



Safeguarding Learners Policy & Procedures

Policy / Procedure	Safeguarding Learners Policy & Procedures
Responsibility	Steve Brady Assistant Principal - Student Services, Teaching & Learning
Who is affected	All Staff, Learners and Governors
Number of Pages	20

Impact Assessed	22 June 2010	<ol style="list-style-type: none"> 1. Age 2. Disability 3. Gender Reassignment 4. Marriage and civil partnership 5. Pregnancy and maternity 6. Race 7. Religion or belief 8. Sex and sexual orientation
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Safeguarding Learners Policy & Procedures

Policy Statement

Middlesbrough College recognises that it has a statutory and moral duty to promote and safeguard the welfare for its learners who are under the age of 18 and of its vulnerable adults. This includes helping to protect them from situations in which they are abused.

We will do this by

- Establishing a safe learning environment in which all learners can learn and develop.
- Practising safe staff recruitment procedures built around CRB checks and guidelines produced by the Independent Safeguarding Authority (ISA).
- Helping to equip learners with information and awareness to keep themselves safe.
- Maintaining clear procedures to identify and report suspected cases of abuse. All staff will be made aware of these procedures and trained in their use.
- Providing appropriate support to learners who have been abused.

Contents

1. Context and general principles.
2. People with responsibility for Safeguarding Learners.
3. Child Protection Procedure for staff.
4. Allegations of a learner abusing another learner.
5. Allegations of Abuse against a member of staff.
6. Sex Offenders.
7. Forced Marriage.
8. Guidelines for safe working practice.
9. Other Agencies.
10. Training.
11. Record keeping.
12. Information for Learners & Parents.
13. Residential Visits.
14. Annual Review by the Governing Body.

Appendices

- A. What do we mean by Abuse and Neglect?
- B. Procedures Flow Chart.
- C. Vulnerable Adults
- D. Procedures and dealing with an incident that arises during an educational visit.
- E. Dealing with Cases of Forced Marriage.
- F. CPR1 Form to report incidents of abuse.

1. Context And General Principles

- 1.1 The College has a statutory duty under the Children Act 1989 and Section 175 of the Education Act 2002 to safeguard and promote the welfare of its learners. In fulfilling this duty regard has been taken of the following related documents:

Safeguarding Children in Education DfES 2004
Working Together to Safeguard Children DfES 2006
Safeguarding Vulnerable Groups Act 2006
Vetting and Barring Scheme Guidance 2010
Independent Safeguarding Authority (ISA) Regulations
Independent Safeguarding Guidelines 2010
Working Together to Safeguard Children DCSF 2010
Safeguarding Children and Safer Recruitment in Education DCSF 2010
Every Child Matters

- 1.2 Under the legislation a child is classed as a person under the age of 18.
- 1.3 The College has included vulnerable adults in the scope of this policy.
- 1.4 All staff have been made aware that it is a criminal offence under the Sexual Offences Act 2003 for a person over the age of 18 in a position of trust to enter into a sexual relationship with any learners under 18 years old, even if the relationship is consensual.
- 1.5 The College is clear that it is not the responsibility of any member of staff to investigate any suspected cases of abuses; all cases must be referred to the Designated Senior Person (DSP).
- 1.6 This Policy should be read in conjunction with the College's Health, Safety and Welfare Policy.

2. People with Responsibilities for Safeguarding Learners

- 2.1 The Designated Senior Person is the Assistant Principal - Student Services, Teaching & Learning. *(For the Academic Year 2010 / 2011 – Steve Brady)*
- 2.2 In their absence staff in Student Services have been trained to deputise. They can be contacted via Reception.
- 2.3 The Governing Body has a named member with responsibility for Safeguarding Learners issues. All members of the Governing Body should undertake the College Safeguarding Learners Training.
- 2.4 The Principal / Chief Executive has the responsibility of ensuring that the Child Protection Policy and Procedures are adopted by the Governing Body and are fully implemented.
- 2.5 All members of the College staff have a responsibility to inform the Designated Senior Person if they suspect that abuse is taking place.

3. Safeguarding Learners Procedure for Staff

- 3.1 If a learner tells a member of staff that abuse is taking place they should be acknowledged, taken seriously and listened to.
- 3.2 As soon as it becomes clear that the learner is talking about a situation of abuse, you need to gently stop them and inform them that if they continue you have a **legal obligation** to pass this information on to the Designated Senior Person. **You cannot promise confidentiality to the learner.**
- 3.3 It is important not to ask too many questions as it is **clear that you must not under any circumstances investigate any accusations.** As soon as possible write down the factual details of what has been told to you using the SLR1 form (see Appendix F). There should be only one copy of this that **must** be given to the Designated Senior Person. No other paper or electronic copies should be kept.
- 3.4 Contact the Designated Senior Person ASAP, but certainly the same day, to explain the situation and pass on the written notes. The Designated Senior Person will outline the action that she has to take so that you can explain this to the learner. It may be appropriate for the Designated Senior Person to meet the learner.
- 3.5 **You must not take any further action yourself.** This includes contacting parents or outside agencies.
- 3.6 As far as is possible the wishes and views of the learner will be taken into account.
- 3.7 If a member of staff has suspicions that a learner is suffering abuse they must discuss these concerns with the Designated Senior Person and **not take any independent action.**
- 3.8 All contact with outside agencies over issues of abuse must be conducted by the Designated Senior Person.
- 3.9 Support will be offered to learners through Student Services.
- 3.10 If the learner is on a 14-16 programme the Designated Senior Person will make contact with the Designated Senior Person from the school or senior member of the school staff.
- 3.11 If the learner suffering abuse is over 18 but we are aware that there may be **other siblings under 18 who may be at risk** the Designated Senior Person must be informed.
- 3.12 Please see Appendix B for the procedure to follow if allegations happen on an educational visit.

4. Allegations of Learner Abusing another Learner

If a learner has been accused of being involved as an abuser in child abuse the Designated Senior Person must be contacted as soon as possible. The Designated Senior Person will contact the Police immediately as this is a criminal act and a view needs to be taken as to whether a prosecution might take place. In this instance both sets of parents will be informed and it is likely that the accused learner will be suspended immediately.

If they are not suspended a risk assessment will need to be undertaken immediately so that a judgement can be made as to that individual's range of activity within the College, prior to the outcome of any investigation being known.

5. Allegations of Abuse Against A Member Of Staff

Any allegations of abuse made against a member of College staff should be dealt with under guidelines contained in the document "Safeguarding Learners, Procedures for Staff" produced by Human Resources. In relation to the learner, all previously outlined procedures will be followed, with the learner being referred to the Designated Senior Person.

6. Sex Offenders

It has become clear that a small number of adults who are convicted sex offenders have tried to enrol at Colleges. Whilst the College has always had a role in the rehabilitation of offenders, the safeguarding of our learners must take a greater priority.

If any member of staff or learner has concerns that a sex offender may be accessing the College, information must be passed to the Designated Senior Person immediately. The Designated Senior Person will contact outside agencies to verify any accusation and decide with the Principal any action to be taken.

7. Forced Marriage

Forced marriage is different from, and should not be confused with an arranged marriage. To force a person to marry someone against their will is an abuse and a criminal offence. The government has established a Forced Marriage Unit (FMU) to offer support and guidance to agencies. If you suspect that one of your learners is being placed in a potential forced marriage situation please refer to the Designated Senior Person immediately. (Please refer to Appendix E).

8. Guidelines for Safe Working Practice

A further document "Guidelines for Safe Working Practice for the Protection of Children, Young People, Vulnerable adults and Staff in Education" has been produced by the Designated Senior Person and the Assistant Principal Human Resources and should be read in conjunction with these procedures. This document provides valuable guidelines to all staff about how they need to conduct themselves.

9. Other Agencies

The College will work closely with other agencies to ensure that it meets its obligations. Central to this will be the Child Protection Service within the Borough in which the learner resides, Social Services, the Police and the appropriate Safeguarding Children Board(s).

The College will keep abreast of changes that take place and respond to any guidance from the Secretary of State. The Designated Senior Person will be the contact for Safeguarding and Child Protection liaison with other agencies.

10. Training

10.1 The Designated Senior Persons receive training in Safeguarding Learners and inter-agency working that is provided through Learning and Skills Improvement Services (LSIS) and refresher training at 2 yearly intervals to keep their knowledge up to date.

10.2 All Staff and Governors are provided with training to equip them to carry out their responsibilities for Safeguarding Learners effectively, refresher training will be provided at 3 yearly intervals. This training is compulsory.

10.3 Temporary staff and volunteers will be made aware of the college's arrangements for Safeguarding Learners and their personal responsibilities. These staff will also have to undergo CRB clearance – contact Human Resources for further information.

11. Record Keeping

Confidential records will be kept for all stages of the alleged or suspected child abuse. Staff should report using the SLR1 Form. These will be kept securely in the Designated Senior Person's office and must not be accessed without the Designated Senior Person's express permission. No records of situations of alleged or suspected abuse must be kept elsewhere in the College; this includes electronic communications which must be deleted.

12. Information for Learners

Information on this policy will be provided to learners through their handbook, Blackboard and through Induction.

13. Residential Visits

To ensure that safeguarding learners considerations are given to residential visits, the Designated Senior Person will be involved in risk assessments that take place prior to all visits. This will enable the Designated Senior Person to advise on any potential safeguarding issues that may arise. It is the role of the leader in charge of the visit to liaise with the Designated Senior Person.

14. Annual Review by the Governing Body

The Designated Senior Person will present an annual report on Safeguarding Learners activities to the Governing Body including recommendations of any alterations that need to be made. The Governing Body will use this as the basis for their annual review of the Policy and Procedures.



Appendix A

What do we mean by Abuse & Neglect

The following definitions come from the DfES in their “Safeguarding Children” guidance.

Physical Abuse

May involve hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or otherwise causing physical harm. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health to a child.

Sexual Abuse

Forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve

- Physical contact including penetrative or non-penetrative acts.
- Non-contact activities, such as involving children in looking at, or in the production of pornographic material or watching sexual activities.
- Encouraging children to behave in sexually inappropriate ways, including involvement in prostitution.

Emotional Abuse

The persistent emotional ill-treatment of a child so as to cause severe and persistent adverse effects on their emotional development.

It may involve

- Conveying to children that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person.
- Age or developmentally inappropriate expectations being imposed on children.

- Causing children frequently to feel frightened or in danger.
- The exploitation or corruption of children.

Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone.

Neglect

The persistent failure to meet a child's physical and psychological needs, likely to result in the serious impairment of their health or development. It may involve

- Failing to provide adequate food, shelter and clothing.
- Failing to protect a child from physical harm or danger.
- Failure to ensure access to appropriate medical care or treatment.
- Neglect of a child's basic emotional needs.
- Failure to ensure satisfactory education

Additional forms of abuse relevant to vulnerable adults are

Financial Abuse

This includes theft, fraud, exploitation, the misuse of possessions and pressure applied in relation to financial transactions.

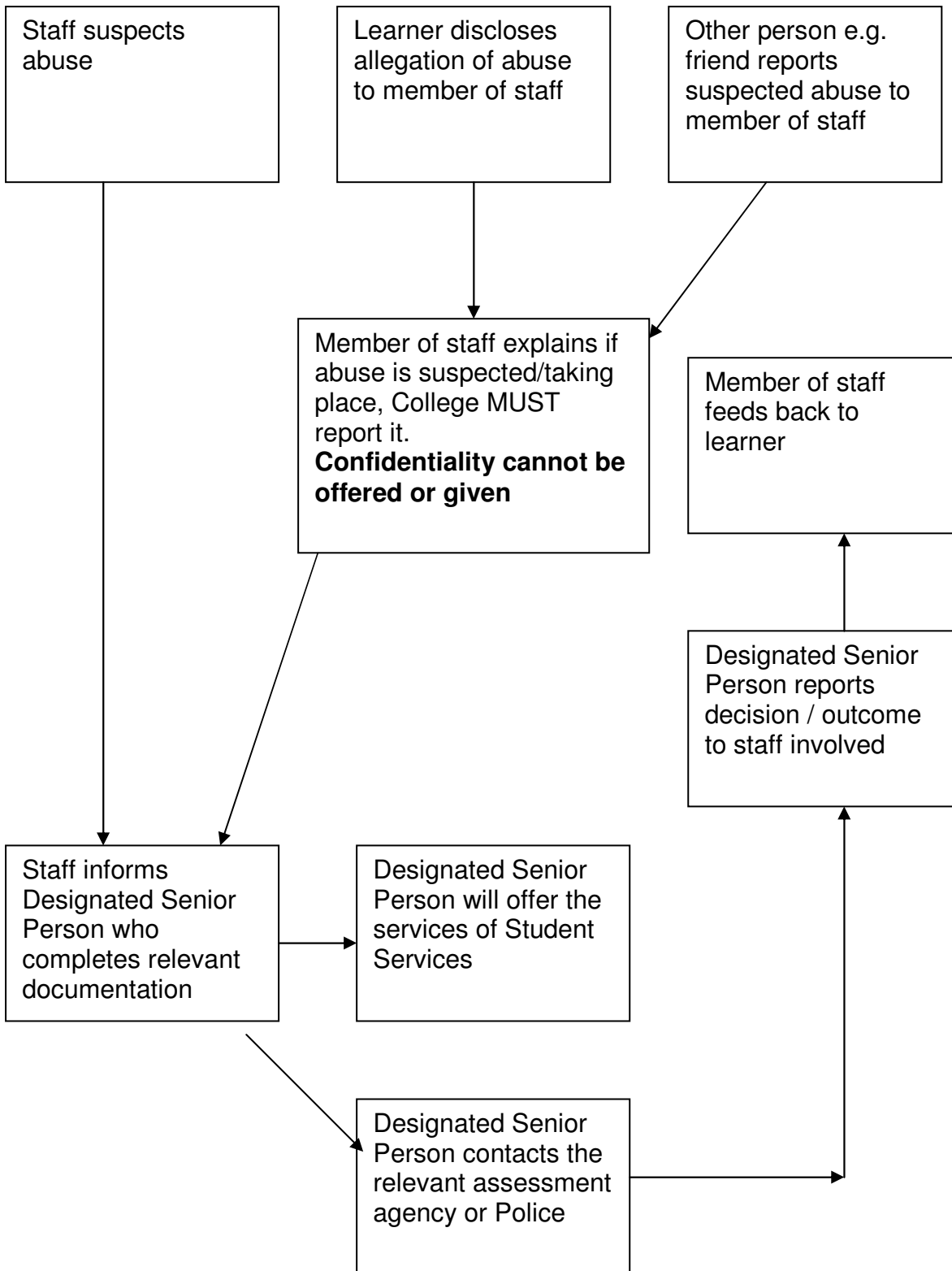
Discriminatory Abuse

This is based on a person's disability and includes making hurtful comments and harassing them.



Appendix B

Safeguarding Learners Procedure Flow Diagram





Appendix C

Vulnerable Adults

A vulnerable adult is “a person who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against harm or exploitation”.

(Department of Health, 2000).

Consequently, a vulnerable adult may be a person who

- Is elderly and frail.
- Suffers from a mental disorder including dementia or a personality disorder.
- Has a physical or sensory disability.
- Has a learning difficulty or disability.
- Has a severe physical illness.
- Has HIV / AIDS.
- Is a substance misuser.
- Is a carer.
- Is homeless.



Appendix D

Procedure for dealing with an Incident that arises during an Educational Visit

When the alleged abuser and person abused are both members of an educational visit away from the college, the primary consideration is the initial protection of the child or vulnerable adult. Action to ensure this should be taken by the member of staff in charge of the visit. Once there is no immediate risk of further abuse then a more considered approach can be taken.

It is also important to note that all offences against children up to the age of 18 years need to be reported. If an offence is thought to have been committed, staff should contact local police in the first instance, especially when the alleged abuser is a member of the local population.

Careful consideration should be given to how best to inform the learner's parents/carer and whether any or all of the learners should be returned home. This will depend on the seriousness of the incident, the effect on the learners and the risk present. The Designated Senior Person or one of her deputies should be consulted for advice.

When the allegation disclosed on the educational visit away from the college relates to abuse of the learner at their home, the standard procedure should be followed. Staff should discuss the situation with the Designated Senior Person at the earliest opportunity.



Appendix E

Dealing with cases of Forced Marriage

What is the difference between an “arranged” and “forced” marriage?

“The tradition of arranged marriages has operated successfully within many communities and many countries for a very long time. A clear distinction must be made between a forced and an arranged marriage. In arranged marriages, the families of both spouses take a leading role in choosing the marriage partner but the choice whether or not to accept the arrangement remains with the young people. In forced marriage, one or both spouses do not consent to the marriage or consent is extracted under duress. Duress includes both physical and emotional pressure”.

The Forced Marriage Unit (FMU) is the Government’s central unit dealing with forced marriage casework, policy and projects.

The Unit carries out **three main strands** of work designed to tackle forced marriage.

Casework - The FMU provides confidential information and assistance to potential victims and concerned professionals. It works with partners both in the UK and overseas to ensure that all appropriate action is taken to prevent a forced marriage taking place.

The staff can offer **advice and assistance to individuals** who

- Fear that they are going to be forced into marriage (in the UK or overseas).
- Fear for a friend or relative who may be forced into a marriage (in the UK or overseas).
- Have been forced into a marriage and do not want to support their spouse’s visa application.

The staff also **assist education professionals** by

- Providing information about existing networks within the UK, including social services, police and non-governmental organisations.
- Providing advice about legal remedies in the UK and overseas.

How to contact the Forced Marriage Unit
(Monday - Friday 09:00 to 17:00)

The Forced Marriage Unit
Room G/55
Old Admiralty Building
Whitehall SW1A 2PA
Telephone: 020 7008 0135/0230/8706
Email: fmu@fco.gov.uk

For out of hours emergencies telephone 020 7008 1500 and ask to speak to the Foreign & Commonwealth Office Response Centre.

What do I do if I am concerned that a learner is being forced into a marriage?

As an educational professional you may be concerned about a learner because they are exhibiting unusual behaviour e.g. poor performance, poor attendance, limited career choices, not allowed to work, unable to attend college trips, unreasonable financial control e.g. confiscation of wages / income / EMA.

Alternatively, a learner may approach you, as an education professional, because they are going on a family holiday overseas and they are concerned about this. They may have been told that the purpose is to visit relatives, attend a wedding or because of the illness of a grandparent or close family relative. The learner may suspect that this is a ploy and that there is an ulterior motive, which is to force them to marry.

Do not assume that a learner is at risk of being forced into marriage simply on the basis that they are being taken on an extended family holiday. These assumptions and stereotyping can cause considerable distress to families. All effort should be made to establish the full facts from the learner at the earliest opportunity.

Once the full facts have been established, you should seek advice from the college Designated Senior Person, they will help decide on the level of response required.

This could be to offer the advice or to provide them with information about specialist advice and information services. However, there may be occasions when the level of concern is such that it becomes a child protection issue; in these cases the appropriate child protection procedures will need to be followed.

If the learner fears they may be forced to marry, they have limited choices

- To remain with the family and try and resolve the situation.
- To accede to the family's wishes.
- To flee the family.
- To seek legal protection.

Remember

- Remaining with the family and trying to resolve the situation can place the learner in danger.
- Acceding to the family's wishes may mean the learner is returning to an abusive situation.
- Learners fleeing a forced marriage that has not yet taken place may be reported as missing by their families. The forced marriage aspect of the case may not be apparent when the report is made.

If the learner has dual nationality, they may have two passports, one British and one from the other country of their residence.

What to do if a learner requests direct help

- See the learner immediately in a private place, where the conversation cannot be overheard.
- See the learner on their own - even if they attend with others.
- Develop a safety plan in case the learner is seen i.e. prepare another reason why you are meeting.
- Immediately seek advice from the College Designated Senior Person.

They will

- Explain all options to the learner; recognise and respect their wishes.
- Consider whether the learner's wishes not to have a referral made, should be respected or whether the learner's safety requires that further action be taken.
- Inform the learner, if action is taken against their wishes.
- Establish if there is a family history of forced marriage, i.e. siblings forced to marry. Other indicators may include domestic violence, self-harm, family disputes, unreasonable restrictions (e.g. withdrawal from education or "house arrest") or missing persons within the family.
- Advise the learner not to travel overseas and discuss the difficulties they may face.
- Consider seeking advice from the Forced Marriage Unit.
- Liaise with the local police and social services to establish if any incidents concerning the family have been reported (e.g. missing persons or domestic violence etc.)

If the Designated Senior Person has concerns for the safety of a learner under 18 years old, they will

- Activate local child protection procedures and use existing national and local protocols for multi-agency liaison with police and social services.
- Refer to the local police Child Protection Unit if there is any suspicion that a crime has been, or may be, committed.
- Liaise with police if there are concerns about the safety of the learner or the learner's siblings.
- Refer the learner, with their consent, to appropriate local and national support groups and counselling services with a history of dealing with cases of forced marriage.

There are legal remedies that social services can take to prevent young people being taken overseas. These include making the learner a ward of court or surrendering their passport or passports.

If a learner is going overseas imminently

- Try to gather as much of the following information as possible, as there may not be another opportunity if the learner goes overseas. This may help the Forced Marriage Unit to locate the learner and assist in repatriating them.
- Photocopy the learner's passport and encourage them to keep details of their passport number and the place and date of issue.

Take as much information (discreetly) as possible about the family including

- Full name and date of birth of the learner under threat.
- Their father's name.
- Any addresses where the learner may be staying overseas.
- Potential spouse's name.
- Date of the proposed wedding.
- The name of the potential spouse's father (if known).
- Addresses of any family in UK or overseas.
- Information that only the learner would be aware of (this may assist any subsequent interview at an Embassy/British High Commission) (in case another person of the same sex/age is produced pretending to be the learner).
- Details of any travel plans and people likely to accompany the learner.
- Names and addresses of any close relatives remaining in the UK.
- If possible establish a safe means by which contact may be made with the learner e.g., a secret mobile telephone that will function overseas.

Whilst the above measures are not exhaustive, they do offer some immediate actions that can be taken in the event of the imminent departure of a learner. The Designated Senior Person must be informed at all times, although it is recognised that a learner may build up their trust in another member of staff. In such a case the designated staff will be there to provide advice and support at all times



Appendix F

SLR1 Form to Report Allegations of Abuse to Designated Senior Person

******* Confidential *******

Learner		Date of Birth	
Course			
Staff Member			
Details of Allegation			
Action Taken			
Date SLR1 sent to Designated Senior Person			
Signed			
Action Taken by Designated Senior Person			