



# Safeguarding & Child Protection Policy

<b>POLICY DOCUMENT 20</b>	
<b>Title</b>	<b>Safeguarding &amp; Child Protection Policy</b>
<b>Approved by</b>	Board of Trustees
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## 1. Key contacts

- The Designated Safeguarding Lead (DSL) at SML College is the Director, Dr Carmel Kent, who can be reached on 01273 987629 or by email [carmel@smlcollege.org.uk](mailto:carmel@smlcollege.org.uk). If the DSL is not available, queries should be passed to the Deputy Safeguarding Lead Jessie Beagley via email [jessie@smlcollege.org.uk](mailto:jessie@smlcollege.org.uk).
- If needed, or if there are concerns in relation to the Designated Safeguarding Lead or the Deputy Safeguarding Lead, then the Chair of Trustees should be contacted. This is Dr Ian Cunningham who can be reached at 01273 987629 or on by email [ian@smlcollege.org.uk](mailto:ian@smlcollege.org.uk).

### Reporting concerns to the local Authorities

#### 1.3 West Sussex Multi-Agency Safeguarding Hub

Tel: 01403-229900

Out of Hours: 0330 222 6664

E-mail: [MASH@westsussex.gcsx.gov.uk](mailto:MASH@westsussex.gcsx.gov.uk)

Referrals to the Integrated Front Door (IFD) for West Sussex

Urgent Referrals should be telephoned into IFD on 01403 229900.

If you believe a child is in immediate danger you must call the police on 999.

Referrals to IFD should be made on the following web-based forms which can be accessed here:

- Adults - <https://www.westsussex.gov.uk/raiseaconcernaboutanadult>
- Children's - <https://www.westsussex.gov.uk/education-children-and-families/keeping-children-safe/raise-a-concern-about-a-child/>

LADO West Sussex

Tel: 01403 229900

Email: [LADO@WestSussex.gov.uk](mailto:LADO@WestSussex.gov.uk)

LADO should be contacted either by email or by phone, LADO Consultation Contact No. 0330 222 6450 (Mon – Fri 9.00am – 5.00pm)

#### 1.4 Brighton & Hove Front Door for Families

Tel: 01273 290400

Out-of-hours: 01273 335905 (Emergency Duty Service)

Email: [FrontDoorForFamilies@brighton-hove.gov.uk](mailto:FrontDoorForFamilies@brighton-hove.gov.uk)

#### 1.5 East Sussex Single Point of Advice Team (SPOA)

Tel: 01323 464222

Out-of-hours: 01273 335906 (Emergency Duty Service)

Email: [SPOA@eastsussex.gov.uk](mailto:SPOA@eastsussex.gov.uk)

## 2. Aims, Purpose and Principles

### 2.1 Aims

2.1.1 The aim of this policy is to ensure that children are effectively safeguarded from the potential risk of harm at Self-Managed Learning College (SMLC) and that the safety and wellbeing of students is of the highest priority in all aspects of the college.

2.1.2 SML College is part of the educational charity, the Centre for Self-Managed Learning. The Centre provides SMLC as a project within the charity. SMLC is not a school nor does it purport to act in place of school provision. This is reflected in this policy document as SMLC is only bound by the DfE guidance 'Keeping Children Safe in Education (2023)' in so far as it affects non-school contexts.

2.1.3 The charity has three employees. In operating this project individuals are contracted to provide services as needed to work alongside that employee and act as Learning Advisers. This indicates and clarifies that they are not teachers. The selection of individuals is carried out with great rigour including having students and other Learning Advisers involved in the selection process. Part of this is to ensure that any safeguarding issues that are immediately apparent can be addressed.

2.1.4 In operating this project, the charity ensures that there is a high ratio of Learning Advisers/employees to children. We regard this as of a paramount importance in making certain that children always have a Learning Adviser to talk to and that Learning Advisers are very visible in the College. We also have a Learning Support Officer who is a full-time member of staff and always available for students to talk to. Whilst we understand the need for policies, experience and research shows that having adults around who are carefully selected and in sufficient number to provide individual attention on a regular basis is the best practice.

## **2.2 Purpose:**

2.2.1 The purpose of this policy is to provide all members of the SMLC community with the overarching principles that guide our approach to safeguarding and child protection. In addition, this policy sets out to ensure that all members of the SMLC community:

- are aware of their responsibilities in relation to safeguarding and child protection.
- know the procedures that should be followed if they have a cause for concern.
- know where to go to find additional information regarding safeguarding.
- are aware of the key indicators relating to child abuse.
- fully support SMLC's commitment to safeguarding and child protection

2.2.2 This policy applies to all members of the SMLC community, including senior managers, governors and trustees, Learning Advisers, employees, volunteers, students or anyone working on behalf of SMLC.

2.2.3 We recognise that Keeping Children Safe in Education 2023 applies to post 16 education as set out in education & training (welfare of children) act 2021<sup>1</sup>.

## **2.3 Principles**

### **SAFEGUARDING CULTURE AT SML COLLEGE**

#### **2.3.1 Protection Statement**

SML college takes its responsibility to safeguard students extremely seriously and Learning Advisers, staff and volunteers will be empowered to develop their knowledge so that they are able to recognise and respond effectively to protect a student who may be at risk of significant harm.

#### **2.3.2 It could happen here**

We will ensure all Learning Advisers and staff at SML College maintain an attitude of 'it could happen here' and feel able to raise concerns either about a student at risk or a Learning Adviser, staff and/or volunteer whose behaviour may present a risk to our students.

#### **2.3.3 SML College will**

1. Have safeguarding at the heart of everything we do.
2. Maximise opportunities to teach our students how to keep safe both in the real and virtual world.
3. Support student's development in ways that will foster security, confidence and independence.

4. Provide an environment in which children and young people feel safe, secure, valued, respected and confident.
5. Ensure that ALL students have access to their own Learning Group Advisers (LGA), Learning Support Officer, or another Learning Adviser (LA) that they can communicate with if they are worried about something.
6. Make sure all Learning Advisers, including volunteers know how to contact child protection agencies should they need to.
7. Use our online electronic administration database which will provide a systematic means of monitoring children known or thought to be at risk of harm. SML college will ensure that we contribute to any further assessments of need and/or support packages for our students.
8. Emphasise the need for good levels of communication between all Learning Advisers and Volunteers between SML college and other agencies.
9. Have and regularly review, a structured procedure within the college which will be followed by all members of the community in cases of suspected abuse.
10. Develop and promote effective working relationships with other agencies, especially the Police and Children's Social Care, including Integrated Prevention & Early Help.
11. Ensure that all adults within SML college, who have access to children, have been recruited and checked as to their suitability in accordance with Part 3 of Keeping Children Safe in Education 2021.
12. Ensure other polices support and emphasis safeguarding where appropriate.
13. Make sure all Learning Advisers, employees and volunteers are aware of the system within SMLC which support safeguarding.

#### 2.3.4 Voice of the Child – Working Together to Safeguard Children 2022

Our college recognises the findings in Working Together to Safeguard Children 2022, where children expressed that they wanted an effective safeguarding system to be:

- vigilant: to have adults notice when things are troubling them.
- understanding and actioned: to understand what is happening; to be heard and understood; and to have that understanding acted upon.
- stable: to be able to develop an ongoing stable relationship of trust with those helping them.
- respectful: to be treated with the expectation that they are competent rather than not.
- informed and engaged: to be informed about and involved in procedures, decisions, concerns and plans.
- explained: to be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response.
- supported: to be provided with support in their own right as well as a member of their family.
- advocated: to be provided with advocacy to assist them in putting forward their views.
- protective: to be protected against all forms of abuse and discrimination and the right to special protection.

#### 2.3.5 Using information to support the development of our staff and Learning Advisers

We will regularly review current information to support the training of the Director and will advise Learning Advisers and employees to do the same. We will review this and other policies as appropriate.

#### 2.3.6 SMLC believes that a child or young person should never experience abuse of any kind.

We have a responsibility to promote the welfare of all children and young people and to keep them safe as enshrined in the Children's Act 1989.

We recognise that:

- all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have a right to equal protection from all types of harm or abuse.

- some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.
- working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's welfare.

We will seek to keep children and young people safe by:

- valuing them, listening to and respecting them.
- appointing a Designated Safeguarding Lead for children and young people, and a deputy.
- adopting child protection and safeguarding practices through procedures and a code of conduct for staff, Learning Advisers and volunteers.
- developing and implementing an effective e-safety policy and related procedures.
- providing effective management for Learning Advisers, employees and volunteers through supervision, support and quality assurance measures.
- recruiting Learning Advisers, employees and volunteers safely, ensuring all necessary checks, including DBS and references are made.
- when selecting volunteers determine whether a volunteer is considered to be supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision we will refer to the statutory guidance issued by the Secretary of State (replicated at Annex F of Keeping Children Safe in Education guidance document September 2018).
- recording and storing information professionally and securely and sharing information about safeguarding with children, their families, Learning Advisers, employees and volunteers.
- using our safeguarding procedures to share concerns and relevant information with agencies who need to know and involving children, young people, parents, families and carers appropriately.
- using our procedures to manage any allegations against Learning Advisers, employees and volunteers appropriately.
- creating and maintaining an anti-bullying environment and ensuring that we have a policy and procedure to help us deal effectively with any bullying that does arise.
- ensuring that we have effective complaints measures in place.
- ensuring that we provide a safe physical environment by applying health and safety measures in place in accordance with the law and regulatory advice.

SMLC has therefore adopted the procedures set out in this document to aid in our responsibility to protect and safeguard the welfare of the children and young people entrusted to our care. This policy should be read in conjunction with the government's statutory guidance, Working Together to Safeguard Children (2022) and Keeping Children Safe in Education (2023).

## 2.4 Statutory Framework

**SML College will act in accordance with the following;**

Government legislation and guidance

- The Children Act 1989 <https://www.legislation.gov.uk/ukpga/1989/41/contents>
- The Children Act 2004 <https://www.legislation.gov.uk/ukpga/2004/31/contents>
- Keeping Children Safe in Education (DfE September 2023) <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- Sexual Violence and sexual harassment between children in schools and colleges 2021: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/999239/SVSH\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999239/SVSH_2021.pdf)
- Teaching online safety in school (DfE June 2019) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/811796/Teaching\\_online\\_safety\\_in\\_school.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/811796/Teaching_online_safety_in_school.pdf)

- Working Together to Safeguard Children 2022:  
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>
- Regulated Activity in relation to children: scope  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550197/Regulated\\_activity\\_in\\_relation\\_to\\_children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf)
- The Education (Child Information) (England) Regulations 2005  
<https://www.legislation.gov.uk/uk/si/2005/1437/contents>
- Prevent Duty for England and Wales (2015) under section 26 of the Counter-Terrorism and Security Act 2015 <https://www.gov.uk/government/publications/prevent-duty-guidance>
- Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/573782/FGM\\_Mandatory\\_Reporting\\_-\\_procedural\\_information\\_nov16\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/573782/FGM_Mandatory_Reporting_-_procedural_information_nov16_FINAL.pdf)
- Dealing with Allegations of Abuse against Teachers and Other Staff (2012)  
<https://www.gov.uk/government/publications/allegations-of-abuse-against-teachers-and-non-teaching-staff>

### **3. Role of the Designated Safeguarding Lead, The Learning Support Officer & Learning Group Advisers**

#### **3.1 Role Overviews**

Learning Group Advisers are to be the first point of contact should anyone suspect a child might be suffering abuse.

Learning groups meet weekly with their Adviser. These groups typically have no more than 6 students in them and they provide a safe environment for students to discuss any issues affecting them. From time to time Learning Group Advisers change. This information will be communicated to all Learning Advisers and students as soon as any change is made.

If the Learning Group Adviser feels a referral should be made, the case should first be reviewed by the Designated Safeguarding Lead. The Designated Safeguarding Lead for safeguarding and child protection in the college is the Director. In their absence, these matters will be dealt with by the Deputy Safeguarding Lead. (See 1. Key contacts section)

If the suspicions implicate both the Designated Safeguarding Lead and the Deputy Safeguarding Lead, then the report should be made in the first instance to Chair of Trustees (See 1. Key contacts section).

#### **3.2 Responsibilities of the Designated Safeguarding Lead**

The Designated Safeguarding Lead is key to ensuring that proper procedures and policies are in place and are followed with regard to child safeguarding issues. They will also act as a dedicated resource available for Learning Advisers, employees, volunteers and governors when they may have child protection concerns to discuss.

#### **SMLC recognises that:**

- The Designated Safeguarding Lead must have the status and authority within the management structure to carry out the duties – they must therefore be a senior person.
- All Learning Advisers, employees (including volunteers) must be made aware of who this person is and what their role is.
- The Designated Safeguarding Lead will need to liaise with other agencies and build good working relationships with colleagues from these agencies, where necessary.
- They should possess skills in recognising and dealing with child welfare concerns.
- The Designated Safeguarding Lead is responsible for approving the referral cases of suspected abuse



or allegations to the relevant investigating agencies according to the procedures established by the West Sussex Local Safeguarding Children Board.

- The Designated Safeguarding Lead will also ensure that the college is represented at Child Protection Conferences and that the required reports are written and available within the appropriate timescales as prescribed by West Sussex Local Safeguarding Children Board and discussed with families in advance of Conference.
- The DSL will liaise with the Chair of Governors to inform them of issues - especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations. This should include being aware of the requirement for children to have an Appropriate Adult. Further information can be found in the Statutory guidance - PACE Code C 2019.

#### **To be effective they will:**

- Act as a source of advice, support and expertise within the college and be responsible for co-ordinating action regarding a request for service by liaising with Children's Social Care and other relevant agencies over suspicions that a child may be suffering harm.
- Cascade safeguarding advice and guidance issued by West Sussex Local Safeguarding Children Board.
- Ensure Learning Advisers, employees and volunteers, and regular visitors are aware of and can access readily the Safeguarding Policy.
- Ensure that this policy is updated and reviewed annually and work with the chair of Trustees to facilitate this
- As and when required have a working knowledge of how Brighton & Hove Local Safeguarding Children Board operates and the conduct of a child protection case conference and be able to attend and contribute to these when required.
- Make themselves (and any deputies) known to all Learning Advisers, employees, volunteers and governors and ensure those Learning Advisers and employees have sufficient knowledge of child protection. This should be relevant to their needs to enable them to identify and report any concerns to the Designated Safeguarding Lead immediately.
- During term time, the Designated Safeguarding Lead, The Learning Support Officer and/or Learning Group Advisors should always be available (during college hours) for Learning Advisers in the college to discuss any safeguarding concerns.
- Encourage a culture of listening to children and taking account of their wishes and feelings, among all Learning Advisers and employees, in any measures SMLC may put in place to protect them.

### **3.3 Responsibilities of Learning Group Advisors**

Learning Group Advisors are responsible for the safeguarding of the students within their individual groups.

To be effective they will:

- Co-ordinate action within the college over child protection cases, referring cases to West Sussex Council Multi-Agency Safeguarding Hub where necessary, having first gained approval from the Designated Safeguarding Lead.
- Establish and maintain an environment where young people feel secure, are encouraged to talk and are listened to.
- Be aware of the signs of abuse and maintain an attitude of "it could happen here" with regards to child protection.
- If a child is in immediate danger, know how to refer the matter to the appropriate services and/or the police immediately.
- Support students in line with their Child Protection Plan and notify the Designated Safeguarding Lead of any child on a Child Protection Plan who has an unexplained absence.
- Participate in safeguarding training as part of our induction process.
- Ensure all staff receive safeguarding and child protection updates as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children. We use safeguarding bites regularly throughout the year to ensure all of our team are up to date with the latest safeguarding training.

- Immediately refer to our Director if they have concerns about another member of staff.
- Immediately refer to the Chair of Governors where the concerns are about the Director.
- Keep detailed, accurate, secure written records of referrals/concerns, and ensure that these are held on the student's file.
- Where children leave SMLC, ensure any child protection file is transferred to the new education provider (if applicable) as soon as possible but certainly within the 15-day national requirement, separately from the main file, and addressed to the Designated Safeguarding Lead for child protection. Wherever possible, this should include a face to face discussion and handover of the records.
- Read Part 1 of 'Keeping Children Safe in Education (2023)'.

The Learning Support Officer (LSO) is a full-time member of staff within SMLC. They are a constant point of contact for students and Learning Group Advisors. They are able to assist LGAs if any concerns are raised about a student; they are also able to raise concerns they may have about students to their LGA. As a full-time member of staff the LSO will have a good understanding of the students and be able to aid the LGA and DSL if needed.

### **3.4 Responsibilities of the Governing Body (Board of Trustees)**

- Protecting people and safeguarding responsibilities are a governance priority for SMLC. It is a fundamental part of operating our charity.
- The Board of Trustees understands that the Charity Commission will hold trustees to account if things go wrong and will check that trustees followed their guidance and the law.
- Ensuring safeguarding policies, procedures and measures are fit for purpose and up to date.
- Making sure everyone in the organisation is aware of their safeguarding responsibilities and knows how to respond to concerns.
- Having a lead trustee for safeguarding and child protection.
- Board of Trustees appoints a Designated Safeguarding Lead who is a permanent member of staff, who has responsibility for safeguarding and child protection. This person holds a senior position within the organisation and has the authority to enforce the safeguarding policy. A second person is appointed as a contact in the even the DSL is unavailable.

The SMLC is not a school (see DfE letter of Dec. 2018) and therefore does not have a statutory responsibility to follow school safeguarding legislation. However, it must respond to DfE requirements for non-school settings where there are children.

The Nominated Lead Trustee for Safeguarding at SML College is named in section 1. Key contacts

### **3.5 Additional Responsibilities of the Board of Trustees and Board of Governors**

Additional responsibilities include:

- Making sure that the safeguarding policies & procedures are always effective and comply with the law.
- Putting in place appropriate safeguarding responses to students who go missing from SMLC, particularly on repeat occasions.
- Ensuring we follow the correct procedures outlined in this policy when removing a child from roll, or adding a student to our roll, at non-standard transition point.
- Through regular review and audit, ensure that any safeguarding deficiencies or weaknesses within SML College are remedied without delay.
- Ensuring that child protection records are kept securely and separately from other records and are only accessed by those that need to.
- Ensuring that there are procedures in place to effectively manage allegations against all Learning Advisers, employees and volunteers, including the Director. All such cases, and in cases of any doubt as to whether the matter reaches threshold for an allegation, advice and guidance must be

sought from the Local Authority.

- As a Governing Body we will also ensure parents and carers are aware of their responsibilities not to publish any information during such investigations as highlighted at para 211 Keeping Children Safe in Education 2023.
- Recognising that neither the Governing Body, nor individual Governors, have a role in pursuing or managing the processes associated with individual cases of child protection.
- Recognising that neither the Governing Body, nor individual Governors, have a right to know details of such cases, except when exercising their disciplinary functions in respect of allegations against any contractor (Learning Adviser) or employed staff member (Director).
- Making sure all Learning Advisers and employees are familiar with the contents of part 1 of Keeping Children Safe in Education 2023, and that this is updated in line with guidance.
- For e-learning, making sure that appropriate filters and appropriate monitoring systems are in place safeguarding against potentially harmful and inappropriate online material.
- Giving consideration as to how children can learn about safeguarding including online.
- The nominated lead trustee for Safeguarding and Child Protection must maintain up to date knowledge to enable them to fulfil their governance obligations.

The Charity Commission requires charities to report serious incidents. The responsibility for reporting serious incidents rests with the charity's trustees.

If a serious incident takes place within the charity, it is important that there is prompt, full and frank disclosure to the Commission. Trustees need to report what happened and, importantly, let the Commission know how they are dealing with it, even if it has also reported it to the police, donors or another regulator.

What is a serious incident?

- A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:  
harm to your charity's beneficiaries, staff, volunteers or others who come into contact with your charity through its work (who are collectively referred to throughout this guidance as people who come into contact with your charity through its work).
- loss of your charity's money or assets.
- damage to your charity's property.
- harm to your charity's work or reputation.

### **3.6 Safer Recruiting**

If, when carrying out internet search checks on shortlisted candidates/candidates upon conditional offer, they must be told. Clarification must be made that social media checks and online checks are not the same and all names must be made known not just the candidate's current name. There is no requirement to record searches on the Single Central Record (SCR).

As a Governing Body we will ensure SMLC adopts a culture of safe recruitment and as part of that adopt recruitment procedures that help deter, reject or identify people who might abuse children. We will follow the procedures set out in Part 3: Safer Recruitment. Keeping Children Safe in Education, September 2023. This includes ensuring taking up references for any candidate offered a contract.

We will ensure that the College keeps an up to date record of all staff and volunteers and the dates of all appropriate safeguarding checks and including the detail as suggested within Part 3 of Keeping Children Safe in Education, September 2023.

All Learning Advisers, employees and volunteers are reminded that they must bring to the attention of the

Director any material change in circumstances or other information of relevance.

### **3.7 Confidentiality**

SML College will;

1. As a general principle, all matters relating to child protection are confidential and should only be shared on a 'need-to-know' basis.
2. The Designated Safeguarding Lead will disclose any child protection related information about a child to other Learning Advisers on a need to know basis only, where the receiving member can play an active role in safeguarding that student.
3. All Learning Advisers and employees must be aware that they have a professional responsibility to share information with other agencies in order to safeguard children.
4. All Learning Advisers and employees must be aware that they cannot promise a child to keep secrets if doing so might compromise the child's safety or wellbeing.
5. The intention to refer a student to Children's Social Care will be shared with parents/carers unless to do so could put the child at greater risk of harm or impede a criminal investigation. If in doubt, advice should be sought from the relevant Local Authority safeguarding teams (See 1. Key contacts section).
6. KCiE 2023 (para 105) very clearly outlines the expectations on the Designated Safeguarding Lead (DSL) in promoting the educational outcomes for children by sharing information about the welfare, safeguarding and child protection issues that children, including children with a social worker, are experiencing, or have experienced. SML College will follow this guidance.
7. KCSiE 2023 outlines that the DSL will share information with staff, so they know who these children are and understand their progress and attainment. SMLC will support staff to identify the challenges that young people in this group might face and the additional support and adjustments that they could make to best support them.
8. SML College will approach sharing of such information sensitively, in collaboration with the young person, parents and carers. When supporting the outcomes for a child, staff may need to know that the child is or has been supported by safeguarding agencies, but it may not be necessary to share the details of the actual safeguarding concerns.

## **4. Child Protection & Safeguarding Procedure**

### **4.1 A child in immediate danger**

If a child is in immediate danger the police must be called by dialling 999.

### **4.2 What action to take if those at SMLC have concerns about a child:**

Learning Advisers, employees, governors, volunteers, contractors or activity providers:

- Discuss your concerns with the Designated Safeguarding Lead or in their absence, with the Deputy Designated Safeguarding Lead, as soon as possible, before the child leaves for the day. It is important that the child is not sent home at the end of the day without taking the right protective action.

- Complete the Cause for Concern form and pass it to the Designated Safeguarding Lead.
- If the Designated Safeguarding Lead or their deputy is not available, you should contact the relevant local authority yourself. Inform the Designated Safeguarding Lead about what actions you have taken.

### **4.3 Designated Safeguarding Lead:**

You are concerned that the child is at risk of significant harm:

- Contact children's services immediately.
- If you believe that the child is in immediate danger, or you suspect a crime has been committed, you must also contact the police immediately.

You believe the child is not at risk of significant harm, but the child or their family may need support:

- Discuss concerns with the Chair of Governors and if necessary, The Trustees.
- If your consultation results in the decision that the child and family are in need of help, provide additional support in SMLC and/or refer the child or their family to other agencies providing early help services.
- Record all your consultations and decision-making on the Child Protection Information Sheet and Cause for Concern form sent by the Learning Adviser who contacted you originally.
- Update the chronology and add referral letters and forms to the child's file.

### **4.4 How should students report concerns which happen out of SMLC?**

SMLC would advise that students discuss their concerns with their parents/carers. If this is not possible then they should speak to The Learning Support Officer or a Learning Advisor. Students and parents/carers can report concerns to the local authority using Key contact information at the beginning of this document. They will need to call the relevant local authority that they reside in. If a student is in immediate danger or left alone, you should contact the police or call an Ambulance (Call 999).

### **4.5 Reporting Concerns**

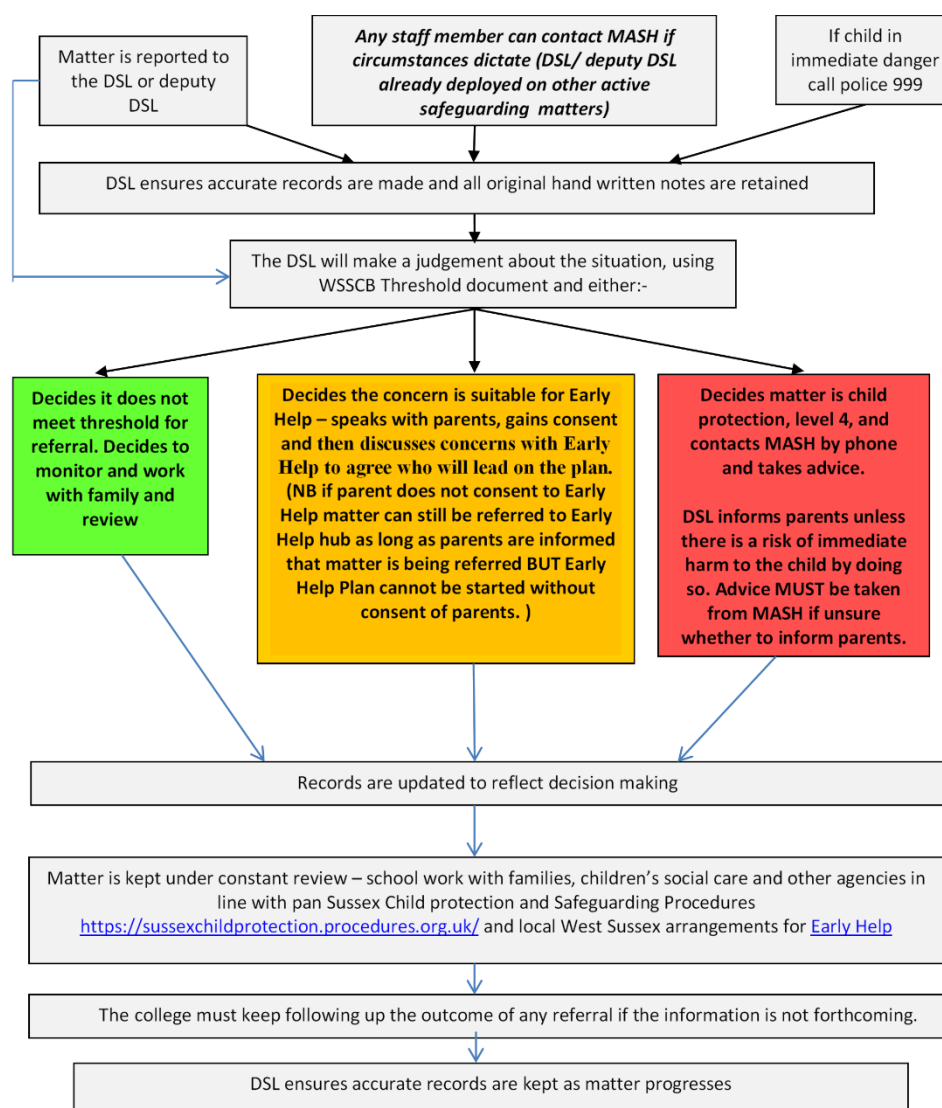
A Cause for Concern is an action, observation or discussion that makes you feel anxious about the safety or wellbeing of a child. If you suspect or believe a child is suffering or is likely to suffer Significant Harm, including any form of mistreatment or abuse, or if you are concerned about your own behaviour and need advice or support – please contact the relevant Local Authority (See 1. Key contacts section).

### **4.6 Flowchart**

We have developed a structured procedure in line with Pan-Sussex Child Protection and Safeguarding Procedures which will be followed by all members of the SMLC community in cases of suspected abuse.

In line with the procedures, the relevant child protection team (dependent on local authority) will be notified as soon as there is a significant concern.

Please see below for a flowchart which reflects the processes that we will take should we have any safeguarding concerns. The same processes will be followed with our partners in Brighton & Hove and East Sussex Local Authorities. For example, the below chart reflects the process with West Sussex County Council;



#### 4.7 SMLC will further support students by:

- discussing and providing a comprehensive document about e-safety with students, enabling children to learn about the risks of new technologies and social media and to use these responsibly.
- helping students stay safe, recognise when they do not feel safe and identify who they might or can talk to
- building resilience to radicalisation by enabling them to challenge extremist views.
- providing students with a number of appropriate adults to approach if they are in difficulties.
- supporting the student’s development in ways that will foster security, confidence and independence.
- encouraging development of self-esteem and self-assertiveness while not condoning aggression or bullying
- ensuring that all staff, Learning Advisers and volunteers understand the additional safeguarding issues of children with special educational needs and disabilities and how to address them.
- ensuring that all staff, Learning Advisers and volunteers are aware of the early help process, and understand their role in it, including acting as the lead professional where appropriate.
- liaising and working together with other support services and those agencies involved in safeguarding children.
- monitoring attendance patterns and reviewing and responding to them as part of welfare and protection procedures.
- monitoring students who have been identified as having welfare or protection concerns and providing appropriate support.

SMLC will monitor any cases referred to Early Help and consider referral to Children's Services where the situation does not improve.

SMLC will refer cases to the Channel programme where there is a radicalisation concern as required. Please see Channel section.

#### **4.8 Recognition - what to look for**

Some of the following signs might be indicators of abuse or neglect:

- Children whose behaviour changes – they may become aggressive, challenging, disruptive, withdrawn or clingy, or they might have difficulty sleeping or start wetting the bed.
- Children with clothes which are ill-fitting and/or dirty.
- Children with consistently poor hygiene.
- Children who make strong efforts to avoid specific family members or friends, without an obvious reason.
- Children who don't want to change clothes in front of others or participate in physical activities.
- Children who talk about being left home alone, with inappropriate carers or with strangers.
- Children who are regularly missing from education.
- Children who are reluctant to go home after SMLC.
- Children with poor attendance and punctuality, or who are consistently late being picked up.
- Parents who are dismissive and non-responsive to practitioners' concerns.
- Parents who collect their children from SMLC when drunk, or under the influence of drugs.
- Children who drink alcohol regularly from an early age.
- Children who are concerned for younger siblings without explaining why.
- Children who talk about running away.
- Children who shy away from being touched or flinch at sudden movements.

**Plus** children in the following categories can be particularly vulnerable and staff, learning advisers and volunteers should pay particular attention to spot any signs of abuse or neglect:

- Children who are disabled and have specific additional needs.
- Children who have special education needs (whether or not they have an EHCP).
- Children who are a young carer.
- Children who have returned home from care.

Staff, Learning Advisers and volunteers should refer to the Categories of Abuse section in the Appendix of this document for information on how to identify different types of abuse or for more detailed information see the Pan-Sussex Child Protection and Safeguarding Procedures for further guidance.

#### **In an abusive relationship, the child may:**

- appear frightened of their parent(s)
- act in a way that is inappropriate to their age and development, although full account needs to be taken of different patterns of development and different ethnic groups.

#### **In an abusive relationship, the parent or carer may:**

- persistently avoid child health services and treatment of a child's illnesses.
- have unrealistic expectations of the child.
- frequently complain about or to the child and fail to provide attention or praise.
- be absent.
- be misusing substances.
- persistently refuse to allow access on home visits by professionals.
- be involved in domestic violence and abuse.
- be socially isolated.

Serious case reviews have found that parental substance misuse, domestic abuse and mental health problems, sometimes referred to as the 'toxic trio', if they coexist in a family this could mean significant risks to children. Problems can be compounded by poverty; frequent house moves or eviction.

## **5. Record Keeping & Information Sharing**

### **5.1 Record Keeping**

Once a suspicion of abuse has been raised, a Child Protection file will be raised. This will include:

- Child Protection Information Sheet.
- Monitoring Record sheet.
- Cause for concern form.
- The folder is kept in the student's file on our online administration system.
- Create a flowchart for everyone to see and contribute to so that there is a record of what happens after the initial concern has been raised and recorded.
- With repeated events, timelines will be used to inform referrals via the relevant safeguarding team.

All discussions, telephone calls and meetings in relation to the child/young person must be recorded on the monitoring record.

The Designated Safeguarding Lead, The Learning Support Officer and Learning Advisers will hold a monthly meeting in term time to discuss and review all live and dormant records. The Designated Safeguarding Lead will then be able to:

- monitor that the agreed actions have taken place.
- assess the impact of the actions and the progress being made.
- agree the next steps.
- quality assure the written records.
- collate a report for the Governing body outlining the level of child protection concerns and work being undertaken.
- ensure that clear actions are followed up where there is a Child Protection Plan in place and the outcomes are monitored.
- ensure SMLC is represented at Core Groups and Conferences if appropriate.

The documentation for each child/young person will be stored in the relevant student's file.

### **5.2 Information Sharing**

When students leave SMLC, any Child Protection file will be transferred to the new education provider as per the process described in Section 2 of this policy.

If in doubt whether to share information please SML College will take advice from the Local Authority.

## **6. Service Providers and development issues**

### **6.1 Contracts**

SMLC has robust service provider selection and vetting procedures to help prevent unsuitable people from working with children, which are in line with those stipulated within Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges 2023.



All staff, Learning Advisers and volunteers, who have contact with children, young people and families will have appropriate pre-contract. We are also aware of the additional information contained in KCSiE 2023 regarding updates to safer recruiting at paras:

- 213 re use of birth certificates.
- 229 re when separate barred list checks must be carried out.
- 237 re clarification re s 128 checks.
- 242 re how to check prohibitions etc.
- 262 re clarification of overseas checks.

We will take advice from human resources / legal services where necessary.

#### Single Central Record

1. We will ensure that SMLC maintains a single central record in line with Part 3, paragraphs 250 – 256 of Keeping Children Safe in Education 2023.
2. We will remind all staff, at least annually, that they must, straightaway, bring to the attention of our Director any material changes in circumstances or other information of relevance.
3. In the unlikely event that agency staff are required, we are aware that we must obtain written notification from any agency, or third-party organisation who we are using, that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at SML College.
4. Where any agency position requires a barred list check, we recognise that this must be obtained by the agency or third party prior to SML College appointing the individual.
5. We are aware of the checks that must be undertaken for trainee or Education students, and will make sure, depending on circumstances, that either the University or training provider will undertake all relevant checks.
6. SML College will always check that the person presenting themselves for work from a supply or other agency is the same person on whom the checks have been made.
7. IF THERE IS ANY DOUBT THAT ALL RELEVANT CHECKS HAVE NOT BEEN COMPLETED THEN THE PERSON WHOM THE CHECKS RELATE TO WILL NOT BE ALLOWED TO ENGAGE IN ANY REGULATED ACTIVITY AT SML COLLEGE.

#### **6.2 Development and induction**

As self-employed individuals, Learning Advisers will be responsible for their own development. However, the charity will review with Learning Advisers, volunteers and staff that they are keeping up to date with safeguarding issues and may cancel any contract with a Learning Adviser if the latter shows that they are not up to date with all relevant safeguarding matters.

All staff, Learning Advisers and volunteers will be given an information pack which includes this document and the SMLC Staff, Learning Adviser and Volunteer Code of Conduct.

- We ensure that everyone understand the difference between a safeguarding concern and a child in immediate danger or at risk of significant harm.
- This induction will include everyone having read Part One from Keeping Children Safe in Education 2023.
- The induction will be proportionate to the roles and responsibilities.

We recommend everyone undertake the Child Protection in Schools online course provided by the NSPCC if they are not already up to date with their knowledge.

The Designated Safeguarding Lead may undertake appropriate training, and update knowledge and skills as needed in order to:

- be able to recognise signs of abuse and how to respond to them, including special circumstances such as Child Sexual Exploitation, Female Genital Mutilation, fabricated or induced illness (see chapter 8 of the Pan-Sussex Child Protection and Safeguarding Procedures).
- understand the assessment process for providing Early Help and intervention, e.g. Children's Services Threshold document: A guide to early help and safeguarding services.
- have a working knowledge of how the Local Authority conducts initial and review child protection case conferences and contribute effectively to these.
- be alert to the specific needs of Children in Need (as specified in section 17 of the Children Act 1989), those with Special Educational Needs, pregnant teenagers and young carers.

The Designated Safeguarding Lead will provide briefings to Learning Advisers, volunteers and governors on any changes to child protection legislation and procedures and relevant learning from local and national serious case reviews.

### **6.3 Volunteers**

SMLC will undertake a risk assessment and use professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. In doing so we will consider:

- the nature of the work with children.
- what we know about the volunteer, including formal or informal information offered by Learning Advisers, parents and other volunteers.
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability.
- whether the role is eligible for an enhanced DBS check.

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity

## **7. Managing Allegations against Staff, Learning Advisers & Volunteers**

### **7.1 SMLC takes seriously all allegations of abuse made against staff, Learning Advisers and volunteers.**

If allegations are made against the above parties, SMLC and will investigate them in line with the statutory guidance, Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, Sept 2023, and

the Pan-Sussex Child Protection and Safeguarding Procedures. The process described below is a summary of the procedure described in the above documents.

The procedure applies to all adults working in SMLC or providing a service on behalf of SMLC to our students either within or outside SMLC premises, i.e. all staff, Learning Advisers, governors, volunteers, contractors and external service or activity providers (collectively referred to as Learning Advisers in this procedure).

The allegations management procedure will be used in all cases where it is alleged that anyone, has:

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

Allegations may arise in a number of ways, for example a report from a child, a complaint from a parent, or a concern raised by another adult within SMLC. An allegation may concern someone's behaviour or actions within their job or a voluntary activity, or within their family or private life.

Any concerns will be considered in the context of the four types of abuse: emotional abuse, neglect, physical abuse or sexual abuse (see Appendix.)

## **7.2 Concerns include inappropriate relationships between adults and children**

For example:

- a sexual relationship between a child under 18 and an adult in a position of trust with them, even if the relationship may appear to be consensual.
- grooming, i.e. meeting a child under 16 with intent to commit a relevant offence (section 15 of the Sexual Offences Act 2003).
- other behaviour that gives rise to concerns, such as possession of abusive images of children or inappropriate contact through texts or online, inappropriate messages, gifts or socialising with children.

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

## **7.3 Roles and responsibilities**

Anyone who has concerns about, or has received an allegation about, the behaviour of an employee or a Learning Adviser needs to report the concerns immediately to the Designated Safeguarding Lead. In the absence of the Designated Safeguarding Lead, this should be reported to the Deputy Designated Safeguarding Lead. If both are unavailable or if both are the subject of the allegation, concerns must be reported to Chair of Trustees. This person will become the case manager. Please refer 1. Key contacts section.

The Designated Safeguarding Lead (or alternative as per the above) will act as the case manager for investigations of allegations and liaise with the Local Authority Designated Officer (LADO) (See 1. Key contacts section).

The LADO is involved in the overall management and oversight of individual cases. They will provide advice and guidance to the case manager, liaise with the police and other agencies and monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

## 7.4 Allegation Procedures

Initial action by the person noticing concerns or receiving an allegation first:

- Treat the matter seriously and keep an open mind.
- Do not make assumptions or offer alternative explanations.
- Do not investigate or ask leading questions, if seeking clarification.
- Do not promise confidentiality but give assurance that the information will only be shared on a need-to-know basis.
- Act quickly.
- Make a written record of the information. Where possible, record the exact words of the person making the allegation or the child's own words.
- Record the time, date and place and names of people present when the allegation was made or concerning behaviour was observed. Record the time, date and place of alleged incidents, persons present and what was said, if these were mentioned by the person making the allegation.
- Sign and date the written record.
- Immediately report the matter to the Designated Safeguarding Lead (or alternative) and give them the written record.

## 7.5 Initial response by the case manager:

- Do not investigate the matter immediately or interview the employee, Learning Adviser or the child concerned.
- Obtain written details of the concern or allegation, signed and dated by the person reporting it. Countersign and date the written details and record the decisions made and the reasons for those decisions.
- Contact the LADO immediately to report the allegation and for a consultation. The allegation must be reported within one day at the most.
- If the allegation requires immediate attention but is received out of hours, contact the Children's Services Emergency Duty Team or the police and inform the LADO as soon as possible.
- Refer allegations against a Learning Adviser or employee who is no longer working at SMLC to the police in the first instance and then inform the LADO.

## 7.6 Initial consideration of the allegation by the case manager and the LADO

- The case manager and the LADO will consider the nature, content and context of the allegation and agree a course of action, including whether further information is needed.
- The case manager may need to obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations in the past and the employee/Learning Adviser's current contact with children.
- If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or likely to suffer significant harm, the LADO will refer the case to Children's Social Work Services and ask them to convene a strategy discussion.
- The LADO will consult the police if a criminal offence may have been committed. If the threshold for significant harm is not reached but a police investigation may be needed, the LADO will immediately inform the police.
- If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that Learning Advisers/ employees may be entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour, read the document in this link for further clarification of reasonable force. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>
- If an investigation by Children's Social Work Services or the police is not necessary, the case manager and the LADO will discuss the options open to SMLC depending on the nature of the allegation and the evidence available. This will range from taking no further action to dismissal or a decision not to use the employees/Learning Adviser's services in the future.

- If the initial evaluation leads to no further action against the employee/Learning Adviser concerned, the decision and justification should be recorded by both the case manager and the LADO. Agreement should be reached on what information should be put in writing to the individual and what action should follow, including informing the person who made the allegation originally.

### **Persons to be notified**

After consultation with the LADO, the case manager should inform the accused person about the allegation as soon as possible. However, if a strategy discussion is needed, or the police or Children's Social Work Services need to be involved, the case manager should not inform the accused person until those agencies have been consulted and have agreed what information can be disclosed to the individual.

In principle, the case manager should inform the parents or carers of the children involved about the allegation. The LADO should be consulted first to ensure that this will not impede any investigation or disciplinary process. In some cases, the parents or carers may need to be informed right away, e.g. if a child is injured and needs medical attention.

The parents or carers and the child, if sufficiently mature, should be helped to understand the process and kept informed about the progress of the case and the outcome if no criminal prosecution will take place.

### **7.7 Confidentiality**

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated. Information should be restricted to only those who need to know in order to protect the children concerned, carry out the investigation and manage the disciplinary process.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of an individual who has been accused by, or on behalf of, a student from the same educational provider. Reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about the investigation or decision from the disciplinary process. Reporting restrictions also cease if the accused person goes public themselves, thereby waiving their right to anonymity.

Breaching reporting restrictions is a criminal offence. Therefore, the case manager should inform the parents or carers concerned about the implications of publishing details of the allegation on social networking sites. They should be advised to seek legal advice, if they wish to apply to court for removal of reporting restrictions.

The case manager should discuss with the LADO how best to manage speculation, leaks and gossip within SMLC and the community at large, and press interest, if it arises.

### **7.8 Supporting people**

The Designated Safeguarding Lead with Children's Social Work Services and the police, if they are involved, will consider the impact on the child concerned and provide support as appropriate. The Designated Safeguarding Lead will ensure that the child and family are kept informed of the progress of the investigation.

The individual who is the subject of the allegation will be advised to contact their professional association or a colleague for support.

The Designated Safeguarding Lead will keep employees/Learning Advisers updated on the progress of the investigation; this will continue during any police or section 47 investigation or disciplinary investigation.

## **7.9 Managing risk during the investigation**

The perceived level of risk during the investigation needs to be considered and managed. In some situations, the level of risk may require the employee/Learning Adviser not to be working with specific children or all children at SMLC until the investigation is completed. This decision will be made by Chair of Governors, or in their absence the Deputy Chair of Governors.

## **7.10 Timescales**

Cases will be resolved as quickly as possible, consistent with a thorough and fair investigation. It is expected that the majority of cases should be resolved within one month and all but the most exceptional cases should be resolved within 12 months. However, the timing will depend on the nature, seriousness and complexity of the case and the right outcome is far more important than meeting timescales. Cases where it is immediately apparent that the allegation is unsubstantiated or malicious should be resolved within one week.

## **7.11 Outcomes of investigations of allegations**

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

- Substantiated: there is sufficient evidence to prove the allegation.
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- False: there is sufficient evidence to disprove the allegation.
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.
- No further action: after multi-agency consideration of the evidence.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

If an allegation is determined to be unsubstantiated or malicious, the designated officers(s) should refer the matter to the children's social care services to determine whether the child concerned is in need of services or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Chair of Governors should consider whether any disciplinary action is appropriate against the student who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a student.

## **7.12 Disciplinary or suitability process and investigations**

The LADO and the case manager will discuss whether disciplinary action is appropriate in all cases where:

- it is clear at the outset, or decided by a strategy discussion, that a police investigation or section 47 enquiry is not necessary; or

- the police or the Crown Prosecution Service informs that the criminal investigation and subsequent trial are complete, or that an investigation is to be closed without charge, or prosecution is discontinued.

The LADO and the case manager will work with the providing agency in deciding whether to continue using the person's services or whether they can provide future work with children or whether to report them for barring considerations.

### **7.13 Record keeping**

The case manager will keep a clear and comprehensive summary of the case record and provide a copy to the accused employee/Learning Adviser. A copy of the record should also be given to the LADO.

The record will include details of how the allegation was investigated and resolved and the decisions reached. It will be completed in collaboration with the LADO. Details of allegations that are found to be malicious will be removed from records. In the case of all other allegations, the summary will be placed in the employees/Learning Adviser's file and kept for a period of 10 years from the date of the allegation.

### **7.14 References & Informing the Disclosure and Barring Service (DBS)**

If the allegation was proven to be malicious, false or unsubstantiated, it will not be included in any references for the employee/Learning Adviser. A history of repeated concerns or allegations which have all been found to be malicious, false or unsubstantiated will also not be included in any references.

The LADO will discuss with the case manager whether SMLC will refer the employee/Learning Adviser to the DBS, if the allegation is substantiated and SMLC ceases to use the person's services.

It is a legal requirement for educational providers to refer to the DBS anyone:

- who has harmed, or is likely to harm, or poses a risk of harm to a child; or
- Under the Safeguarding and Vulnerable Groups Act 2006 there is a legal duty for regulated activity providers and personnel suppliers to make a referral to the DBS where they have permanently removed a person from regulated activity through dismissal or permanent transfer from regulated activity (or would have done if the person had not left, resigned, retired or been redundant), and the person has carried out one of the following:
  - Been cautioned or convicted of a relevant (automatic barring) offence, or
  - Engaged in relevant conduct in relation to children that has harmed a child or put them at risk of harm, or
  - Satisfied the Harm Test in relation to children (i.e. No action or inaction occurred but the present risk that it could was significant). To satisfy the harm test there needs to be credible evidence of risk of harm.

## **8. Complaints**

We recognise that children cannot be expected to raise concerns in an environment where employees/Learning Advisers fail to do so. We will ensure that all employees/Learning Advisers are aware of their duty to raise concerns, where they exist, about the management of child protection, which may include the attitude or actions of colleagues. If necessary, they will speak with the chair of the governing body or with the Local Authority Designated Officer.

We have a clear reporting procedure for children, parents and other people to report concerns or complaints, including abusive or poor practice. Complaints by parents about any aspect of SML College MUST be reviewed to ensure there are no allegations against staff contained within the complaint which require referral to LADO. Please refer to the complaints policy for further information.

## **9. Special educational needs (SEN) & disabilities**

### **9.1 Special Considerations**

At SML College, we are aware that children with SEN and disabilities can face additional safeguarding challenges and we expect all staff and Learning Advisers to recognise:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration.
- Being more prone to peer group isolation than other children.
- The potential for children with SEN and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs.
- Communication barriers and difficulties in overcoming these barriers.

### **9.2 SEND Support**

To address these additional challenges, SML College will consider extra pastoral support for children with SEN and disabilities.

## **10. Children looked after / previously looked after**

- The Director will ensure that Learning Advisers manage their own learning to have the skills, knowledge and understanding to keep children looked after safe.
- In particular, the Director will ensure that the appropriate Learning Adviser has the information they need in relation to a child's looked after legal status and contact arrangements with birth parents or those with parental responsibility.
- The Designated Safeguarding Lead will have details of the child's Social Worker and any relevant professional in the authority that looks after the child.
- We recognise a previously looked after child potentially remains vulnerable and we will ensure that the Director should have the skills, knowledge and understanding to keep previously looked after children safe. When dealing with children looked after and previously looked after children, we will ensure our SML College works together with other agencies and takes prompt action when necessary to safeguard these children, who are a particularly vulnerable group.

## **11. Quality Assurance**

All Learning Advisers, employees, volunteers and governors will receive a copy of the Safeguarding and Child Protection Policy & Procedures and will be asked to sign to say that they have read and agree to follow its procedures. Safeguarding and Child Protection will be a regular agenda item at monthly Learning Adviser Meetings.

We will ensure that systems are in place to monitor the implementation of and compliance with this policy and accompanying procedures. This will include periodic audits of child protection files and records by the Designated Safeguarding Lead.

We will complete an audit of safeguarding arrangements at frequencies specified by the Brighton and Hove Local Safeguarding Children Board and using the audit tool provided for this purpose.

SMLC's senior management and the governing body will ensure that action is taken to remedy without delay any deficiencies and weaknesses identified in child protection arrangements.



## 12. Training

As well as training all members of staff in the use of this policy, the DSL and deputies should undergo training to provide them with the skills required to carry out the role. This training MUST be updated at least every two years.

1. The Trustees and the Governing Body will plan for staff changes to ensure there is sustained capacity and resilience for the DSL and deputies.
2. The DSL and deputies should undertake PREVENT Awareness training and ensure the rest of the team also do this on at least an annual basis as part of the wider continuous safeguarding training process in operation.

Designated Safeguarding Lead – continual professional development

1. The DSL should be afforded time to allow them to keep up to date with any developments relevant to their role, including:
2. Attending the DSL network termly meetings as organised by the Local Authority.
3. Understanding the assessment process for providing Early Help and intervention and ensure the school engages in Early Help consultations with the local Early Help Hub<sup>1</sup>.
4. Maintaining a working knowledge of how Local Authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively, when required to do so.
5. Ensuring each member of staff has access to and understands SMLC's child protection policy and procedures, especially new and part-time staff.
6. Being alert to the specific needs of children in need, those with special educational needs and young carers.
7. Keeping detailed, accurate, secure written records of concerns and referrals separately from the main file and use these records to assess the likelihood of risk. The written records should clearly identify details of the concerns and what action was taken. If these are stored electronically, they must be password protected from the child's other files and accessible only by the DSL and deputy DSLs<sup>2</sup>.
8. Supporting the college with regards to the requirements of the PREVENT Duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation.
9. Having knowledge of changes to local safeguarding procedures, processes, assessment tools etc and obtaining access to resources and attend any relevant or refresher training courses.
10. Encouraging a culture of listening to young people and taking account of their wishes and feelings among all staff, in any measures the college may put in place to protect them.
11. Understand the importance of information sharing, within the college, and with the three safeguarding partners, other agencies, organisations and practitioners.

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<sup>1</sup> Early Help Hub contact details are found [here](#)

<sup>2</sup> See section 10 of this policy for more information on this area.

12. Ensuring that where a pupil transfers to a new setting and is on a Child Protection Plan or is a Child Looked After, the information is passed to the new setting immediately and the child's social worker informed.
13. Acting as a source of support, advice and expertise to staff on matters of safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies.
14. Ensuring that either they or the allocated Learning Group Adviser attends Child Protection conferences, core groups or other multi-agency planning meetings, contributes to assessments and provides a report which will normally have been shared with the parents ahead of the conference and in line with multi-agency requirements.
15. Ensuring that any child who is subject to a child protection plan and who is absent without explanation is referred to their key worker's social care team. In some cases, any absence may be a cause for concern and warrant immediate reporting.
16. Are able to understand the unique risks associated with online safety and be confident that they have the relevant knowledge and up to date capability required to keep children safe whilst they are online at the college or at home.
17. Can recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online.

Ensuring that SMLC's child protection policy is reviewed annually, working with the trustees and utilising peer and other reviews / audits where appropriate, to ensure that procedures are updated, implemented and reviewed regularly.

### **13. Policy Review**

The effectiveness of the policy will be reviewed and evaluated by the Designated Safeguarding Lead and the Governing Body annually in light of any specific incidents or changes to local/national guidance. The Designated Safeguarding Lead will ensure that employees and Learning Advisers are made aware of any amendments to policies and procedures.

## APPENDIX 1

### Definitions

**Abuse**, including neglect, is a form of maltreatment. A person may abuse a child by inflicting harm or by failing to prevent harm. Children may be abused within their family, in an institutional or community setting, by those known to them, or, more rarely, by a stranger.

**Children** are any people who have not yet reached their 18th birthday; a 16-year-old, whether living independently, in further education, in the armed forces or in hospital, is a child and is entitled to the same protection and services as anyone younger.

**Children in need** are defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989”.

**Child protection** is part of safeguarding and promoting the welfare of children and refers to activity undertaken to protect specific children who are suffering, or likely to suffer, significant harm.

**Early Help** means providing support as soon as a problem emerges, at any point in a child’s life, from the foundation years to teenage years.

**Harm** is ill treatment or impairment of health and development, including impairment suffered from seeing or hearing the ill treatment of another.

**Safeguarding children** is the action we take to promote the welfare of children and protect them from harm. Safeguarding and promoting the welfare of children is defined in Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children (March 2015) as:

- protecting children from maltreatment.
- preventing impairment of children’s health and development.
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care.
- taking action to enable all children to have the best outcomes.

**Significant harm** is the threshold that justifies compulsory intervention in the family in the best interests of the child. Section 31 of the Children Act 1989 states ‘where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.’

For more definitions, see Pan-Sussex Child Protection and Safeguarding Procedures.

### Categories of Abuse

**Emotional abuse** is the persistent emotional maltreatment of a child such that it causes severe and persistent adverse effects on the child’s emotional development. It may involve:

- making a child feel worthless, unloved or inadequate.
- only there to meet another’s needs.
- inappropriate age or developmental expectations.
- overprotection and limitation of exploration, learning and social interaction.
- seeing or hearing the ill treatment of another, e.g. domestic abuse.
- making the child feel worthless and unloved - high criticism and low warmth.
- serious bullying (including cyber bullying).
- exploitation or corruption.

Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

**Neglect** is the persistent failure to meet a child's basic physical or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance misuse. Once a child is born, it may involve a parent failing to:

- provide adequate food, clothing and shelter, including exclusion from home or abandonment.
- protect a child from physical and emotional harm or danger.
- ensure adequate supervision, including the use of inadequate care givers.
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

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

Child on child **abuse** is most likely to include, but may not be limited to:

- bullying (including cyberbullying).
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm.
- sexual violence and sexual harassment.
- sexting (also known as youth produced sexual imagery).
- initiation/hazing type violence and rituals.
- Upskirting - which typically involves taking a picture under a person's clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification.
- Breast Ironing.
- Sharing nudes and semi nudes.

**Sexual abuse** involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. Activities may involve physical contact, including penetration of any part of the body, or non-penetrative acts. They may include non-contact activities, such as involving children looking at or in the production of sexual images, including on the internet, watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

**Child sexual exploitation** is also sexual abuse; it involves children and young people receiving something, for example accommodation, drugs, gifts or affection, as a result of them performing sexual activities, or having others perform sexual activities on them. It could take the form of grooming of children, e.g. to take part in sexual activities or to post sexual images of themselves on the internet. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

**Child on child sexual violence and sexual harassment** is part of the guidance about managing reports of child on child sexual violence and sexual harassment. The government has published detailed advice to support schools and colleges. The advice is available here:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

This guidance includes, what sexual violence and sexual harassment look like, important context to be aware of, related legal responsibilities for schools and colleges and advice on a whole school or college approach to preventing child on child sexual violence and sexual harassment.

**Contextual Abuse** Safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside the school or college. All staff, but especially the designated safeguarding lead (or deputy) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat

to their safety and/or welfare. Children's social care assessments should consider such factors so it is important that schools and colleges provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and the full context of any abuse. Additional information regarding contextual safeguarding is available here:  
<https://contextualsafeguarding.org.uk/about/what-is-contextual-safeguarding>.

### **Specific Safeguarding Issues**

Learning Advisers and employees need to be aware of specific safeguarding issues and be alert to any risks. Chapter 8 of the Pan-Sussex Child Protection and Safeguarding Procedures has detailed information about specific issues such as Child Sexual Exploitation, Female Genital Mutilation, Private Fostering, etc., and the local procedures to respond to risks.

Within Keeping Children Safe in Education, the following specific safeguarding issues are highlighted:

- Child missing from education.
- Child missing from home or care.
- Child sexual exploitation.
- Bullying including cyberbullying.
- Domestic violence.
- Drugs.
- Fabricated or induced illness.
- Faith abuse.
- Female Genital Mutilation.
- Forced marriage.
- Gangs and youth violence.
- Gender-based violence/violence against women and girls (VAWG).
- Mental health.
- Private fostering.
- Preventing radicalisation.
- Sexting.
- Teenage relationship abuse.
- Trafficking.
- Hate crimes.
- Private Fostering.
- Care Leavers.
- Information Sharing.

More information specific to the above issues can be accessed via this document:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Under the Female Genital Mutilation Act 2003 Learning Advisers and employees have a mandatory duty to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18.

Under the Counter-Terrorism and Security Act 2015 educational providers have a duty to have due regard to the need to prevent people from being drawn into terrorism. Establishments are expected to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology and to refer these children/families for support/intervention as necessary.

### **Further Information on Children Missing from Education**

A child going missing from education is a potential sign of abuse or neglect, particularly on repeat occasions.

We will inform the local authority of any student who fails to attend SMLC regularly or has been absent without permission for a continuous period of 10 term time days or more.

Procedure:

- If a student is absent for 10 days (continuous) and SMLC is unaware of the reasons, then the student will be classed as 'missing Education' and the Local Education Authority should be informed.
- SMLC will make contact on the first day of absence and continue to attempt contact each day if the absence continues.

### **Further information on Child Sexual Exploitation**

Child sexual exploitation (CSE) involves exploitative situations, contexts and relationships where young people receive something (for example food, accommodation, drugs, alcohol, gifts, money or in some cases simply affection) as a result of engaging in sexual activities. Sexual exploitation can take many forms ranging from the seemingly 'consensual' relationship where sex is exchanged for affection or gifts, to serious organised crime by gangs and groups. What marks out exploitation is an imbalance of power in the relationship. The perpetrator always holds some kind of power over the victim which increases as the exploitative relationship develops. Sexual exploitation involves varying degrees of coercion, intimidation or enticement, including unwanted pressure from peers to have sex, sexual bullying including cyberbullying and grooming. However, it is also important to recognise that some young people who are being sexually exploited do not exhibit any external signs of this abuse.

Educational establishment Learning Advisers and employees are more likely to see victims on a regular basis than almost any other professional. They will notice recurrent or prolonged absences and significant changes in behaviour. They are key to identifying children at risk and raise concerns at an early stage, to potentially halt the grooming process before sexual exploitation has begun. Learning Advisers will highlight concerns about missing children as they may be at risk of child sexual exploitation.

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

- Children who appear with unexplained gifts or new possessions.
- Children who associate with other young people involved in exploitation.
- Children who suffer from sexually transmitted infections or become pregnant.
- Children who suffer from changes in emotional well-being.
- Children who misuse drugs and alcohol.
- Children who go missing for periods of time or regularly come home late.
- Children who regularly miss education.

Due to the nature of the grooming methods used by their abusers, it is very common for children and young people who are sexually exploited not to recognise that they are being abused. Learning Advisers and employees should be aware that young people particularly aged 17 and 18 may believe themselves to be acting voluntarily and will need practitioners to work with them so they can recognise that they are being sexually exploited.

As much as possible it is important that the young person is involved in decisions that are made about them.

### **Further Information on Domestic Violence**

The Domestic Abuse Act 2021 defines domestic abuse as:

1. both the person who is carrying out the behaviour and the person to whom the behaviour is directed towards must be aged 16 or over and abusive behaviour directed at a person under 16 would be dealt with as child abuse rather than domestic abuse.
2. that both persons must be “personally connected”. The definition ensures that different types of relationships are captured, including ex-partners and family members.

Exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result. Domestic abuse affecting young people can also occur within their personal relationships, as well as in the context of their home life. Advice on identifying children who are affected by domestic abuse and how they can be helped is available from:

<https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/domestic-abuse/signs-symptoms-effects/>

<http://www.refuge.org.uk/get-help-now/support-for-women/what-about-my-children/>

<http://www.safelives.org.uk/knowledge-hub/spotlights/spotlight-3-young-people-and-domestic-abuse>

### **Further information on Female Genital Mutilation (FGM)**

Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a girl being at risk of FGM, or already having suffered FGM. There are a range of potential indicators that a child or young person may be at risk of FGM, which individually may not indicate risk but if there are two or more indicators present this could signal a risk to the child or young person. Victims of FGM are likely to come from a community that is known to practice FGM. Professionals should note that girls at risk of FGM may not yet be aware of the practice or that it may be conducted on them, so sensitivity should always be shown when approaching the subject. Learning Advisers and employees should activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with police and children’s social care.

Warning signs that FGM may be about to take place, or may have already taken place, can be found in the Brighton and Hove FGM Multi Agency Resource Pack or within the e-learning for all professionals, developed by the Home Office, available at [www.fgmelearning.co.uk](http://www.fgmelearning.co.uk)

Girls who are threatened with, or who have undergone FGM may withdraw from education, restricting their educational and personal development. They may feel unable to go against the wishes of their parents and consequently may suffer emotionally. Learning Advisers and employees may become aware of a student because she appears anxious, depressed and emotionally withdrawn. They may be presented with a sudden decline in her performance, aspirations or motivation. There may be occasions when a student comes to SMLC but then absents herself from meetings and may spend prolonged time in the toilet.

Students who fear they may be at risk of FGM can often come to the attention of, or turn to, a Learning Adviser/ employee before seeking help from the police or social services. Sometimes the student’s friends report it. Learning Advisers/ employees are in an ideal position to identify and respond to a victim’s needs at an early stage.

Learning Advisers and employees should be aware of new mandatory reporting requirements with regards to known cases of female genital mutilation (FGM) which require teachers to personally report to the police cases where they discover that an act of FGM appears to have been carried out. Further details can be found in Annex A of Keeping Children Safe in Education September 2023.

### **Further Information on Forced Marriage**

A forced marriage is one in which at least one participant does not (or cannot) consent to the marriage and pressure or abuse is used. It is recognised in the UK as a serious abuse of human rights.

The pressure put on people to marry against their will can be physical (including threats of violence, actual physical violence and sexual violence) or emotional and psychological (e.g. shame and coercion) Financial abuse can also be a factor.

### **Further information on Preventing Radicalisation**

Children are vulnerable to extremist ideology and radicalisation. Similar to protecting children from other forms of harms and abuse, protecting children from this risk should be a part of the colleges' safeguarding approach.

Extremism is the vocal or active opposition to our fundamental values, including the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces.

Radicalisation refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups. There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media) and settings (such as the internet).

However, it is possible to protect vulnerable people from extremist ideology and intervene to prevent those at risk of radicalisation being radicalised. As with other safeguarding risks, staff should be alert to changes in children's behaviour which could indicate that they may be in need of help or protection. Staff should use their judgement in identifying children who might be at risk of radicalisation and act proportionately which may include the designated safeguarding lead (or deputy) making a referral to the Channel programme.

### **The Prevent duty**

All schools and colleges are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism".

This duty is known as the Prevent duty:

<https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty>

The Prevent duty should be seen as part of schools' and colleges' wider safeguarding obligations. Designated safeguarding leads and other senior leaders should familiarize themselves with the Revised Prevent duty guidance: for England and Wales, especially paragraphs 57-76 which are specifically concerned with schools (and also covers childcare). The guidance is set out in terms of four general themes: Risk assessment, working in partnership, staff training, and IT policies.

### **Additional support**

The department has published advice for schools on the Prevent duty. The advice is intended to complement the Prevent guidance and signposts other sources of advice and support.

There is additional guidance:

<https://www.gov.uk/government/publications/prevent-duty-guidance>



Educate Against Hate (<https://educateagainsthate.com/>), a website launched by the Her Majesty's Government has been developed to support and equip school and college leaders, teachers, and parents with information, tools and resources (including on the promotion of fundamental British values) to help recognise and address extremism and radicalisation in young people. The platform provides information on and access to training resources for teachers, staff and school and college leaders, some of which are free such as Prevent e-learning, via the Prevent Training catalogue.

## **Channel**

Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. It provides a mechanism for schools to make referrals if they are concerned that an individual might be vulnerable to radicalisation. An individual's engagement with the programme is entirely voluntary at all stages.

Guidance on Channel is available at:

<https://www.gov.uk/government/publications/channel-guidance>

A Channel awareness e-learning programme is available for staff at:

[http://course.ncalt.com/Channel\\_General\\_Awareness/01/index.html](http://course.ncalt.com/Channel_General_Awareness/01/index.html)

The college's Designated Safeguarding Lead (and any deputies) will be aware of local procedures for making a Channel referral. As a Channel partner, college may be asked to attend a Channel panel to discuss the individual referred to determine whether they are vulnerable to being drawn into terrorism and consider the appropriate support required.

Learning Advisers and employees may also find it useful to complete a short general awareness course online here:

[http://course.ncalt.com/Channel\\_General\\_Awareness/01/index.html](http://course.ncalt.com/Channel_General_Awareness/01/index.html), if they have not already done so.

Prevent is the pan-Sussex strategy for preventing vulnerable people from being radicalised into violent extremism: The pan Sussex Prevent describes partner's (including educational establishments) role in the Prevent agenda:

### **Sharing with colleagues**

- Promote awareness of the PREVENT strategy within your organisation and partners, including the local risks, roles and responsibilities involved in its delivery
- Ensure colleagues and partners are aware of how to report any potentially relevant information or concerns
- Promote an understanding amongst colleagues and partners of how to identify indicators of terrorism
- Promote an understanding amongst colleagues and partners of how to identify potential signs of individual vulnerability to radicalisation.
- Indicators of terrorist activity

The Department for Education has published The Prevent Duty Departmental advice for educational establishments and childcare providers at:

<https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty>

If a Learning Adviser/ employee has a concern about a particular student they should follow the normal safeguarding procedures, including discussing with the Designated Safeguarding Lead, and where deemed necessary, with children's social care.

### **Further Information on Online Safety**

The use of technology has become a significant component of many safeguarding issues. Child sexual exploitation; radicalisation; sexual predation: technology often provides the platform that facilitates harm. An effective approach to online safety empowers an educational establishment to protect and educate the community in their use of technology and establishes mechanisms to identify, intervene in and escalate any incident where appropriate.

The breadth of issues classified within online safety is considerable, but can be categorised into three areas of risk:

- content: being exposed to illegal, inappropriate or harmful material
- contact: being subjected to harmful online interaction with other users
- conduct: personal online behaviour that increases the likelihood of, or causes, harm

For more information on online safety please see SMLC's e-Safety and Acceptable Use Policy.

### **Further Information on Sexting**

Sexting among children and young people can be a common occurrence, where they often describe these incidents as 'mundane'. Children involved in sexting incidents will be dealt with by the police as victims as opposed to perpetrators, unless there are mitigating circumstances. The Designated Safeguarding Lead should record all incidents of sexting. This should include both the actions taken and the actions not taken, together with justifications.

In applying judgement to the sexting incident consider the following:

- Significant age difference between the sender/receiver involved.
- If there is any external coercion involved or encouragement beyond the sender/receiver.
- If you recognise the child as more vulnerable than is usual.
- If the image is of a severe or extreme nature.
- If the situation is not isolated and the image has been more widely distributed.
- If this is not the first time children have been involved in a sexting act.
- If other knowledge of either the sender or recipient may add cause for concern.

If these characteristics present cause for concern, then escalate or refer the incident. If not, manage the situation accordingly, recording details of the incident, action and resolution. See Child Exploitation and Online Protection Centre website for further information.

### **Procedures for inappropriate phone use:**

It is also important that students are aware that any inappropriate use of mobile devices within SMLC will not be tolerated. Incidents where devices are used for sending derogatory, abusive or threatening messages or for sending or receiving violent or indecent material will result in the student having to deposit their device at the start of the day and recover it at the end of the day. The time period for these sanctions will depend on the nature of the incident.

Should such incidents occur during SMLC time we will take appropriate action and inform the relevant personnel and/or authorities. If incidents occur out of SMLC time we will endeavour to assist parents/carers to identify the best course of action relevant to the incident.

### **Further information on Private Fostering and previously Looked-after children**

Parents and carers often fail to notify educational establishments about private fostering arrangements even though they are legally required to notify Children's Services. Often this is because they are unaware of the requirements. They believe that this is a private family arrangement which does not concern anybody else. This lack of awareness means that many privately fostered children remain hidden and can be vulnerable.

A previously looked after child potentially remains vulnerable and all staff should have the skills, knowledge and understanding to keep previously looked after children safe. When dealing with looked after children and previously looked after children, it is important that all agencies work together and prompt action is taken when necessary to safeguard these children, who are a particularly vulnerable group.

### **Private Fostering definition**

Private fostering occurs when a child under the age of 16 (under 18, if disabled) 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 school staff through the normal course of their interaction, and promotion of learning activities, with children.

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

A link to comprehensive guidance on the circumstances in which private fostering may arise can be found at Annex A of Keeping Children Safe in Education guidance document September 2023

Learning Advisers/ employees play an essential role in identifying privately fostered children. If you know a child is being privately fostered, you should advise the parent/carer that they have a legal obligation to report the arrangement to Children Social Care at least six weeks before it happens or within 48 hours if the arrangement is current having been made in an emergency.

Learning Advisers/ employees should alert the Designated Safeguarding Lead who will ensure this is followed up with Children Social Care and the arrangement is assessed, approved and monitored

### **Information on Care Leavers**

Local authorities have on-going responsibilities to the young people who cease to be looked after and become care leavers.

That includes keeping in touch with them, preparing an assessment of their needs and appointing a personal adviser who develops a pathway plan with the young person. This plan describes how the local authority will support the care leaver to participate in education or training. The designated safeguarding leads should therefore have details of the local authority Personal Advisor appointed to guide and support the care leaver, and should liaise with them as necessary regarding any issues of concern affecting the care leaver.

### **Information sharing**

#### **CHILDREN, GDPR AND THE DATA PROTECTION BILL**

Information sharing is vital in identifying and tackling all forms of abuse.

As part of meeting a child's needs, the college recognises the importance of information sharing between professionals and local agencies. The college will comply with the following:

## The seven golden rules to sharing information

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles).
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

Where children leave the college, the designated safeguarding lead will ensure any child protection file is transferred to the new school or college as soon as possible, ensuring secure transit, and confirmation of receipt should be obtained.

In addition to the child protection file, the designated safeguarding lead will also consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. For example, information that would allow the new school or college to continue supporting victims of abuse and have that support in place for when the child arrives.