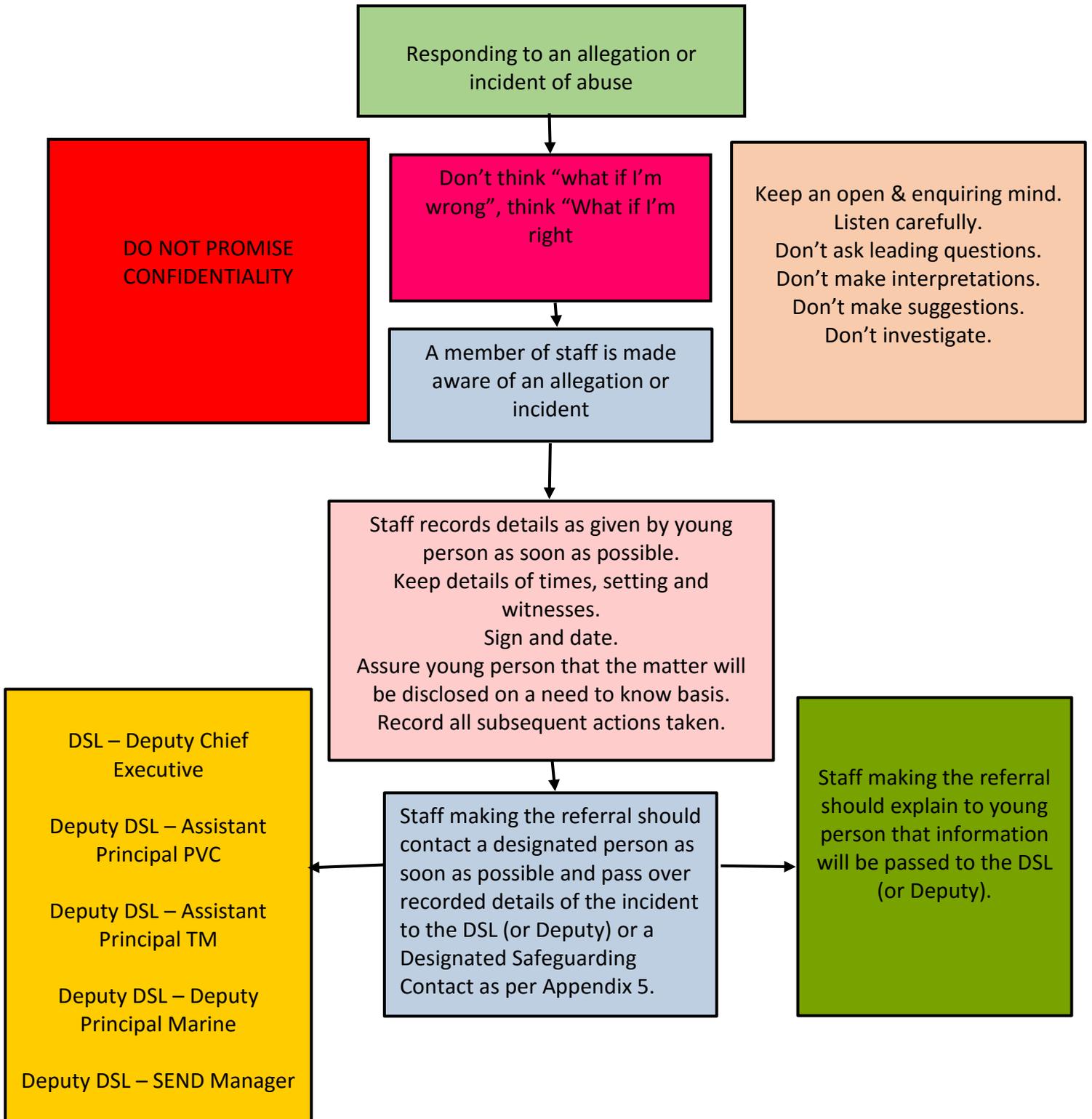
Where a criminal investigation into sexual assault leads to a conviction or caution, the college will, if it has not already, consider any suitable sanctions in light of their behaviour policy, including consideration of permanent exclusion. Where the perpetrator is going to remain at the school or college, the principle would be to continue keeping the victim and perpetrator in separate classes and continue to consider the most appropriate way to manage potential contact on school and college premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

In all cases, schools and colleges should record and be able to justify their decision-making.

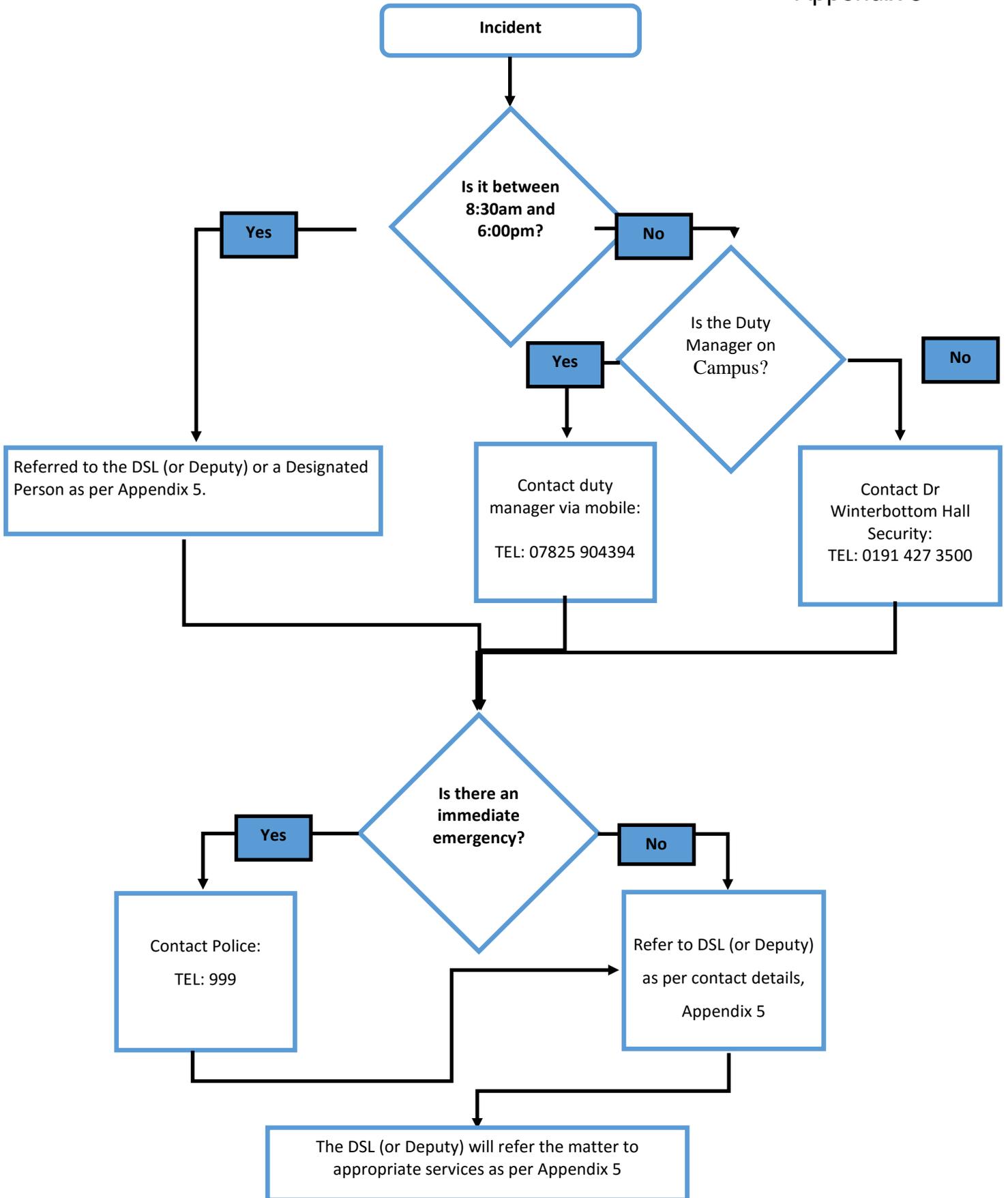
Allegations of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator. Appropriate support will be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis. In all cases, the college will record and be able to justify their decision-making.

All of the above will be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review.

## Appendix 2



Appendix 3



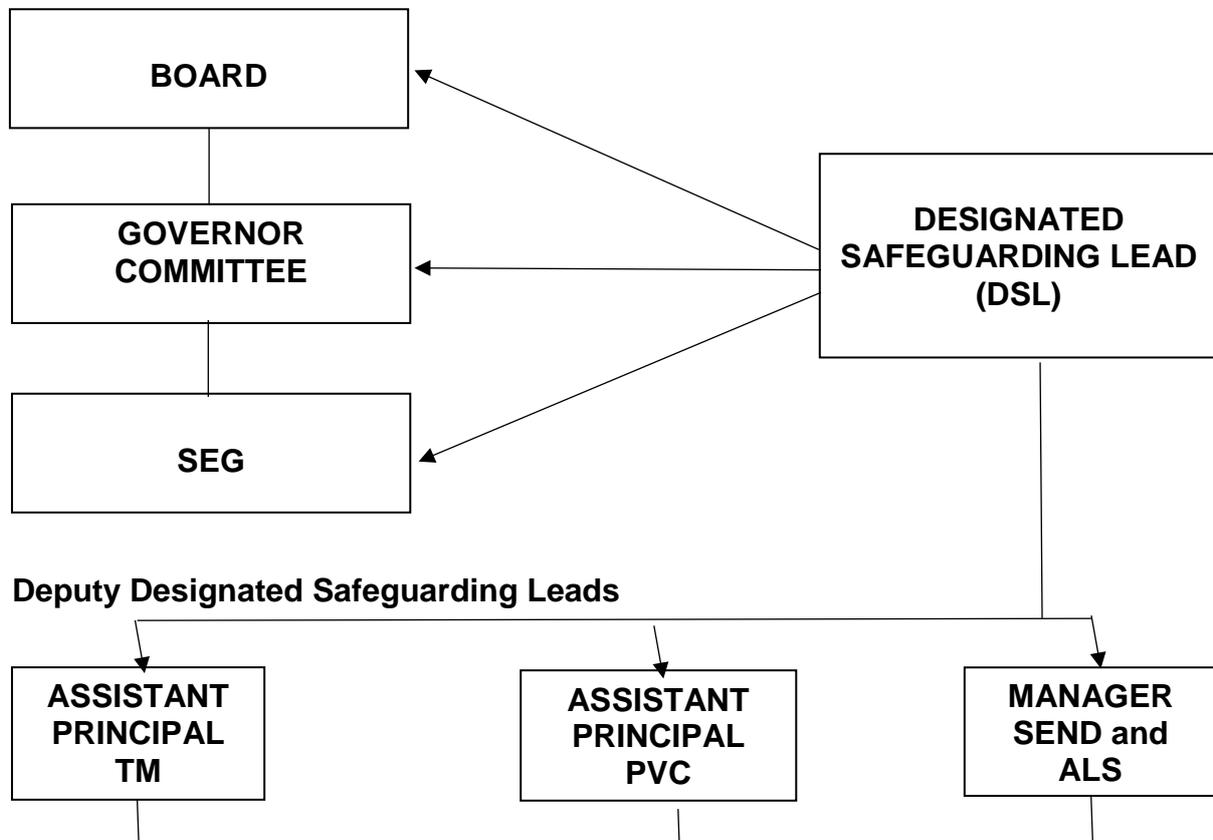
## Appendix 4

**Useful Contacts**

The Safeguarding Policy requires that all safeguarding concerns are referred to a member of the Safeguarding team who would then involve the appropriate agencies. However, it may be useful for staff to have access to the following contact details for emergency situations.

<b>Name/Organisation</b>	<b>Contact Number</b>
<b>Northumbria Police</b>	<b>For emergencies – 999 Non-emergency – 101</b>
<b>South Tyneside Council Children and Families Social Care Contact and Referral Service</b>	<b>0191 424 5010</b>
<b>Front Door (North Tyneside children's Referral Service)</b>	<b>0345 2000 109</b>
<b>Adult Safeguarding South Tyneside (Let's Talk)</b>	<b>0191 424 6000</b>
<b>Adult Safeguarding North Tyneside</b>	<b>0191 643 2777</b>
<b>Child and Adolescent Mental Health Service (CAMHS) - South Tyneside</b>	<b>0191 566 5500</b>
<b>CRISIS Team – North Tyneside</b>	<b>0303 123 1146</b>
<b>Initial Response Team (formerly CRISIS) – South Tyneside</b>	<b>0303 123 114</b>
<b>Harbour Domestic Abuse (North Tyneside)</b>	<b>0191 251 3305</b>
<b>Options (Impact Family Services) Advice on domestic abuse issues</b>	<b>0191 456 7577</b>
<b>Looked After Children (LAC) – Jane Pickthall (North Tyneside)</b>	<b>0191 643 8366</b>
<b>Looked After Children (LAC) - Tony Joyce (South Tyneside)</b>	<b>0191 424 4647</b>
<b>Local Authority Designated Officer (LADO) – Majella Tallack (North Tyneside)</b>	<b>0191 643 7982</b>
<b>Local Authority Designated Officer (LADO) – Hilary Bagley (South Tyneside)</b>	<b>0191 424 6302</b>

Appendix 5



**Designated Safeguarding Officers**

- Rob Graine, Head of Lifestyles and Commercial Services x 3643**
- Helen Dodd, Lead Performance and Progression Coach x 3548**
- Eamonn Murphy, Halls Manager x 3522**
- Mark Lambert, Manager of SEND and ALS x 3620**
- Ian Fawdon, Work Based Learning Manager x 3658**
- Nicole Wood, Salon Receptionist x 3542**
- Kelly Harding, Performance and Progression Coach x 6161**
- Rosalind Rogan, WBL Assessor x 6310**
- Jude Fletcher, College Counsellor Tyne Metropolitan College, x 5227**
- Kathryn Campbell, Deputy Head of PLSI x 5241**
- Andrea Cochrane, Head of PLSI x 5185**
- Tracy O'Neill, Learning Mentor x 5186**
- Charlotte Peace, ALS Coordinator x 5251**

Appendix 6

**Safeguarding Young People Concern Form**

**Name of Student:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_ **Student ID:** \_\_\_\_\_

**Name of staff identifying concern:** \_\_\_\_\_

**Role:** \_\_\_\_\_ **Contact Details:** \_\_\_\_\_

**Nature of concern:**

**Date and time identified:** \_\_\_\_\_

**Date recorded:** \_\_\_\_\_

**Staff Signature:** \_\_\_\_\_

**Action/Outcome:**

**Once completed you must hand deliver this form to one of the designated safeguarding persons.**

