



COLLEGE POLICY DOCUMENT

Enabling Students to Raise Problems and Concerns Policy

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Related documents:	Child Protection Policy Whistleblowing Policy Enabling Students to raise problems and concerns Anti-Bullying Policy Disciplinary Policy
Relevant to:	Students; staff; host families; volunteers

This policy explains the procedure for reporting concerns and allegations made by students in relation to harm or abuse to which they or other students have been subject. It illustrates the signs of abuse or neglect and emphasises the overriding importance of students' safety and welfare.

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Reporting of Concerns or Allegations of Harm to Students Policy

1. Introduction

This policy should be read in conjunction with the college's Child Protection Policy. This policy is linked to the Child Protection Policy and St. Andrew's College student safeguarding and welfare principles and approach. The purpose of the Reporting of Concerns or Allegations of Harm to Students Policy is to clarify the steps needed for staff (including temporary staff and volunteers) to report any concerns they have or allegations they hear of in relation to abuse or harm to students. The policy underpins the duty of care all staff have to students and the paramount importance of students' welfare.

The principles and practices outlined in this policy are applied to all of our students, unless specifically stated otherwise.

This policy supports St. Andrew's College statutory duty to safeguard and promote the welfare of children and gives due regard to Statutory Guidance for Schools and Colleges on *Safeguarding Children and Safer Recruitment in Education, Department for Education, July 2015: Keeping Children Safe in Education, September 2016* and *Working Together to Safeguard Children, March 2015*; and is pursuant to *The Education (Independent School Standards) (England) Regulations 2010* and *Department for Education Boarding Schools National Minimum Standards, March 2015*.

2. Policy Aims

The aims of the policy are to:

- Clarify what happens if staff suspect student harm or abuse
- Describe the possible indicators of harm or abuse
- Emphasise the duty of care staff have for students
- Protect students from harm or abuse.

3. Indications of Abuse, Harm or Neglect

Indications of abuse, harm or neglect are wide-ranging and can include one or all of the following:

- Allegations or inferences of abuse or harm made by a student
- Visible injury or injuries that are unexplained, unusual or recurring
- Self-harming
- Sudden change in a student's behaviour or frequent mood swings
- Requests to drop subjects taught by a particular teacher without justification
- Application to leave residence coupled with a reluctance to explain why
- Sudden weight loss or weight gain
- Loss of self-confidence and heightened anxiety
- Sudden speech disorder
- Lapse in personal hygiene
- Disheveled appearance
- Hunger
- Listlessness and lack of enthusiasm or motivation
- Craving or rejection of affection.

4. Guiding Principles

Staff may need access to confidential information about students in order to undertake their responsibilities. This information must only be shared if it is in the interests of the student to do so. Confidential information should never be used to humiliate or embarrass a student. Members of staff should seek guidance from the Designated Person if in any doubt about whether to share confidential information.

Concerns or allegations about staff or other adults must be referred to the Designated Safeguarding / Prevent Lead without delay.

The Designated Safeguarding / Prevent Lead is Wayne Marshall, College Principal, on 01223 323718 or wayne.marshall@standrewscambridge.co.uk

All staff have a responsibility to bring matters of concern to the attention of senior management and relevant external agencies when students' welfare is at risk. The Designated Safeguarding / Prevent Lead will decide whether to make a referral to children's social care, but it is important to note that any staff member can refer their concerns to children's social care directly.

If, at any point, there is a risk of immediate serious harm to a child a referral should be made to Cambridgeshire's Multi-Agency Safeguarding Hub immediately. Anybody can make a referral.

What to do if you are concerned about a child

Don't keep it to yourself, if in doubt, seek advice.

Sarah Hamilton

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Emails of a confidential nature or containing patient data should be sent from an nhs.net account (or other secure account) to the nhs.net email accounts above.

What to do if you have an immediate and urgent child protection concern.

If you think that a child or young person is at risk of serious harm call the Contact Centre immediately.

- For Cambridgeshire call **0345 045 5203** (8am to 6pm Mon – Fri)
- Out of hours emergencies – call **01733 234724**.

In an emergency dial 999 and ask for the Police.

5. Mandatory Reporting Duty

5.1 Female Genital Mutilation (FGM)

Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty on schools to report to the police where they discover through disclosure by the victim that FGM appears to have been carried out on a girl under 18. Staff should discuss any such case with the college's Designated Safeguarding / Prevent Lead and involve children's social care as appropriate staff and colleges failing to report such cases will face disciplinary sanctions.

The college is committed to ensuring that female students are safeguarded against FGM, staff must report any concerns to the Designated Safeguarding / Prevent Lead or their Deputy who will contact the Police and will immediately seek further advice from the Local Authority Designated Officer (LADO).

5.2 Radicalisation

Staff must understand when it is appropriate to make a referral to the Channel programme, which focuses on providing support at an early stage to people who are identified as being vulnerable to Radicalisation. An individual's engagement with the programme is entirely voluntary at all stages.

6. Reporting

6.1 Allegations of abuse made against other students

Should a student allege abuse against another student, the procedure outlined on Section 16 must be followed by the member of staff hearing the disclosure or witnessing the event. This may be a sign of abuse in itself and/or a bullying incident.

The college has a duty of care to its students and should act to manage and minimise the stress inherent in the allegations process. Support for both individuals is vital to fulfilling this duty. This should be kept in mind in going through any investigation, referring to the local safeguarding board or going through the disciplinary process.

Please also refer to *St. Andrew's College Anti-Bullying Policy* and *Disciplinary Policy*

6.2 Concerns about another staff member

If there is a concern that another member of staff (including volunteers) has behaved in a way that:

- Has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children

It must be referred to the Designated Safeguarding / Prevent Lead. The Designated Safeguarding / Prevent Lead should be informed of all allegations that come to the college's attention and appear to meet the criteria. Any such allegation should be referred to the local safeguarding board within one working day.

Where a student is at risk of serious harm, the police should be informed.

Where there are concerns about the Principal, this should be referred to one of the College

Directors. Where concerns are raised about the Directors, this should be referred to the Principal.

In the first instance, the Principal, or where the Principal is the subject of an allegation, the nominated director should immediately discuss the allegation with the local Safeguarding Board to agree a course of action.

If it is decided that no further action is to be taken against a member of staff, the decision and a justification for it should be recorded and agreement reached on what information should be put in writing to the individual concerned and by whom and decided on what action should follow in respect of the individual making the initial allegation.

In all other cases, the accused person should be informed as soon as possible about the allegation as soon as possible after consulting the local safeguarding board. If other agencies are to be involved, the accused person would only be informed once other agencies have been consulted, and have agreed what information can be disclosed to the accused

7 Suspension

Suspension should be considered only in a case where there is cause to suspect a child or other children at the college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically. In cases where the college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school or college it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL's investigation.

All options should be considered whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements, e.g. reassigning work or relocating accommodation. Where it has been deemed appropriate to suspend the person, written confirmation should be provided within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

8 Supporting those involved

The college has a duty of care to their employees and should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

A named representative will keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual.

9 Parents or Guardians

Parents or guardians of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However if police or children's social care services need to be involved, information should not be given until those agencies have been consulted and have agreed what information can be disclosed to the parents or guardians.

Parents or guardians should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. This is to be given in confidence.

Parents and guardians should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in *section 141F of the Education Act 2002*. If parents or guardians wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

10 Confidentiality

It is extremely important that when an allegation is made, the college makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. Reporting restrictions prevent the publication of any material that may lead to the identification of a teacher. They apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.

11 Resignations and 'settlement agreements'

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up. A referral to the DBS must be made, if the criteria are met. If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement. Such an agreement which prevented the college from making a DBS referral when the criteria are met would likely result in a criminal offence being committed as the college would not comply with its legal duty to make the referral

12 Record keeping

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

13 Referrals to the Disclosure and Barring Service

A referral to the Disclosure and Barring Service (DBS) will be made if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned. This is a legal duty and failure to refer when the criteria are met is a criminal offence. In the case of a member of teaching staff the matter may be referred to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching.

14 Malicious or unsubstantiated allegations

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 principal or proprietor 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

15 Concerns about safeguarding practices within the college

Staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school or college's safeguarding regime.

See St. Andrew's College *Whistleblowing Policy* for further details.

16 Procedure

A member of staff suspecting or hearing an allegation of abuse should:

- Arrange a safe and private environment for the child or young person to talk
- Listen carefully and stay calm
- Not interrogate the student, but question normally and without pressure, using open-ended questions
- Reassure the student that they have done the right thing by telling them
- Advise the student that you may have to pass on the information to the person responsible in the college for such matters. Staff should not promise confidentiality – the safety of a student overrides the maintenance of confidentiality
- As soon as possible make a detailed note of the date, time, place and what the student said and did and the questions asked
- Contact the Designated Safeguarding / Prevent Lead or their Deputy as soon as possible – including out of hours if the situation appears to warrant immediate attention - to explain the situation and pass on the information. The Designated Safeguarding Lead will outline the action that needs to be taken which will include contact with outside agencies where appropriate
- Desist from taking any further action once the allegation of abuse has been reported
- As far as possible take into account the wishes and views of the student without compromising their individual safety.

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