



**Plumpton College  
Safeguarding Policy**

**1. Introduction**

- 1.1 The College has a moral duty to safeguard the welfare of all its students and an employer's duty to safeguard the welfare of its employees. These duties are reinforced by specific statutory duties on the Corporation in respect of the safeguarding of children (that is young people under 18 years old) and adults at risk.

**2. General Policy Framework**

- 2.1 The Corporation's overarching policy is to maintain the Plumpton ethos of a small, friendly, well-ordered, and secure college community where the physical safety of our students, staff and visitors is paramount, where all students and staff feel safe, where the health and welfare of all our learners is actively promoted, and they are appropriately protected from abuse according to their vulnerability.
- 2.2 This overarching policy is reflected in a large number of detailed policies which address particular aspects of safeguarding or aspects which relate to particular groups of students (or staff). They include:

Staff Code of Conduct, Bullying/Harassment Procedure, Grievance Procedure, Complaints Procedure, Health & Safety Policy, Data Protection Policy, Driving at Work Policy, Staff Disciplinary Policy, Equality & Diversity Policy, Staff IT User Policy, Sickness Management Policy, Student Code of Conduct, Recruitment & Selection Policy, Bullying/Harassment Procedure, Data Protection Policy, Student Disciplinary Policy, Equality & Diversity Policy, Student IT User Policy, Whistle Blowing Policy and the Prevent Action Plan.

- 2.3.1 Taken together these policies and the procedures they contain are the primary vehicle by which the Corporation fulfils its obligation to raise awareness of student welfare, aid the identification of students at risk of significant harm, establish procedures for reporting and dealing with allegations of abuse against members of staff, and ensure the safe recruitment of staff.
- 2.4 Every member of staff has a responsibility to ensure they are fully aware of these policies and to immediately report any safeguarding concerns that arise.

### **3. Statutory and Regulatory Framework**

- 3.1 The main statutory and regulatory duties in respect of safeguarding arise from the Education Act 2002. The primary guidance issued under this act is *Keeping Children Safe in Education (September 2016)* and *Working Together to Safeguard Children 2015*. The Corporation must ensure that all College staff have read *Part 1: Keeping Children Safe in Education 2016*.
- 3.2 The above guidance also links to other legislation such the *Teacher Standards 2012*. Although not a statutory requirement the College also commits to adhering to *Keeping Records of Child Protection and Welfare Concerns* (Jan 2014 – East Sussex Local Safeguarding Children Board).
- 3.3 The College is also guided by the *Counter Terrorism and Security Act 2015* from which the *Prevent Duty Guidance* is drawn.
- 3.4 The following legislation and guidance is also considered by the College in adhering to its Safeguarding activity:
- *The Care Act 2014* places a duty on the Corporation to safeguard the health and well-being of adults at risk as well as children.
  - '*Safer Practice Safer Learning*' was produced by NIACE in 2007. This recommends creating a safer learning environment that promotes well-being and security, essential for all learners and all staff.
- 3.5 Regulatory oversight of the safety of College employees lies primarily with the Health and Safety Executive. Regulatory oversight of the safety and safeguarding of students lies primarily with Ofsted.

3.6 The College recognises the need to work with other agencies in fulfilling its duties under statute and statutory guidance.

#### **4. Procedures for the Protection of Children & Adults at risk**

4.1 A procedure for the protection of children is provided at Annex A. A procedure for the protection of adults at risk is provided at Annex B. The purpose and aim of these procedures is to:

- Promote safe practices and challenge poor and unsafe practice;
- Ensure staff receive adequate training and supervision;
- Identify instances in which there are grounds for concern about a child's or adult's welfare and take action to keep them safe; and,
- Take appropriate action to prevent unsuitable people working with children and young people and adults at risk.

4.2 The procedures are designed to ensure consistent, effective and fair treatment for all. The procedures have been impact assessed to ensure they do not adversely affect individuals on the grounds of sex, gender, marital or civil partnership status, racial group, nationality, sexual orientation, religion or belief, disability or age or social status.

4.3 In developing policies and procedures regarding the protection of children and adults, the governing body will consult with, and take account of, guidance issued by the relevant Government Department, the Disclosure and Barring Service (DBS) and other relevant bodies and groups.

4.4 The College procedures for the protection of children and vulnerable adults have been developed in cooperation with the Local Authority Designated Officer (LADO). The College will refer concerns that a child or adult might be at risk of significant harm to the LADO or Adult Social Services.

4.5 The Principal and all college staff will receive training adequate to familiarise them with child and adult protection issues and responsibilities and the College procedures and policies.

## **5. Designated Member of Staff**

- 5.1 The Corporation has designated the Principal, (Tel 01273 892033) as having lead responsibility for safeguarding (and particularly the Designated Safeguarding Lead (DSL) for the protection of children and adults at risk).
- 5.2 The Principal is supported in this by two trained Designated Members of Staff (DMS) for child protection – the Deputy Principal Tel 01273 892037 and Student Services Manager, Tel 01273 892115 Ext 2683. All designated staff receive training in the protection of children and adults at risk which is refreshed every two years.
- 5.3 The Corporation has nominated a Link Governor to take a particular interest in safeguarding.
- 5.4 The DSL will speak to the Chairman of the Corporation when necessary regarding safeguarding processes and issues arising. The DSL will bring to the attention of the Corporation at the earliest opportunity any significant in-year problems or deficiencies in these policies.
- 5.5 The DSL will provide an annual report to the Corporation setting out how the College has discharged its duties, including a report on the training that staff have undertaken, significant risks and the number of any child protection and adult allegations and incidences (with no reference to individuals) that have occurred during the year. The Corporation will pursue any key issues arising from the report.

## **6. DBS Checks**

- 6.1 All staff, Governors and residents on campus over the age of 18 (excluding students) are subject to enhanced DBS checks prior to appointment and in circumstances where the College is led to believe that the individual may have committed an offence which would impact on their suitability to work with children and adults at risk. A statement on the handling and safekeeping of DBS Disclosure information is provided at Annex C. The College provides all adults resident in College accommodation with guidance which clearly set out

the standards of conduct and probity expected of them as residents on the College premises.

6.2 All members of staff are contractually obliged to inform the College of any offences<sup>1</sup> or change in circumstances which may trigger a change to their DBS status.

6.3 If a student/work placement falls into one or more of the categories below, a risk assessment of the risks will take place to decide whether a DBS check is required.

6.3.1 Students on placements lasting more than 15 days over an extended time-frame, especially where these involve regular lone working with an employer over long periods (i.e. anything over half a day at a time) or placements that include a residential element.

6.3.2 Where students (from 14 years upwards) on work placement may have access to unsupervised children or vulnerable adults. The DCSF states that it does not normally expect students under the age of 16 to apply for a DBS check.

6.4

## **7. Allegations against Staff**

7.1 The College recognises that due to the nature of frequent contact with children, young people and adults at risk, a staff member or person working on behalf of the College may have an allegation of abuse or misconduct made against them. The College recognises that an allegation may be made for a variety of reasons and the facts of the allegation may or may not be true. The College procedure for dealing with such a situation is provided at Annex D.

## **8. Monitoring and Review Arrangements**

8.1 The Corporation will monitor at least annually how far its overarching policy at para 2.1 is being delivered, with particular reference to

- its goal of reducing year by year the number and severity of accidents and the potential for accidents;

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<sup>1</sup> Offences which may affect their suitability to work with children or adults at risk.

- maintaining the current very low incidence of anti-social behaviour (e.g. drugs, vandalism, petty theft) and abuse (see below);
- continuing to promote the physical and emotional health of our students and the adoption of healthy lifestyles, including within lesson plans and curriculum.

8.2 The operation of procedures for safeguarding will be kept under review by the Principal and will be reviewed annually by the Academic Committee. The policies and procedures listed at paragraph 2.2 will be reviewed at least at three yearly intervals.

## 9. Prevent Agenda

Prevent is a multi-agency, long term engagement strategy and is closely aligned to neighbourhood policing. It aims to identify and change the behaviour of vulnerable people subject to radicalisation.

The College will carry out its responsibilities in accordance with the *Prevent Duty Guidance*<sup>2</sup>:

- All College staff to be made aware of Prevent and how to raise concerns where identified.
- Prevent concerns will follow the same reporting procedure as Child Protection & Safeguarding concerns.
- Students to be made aware of Prevent and how to raise concerns with a member of staff.
- Students will be made aware of radicalisation and strategies to keep them safe, both online and in person.
- The College will continue to maintain close relationships with Sussex Police both directly and through the Safeguarding forums.
- The College will form part of the Prevent Board for East Sussex.
- DSL and DMS to be aware of and follow the 'Channel' reporting procedure.

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<sup>2</sup> Source: Counter Terrorism and Security Act 2015

Approved By: Corporation

Date of Approval: 15 March 2016

Frequency of Review: Annually.

Date of Next Review: December 2016

## **Annex A**

### **Child Protection Procedure**

#### **1. Background**

- 1.1 The College is committed to safeguarding and promoting the welfare of all of its students. Throughout this procedure reference is made to “children and young people”. This term is used to mean anyone who has not yet reached his/her 18<sup>th</sup> birthday.<sup>3</sup>
- 1.2 This procedure relates to all students under the age of 18 studying at Plumpton College, including 14-16 students on taster days or part time courses, work experience students.

#### **2. Types of Abuse**

- 2.1 Physical abuse – physical abuse causes harm to a child’s person. It may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating. It may be done deliberately or recklessly, or be the result of a deliberate failure to prevent injury occurring.

Neglect – neglect is the persistent or severe failure to meet a child or young person’s basic physical and/or psychological needs. It will result in serious impairment of the child’s health or development.

Sexual abuse – sexual abuse involves a child or young person being forced or coerced into participating in or watching sexual activity. It is not necessary for the child to be aware that the activity is sexual and the apparent consent of the child is irrelevant.

Emotional abuse – emotional abuse occurs where there is persistent emotional ill treatment or rejection. It causes severe and adverse effects on the child’s or young person’s behaviour and emotional development, resulting in low self worth. Some level of emotional abuse is present in all forms of abuse.

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<sup>3</sup> Source: Keeping Children Safe in Education 2015



Financial abuse - financial abuse takes many forms, from denying someone access to funds, to making someone solely responsible for money while the other person is handling money irresponsibly. Money becomes a tool by which the abuser can further control the victim.

## 2.2 Specific Safeguarding issues which all staff should be aware of include;

- children missing education
- bullying including cyberbullying
- child missing from home or care
- child sexual exploitation (CSE)
- domestic violence
- drugs
- fabricated or induced illness
- faith abuse
- female genital mutilation (FGM)
- forced marriage
- gangs and youth violence
- gender-based violence/violence against women and girls (VAWG)
- hate
- mental health
- missing children and adults
- private fostering
- preventing radicalisation
- relationship abuse
- sexting
- trafficking

## 3. Designated persons with responsibility for child protection

### 3.1 Senior staff member with lead responsibility

The Designated Safeguarding Lead (DSL), the Principal, (Tel 01273 892033) has a key duty to take lead responsibility for raising awareness within the staff of issues relating to the welfare of children and young people, and the

promotion of a safe environment for the children and young people learning within the College.

3.2 The DSL is responsible for securing arrangements for:

- Overseeing the referral of cases of suspected abuse or allegations to the LADO
- Providing advice and support to other staff on issues relating to child protection
- Ensuring that parents of children and young people within the College are aware of the College's child protection policy
- Liaising with the LADO and other appropriate agencies
- Ensuring that the DMS are responding to concerns reported
- Ensuring that staff receive basic training in child protection issues and are aware of the College child protection procedures.

3.3 **Other designated staff members**

The two Designated Members of Staff (DMS), Deputy Principal, Tel 01273 892037 and Student Services Manager Tel 01273 892115 ext. 2683:

- Report to the DSL
- Maintaining a proper record of any child protection referral, complaint or concern (even where that concern does not lead to a referral)
- Liaising with secondary schools which send pupils to the College to ensure that appropriate arrangements are made for the pupils
- Will know how to make an appropriate referral
- Will be available to provide advice and support to other staff on issues relating to child protection
- Have particular responsibility to be available to listen to children and young people studying at the College
- Will deal with individual cases, including attending case conferences and review meetings as appropriate.
- Liaising with employers and training organisations that receive children or young people from the College on long term placements to ensure that appropriate safeguards are put in place

**4. Dealing with Disclosure, Allegations & Suspicions of Abuse and Procedure for Reporting Concerns**

- 4.1 All staff have a duty of care to the children and young people studying at Plumpton College.
- 4.2 If a member of staff suspects a case of potential child abuse, potential harm or misconduct, they should advise one of the Designated Members of Staff (DMS) at the earliest opportunity that they wish to discuss a child protection issue.
- 4.3 If the suspicion of abuse or misconduct relates to a child who will be leaving the College premises, the member of staff should advise the child to remain on the campus whilst they seek advice from a DMS.
- 4.4 The DMS will speak to the member of staff concerned immediately or at the very earliest opportunity, will be able to advise and support the staff member and investigate the issue.
- 4.5 In the event that a child tells a member of staff about possible abuse or a member of staff receives an allegation/suspicion of abuse:
  - Listen carefully and stay calm.
  - Do not interview the child, but question normally and without pressure, in order to be sure that you understand what they are telling you.
  - Do not put words into the child's mouth.
  - Reassure the child that by telling you, they have done the right thing.
  - Inform the child that you must pass the information on, but that only those that need to know about it will be told. Inform them of to whom you will report the matter.
  - Note the main points carefully.
  - Make a detailed note of the date, time, place, what the child said, did and your questions etc.
  - Preserve any evidence relating to the claim.
  - Take into consideration any child's disability or other special need, including age and gender, any communication difficulties and any religious, cultural or ethnic background.

- Staff should not investigate concerns or allegations themselves, but should report them immediately to a DMS. Staff receiving allegations of abuse out of normal college hours should contact the Principal.
- All allegations will be investigated as quickly as possible.

4.6 The DSL and DMS should refer to the online guidance provided by Children's Services, ESCC for advice on information to be taken from the child and action to take. **Where the allegation or suspicion of abuse is considered to be serious or indicates that the child has suffered, is suffering or is likely to suffer significant harm, the senior child protection officer should immediately discuss the matter with the relevant Single Point of Advice (SPOA) and where relevant the host school of the student.**

## 5. Action of DMS on Receiving an Allegation or Suspicion of Abuse

5.1 On receipt of an allegation or suspicion of abuse the DMS should:

- Obtain written details of the allegation from the person who received it, that are signed and dated.
- Record information about times, dates, locations and names of potential witnesses.
- Inform the student's main place of study (where the student's main place of study is not the College- e.g. school) of the concern or disclosure and record a note of the date, time and contact of whom the concern was reported to and the agreed course of action.
- Make an initial assessment based on the information received, consulting with the DSL and LADO as appropriate (It is important that the DMS does not investigate the allegation. The initial assessment is to determine whether the allegation warrants further investigation).
- Where an allegation is considered to be a potential criminal act or indicates that the child has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the relevant SPOA and to the LADO.

## 6. Enquiries and Investigations

- 6.1 If there is an investigation by an external agency, the DMS will normally be involved in the discussions and will ensure the College gives every assistance with the agency's enquiries. The DMS will ensure that appropriate confidentiality is maintained in connection with the enquiries.

## **7. Allegations of Abuse against Members of Staff**

- 7.1 The College recognises that an allegation may be made against a member of staff for a variety of reasons and the facts of the allegation may or may not be true. The procedure for how such an occurrence will be dealt with is provided at Annex D.
- 7.2 Staff that receive an allegation about another member of staff should immediately report this to the DSL. Where the Principal is the person against whom the allegation is made, the report should be made to the Corporation Chairman via the Clerk to the Corporation.

## **8. Allegations of Abuse against a Student**

- 8.1 The DSL may take the decision to suspend an adult student if they are alleged to have abused a child or young person. Suspension may be considered at any stage of the investigation. It is a neutral act, not a disciplinary sanction. The student will remain suspended pending the outcome of the investigation.

## **9. Action in Respect of False Allegations**

- 9.1 False allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the LADO in order that other agencies may act upon the information.
- 9.2 The DSL shall:
- inform the individual against whom the allegation is made orally and in writing that no further disciplinary or child protection action will be taken. Consideration should be given to offering counselling/support.
  - inform the parents/carers of the alleged victim that the allegation has been made and of the outcome.

- where the allegation was made by a child other than the alleged victim, consideration to be given to informing the parents/carers of that child.
- prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken.

9.3 In the event that an allegation is shown to have been deliberately invented or malicious, the DSL should consider whether any disciplinary action is appropriate against the person who made the accusation.

## **10. Records**

10.1 It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken against a member of staff, details retained on the member of staff's personal and confidential file in line with the disciplinary policy.

## **11. Confidentiality**

11.1 Every effort should be made to maintain confidentiality within the College and guard against unwanted publicity while allegations are being investigated. In accordance with the Association of Chief Police Officers (ACPO) guidance, the police will not normally provide any information to the Press that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence.

## **Annex B**

### **Protection of Adults at risk Procedure**

#### **1. Background**

- 1.1 The College is committed to safeguarding and promoting the welfare of all of its students. Throughout this procedure reference is made to “adults at risk”.
  
- 1.2 A person is an adult at risk if he/she “has attained the age of 18 and—
  - a) is in residential accommodation,
  - b) is in sheltered housing,
  - c) receives domiciliary care,
  - d) receives any form of health care,
  - e) is detained in lawful custody,
  - f) is by virtue of an order of a court under supervision by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000 (c. 43),
  - g) receives a welfare service of a prescribed description,

- h) payments are made to him/her (or to another on his/her behalf) in pursuance of arrangements under section 57 of the Health and Social Care Act 2001 (c. 15), or
- i) requires assistance in the conduct of his/her own affairs (Safeguarding Vulnerable Groups Act, 2006)
- j) Or any other aspect defined by The Care Act 2014 and subsequent amendments.

1.3 The procedure applies to all adults at risk studying at Plumpton College, including students on part time courses and work experience placements.

1.4 The enrolment and admissions process will be the predominant means by which students that fall under the definition of an adult at risk will be identified and their tutor will be advised accordingly to ensure that appropriate systems of support are in place.

## **2. Types of Abuse**

2.1 Physical abuse – including hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.

Neglect – including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

Sexual abuse – including rape or sexual assault or sexual acts to which the adult has not consented, or could not consent to, or was pressured in to consenting.

Psychological abuse – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling,



intimidation, coercing, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

Financial or material abuse – including theft, fraud, exploitation, pressure in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Discriminatory abuse – including racist, sexist, that based on a person's disability and other forms of harassment, slurs of similar treatment.

Institutional abuse – demonstrated by repeated instances of neglect, poor care, management and/or professional practice.

Consideration also needs to be taken in regarding to concerns relating to;

- Domestic abuse
- Violence Against Women and Girls (including forced marriage, FGM)
- Alcohol and substance misuse
- Mental health

### **3. Designated persons with responsibility for the protection of vulnerable adults**

#### **3.1 Senior staff member with lead responsibility**

The Designated Safeguarding Lead (DSL), the Principal, (Tel 01273 892033) has a key duty to take lead responsibility for raising awareness within the staff of issues relating to the welfare adults at risk, and the promotion of a safe environment for the adults learning within the College.

#### **3.2 The DSL is responsible for securing arrangements for:**

- Overseeing the referral of cases of suspected abuse or allegations to the LADO (adult services)
- Providing advice and support to other staff on issues relating to adult protection
- Liaising with the LADO (adult services) and other appropriate agencies
- Ensuring that the DMS are responding to concerns reported

- Ensuring that staff receive basic training in adult protection issues and are aware of the College adult protection procedures.

### 3.3 Other designated staff members

The two Designated Members of Staff (DMS), Deputy Principal, Tel 01273 892037 and Student Services Manager Tel 01273 892115 ext. 2683:

- Report to the DSL
- Maintaining a proper record of any adult at risk protection referral, complaint or concern (even where that concern does not lead to a referral)
- Liaising with external agencies which send pupils to the College to ensure that appropriate arrangements are made for the pupils
- Will know how to make an appropriate referral
- Will be available to provide advice and support to other staff on issues relating to adult protection
- Have particular responsibility to be available to listen to adults at risk studying at the College
- Will deal with individual cases, including attending case conferences and review meetings as appropriate.
- Liaising with employers and training organisations that receive adults at risk from the College on long term placements to ensure that appropriate safeguards are put in place

## 4. Dealing with Disclosure, Allegations & Suspicions of Abuse and Procedure for Reporting Concerns

- 4.1 All staff have a duty of care to the children and young people studying at Plumpton College.
- 4.2 If a member of staff suspects a case of potential adult abuse, potential harm or misconduct, they should advise one of the DMS's at the earliest opportunity that they wish to discuss a adult protection issue.
- 4.3 If the suspicion of abuse or misconduct relates to a adult at risk who will be leaving the College premises, the member of staff should advise the student to remain on the campus whilst they seek advice from a designated officer.

- 4.4 The DMS will speak to the member of staff concerned immediately or at the very earliest opportunity, will be able to advise and support the staff member and investigate the issue.
- 4.5 Many incidents of abuse only come to light because the alleged abused individual discloses it themselves. The abused person may not realise that they are being abused and may not be aware of the significance of what they are telling you.
- 4.6 Some disclosures happen after many years. There may be a good reason for this and any delay in reporting or disclosing by an alleged abused person should not cast doubt on their truthfulness. The alleged abuse may have occurred at College, home or within another service or setting. All allegations are to be taken seriously and report immediately to the DSL or DMS.
- 4.7 In the event that an adult tells a member of staff about possible abuse:
- Listen carefully and stay calm.
  - Take seriously to what you are told
  - Do not interview the person, but question normally and without pressure, in order to be sure that you understand what they are telling you.
  - Do not put words into the person's mouth.
  - Reassure the person that by telling you, they have done the right thing.
  - Inform the person that you must pass the information on, but that only those that need to know about it will be told. Inform them of to whom you will report the matter.
  - Note the main points carefully.
  - Make a detailed note of the date, time, place, what the person said, did and your questions etc.
  - Preserve any evidence relating to the claim.
  - Take into consideration any disability or other special need, including age and gender, any communication difficulties and any religious, cultural or ethnic background.
  - Staff should not investigate concerns or allegations themselves, but should report them immediately to a designated officer. Staff receiving

allegations of abuse out of normal college hours should contact the Principal.

- All allegations will be investigated as quickly as possible.

**4.8 If the DMS has reason to believe that the learner may be at risk on leaving the College premises or when he/she return home, the DMS will immediately contact the individual's Care Management Team via the Adult Social Care Duty service. If the individual is not known to be in receipt of care services or it is out of normal office hours the DMS will contact the relevant Adult Emergency Duty Team (also known as Adult Social Care)-** The learner should be asked to remain at College until guidance has been received from this team or the Police.

## **5. Actions of Designated Officer on Receiving an Allegation or Suspicion of Abuse**

5.1 On receipt of an allegation the DMS should:

- Obtain written details of the allegation from the person who received it, that are signed and dated.
- Record information about times, dates, locations and names of potential witnesses.
- Inform the student's main place of study (where the student's main place of study is not the College) of the concern or disclosure and record a note of the date, time and contact of whom the concern was reported to and the agreed course of action.
- Immediately carry out an initial fact find investigation. If the fact find identifies further cause for concern the DMS will share the report with the Adult Emergency Duty Team and the Police. (It is important that the DMS does not investigate the allegation. The initial assessment is to determine whether the allegation warrants further investigation).
- Where an allegation is considered to be a potential criminal act or indicates that the adult has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the Adult Emergency Duty Team or LADO.

## **6. Enquiries and Investigations**

- 6.1 If there is an investigation by an external agency, the DMS will normally be involved in the discussions and will ensure the College gives every assistance with the agency's enquiries. The DMS will ensure that appropriate confidentiality is maintained in connection with the enquiries.

## **7. Allegations of Abuse against Members of Staff**

- 7.1 The College recognises that an allegation may be made against a member of staff for a variety of reasons and the facts of the allegation may or may not be true. The procedure for how such an occurrence will be dealt with is provided at Annex B.
- 7.2 Staff that receive an allegation about another member of staff should immediately report this to the Designated Lead Officer. Where the Principal is the person against whom the allegation is made, the report should be made to the Corporation Chairman via the Clerk to the Corporation.

## **8. Allegations of Abuse against a Student**

- 8.1 The Designated Lead Officer may take the decision to suspend an adult student if they are alleged to have abused a child or young person. Suspension may be considered at any stage of the investigation. It is a neutral act, not a disciplinary sanction. The student will remain suspended pending the outcome of the investigation.

## **9. Action in Respect of False Allegations**

- 9.1 False allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the Adult Emergency Duty Team in order that other agencies may act upon the information.
- 9.2 The Designated Lead Officer shall:

- inform the individual against whom the allegation is made orally and in writing that no further disciplinary or other action will be taken. Consideration should be given to offering counselling/support.
- inform the carers of the alleged victim that the allegation has been made and of the outcome.
- prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken.

9.3 In the event that an allegation is shown to have been deliberately invented or malicious, the Designated Lead Officer should consider whether any disciplinary action is appropriate against the person who made the accusation.

## **10. Records**

10.1 It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken against a member of staff, details retained on the member of staff's personal and confidential file in line with the disciplinary policy.

## **11. Confidentiality**

11.1 Every effort should be made to maintain confidentiality within the College and guard against unwanted publicity while allegations are being investigated. In accordance with the Association of Chief Police Officers (ACPO) guidance, the police will not normally provide any information to the Press that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence.

## **Annex C**

### **Statement on the handling and safekeeping of DBS Disclosure information**

#### **Introduction**

It is a requirement of the Disclosure and Barring Service's Code of Practice that all Registered Bodies must have a written policy on the correct handling and safekeeping of Disclosure information. It also obliges Registered Bodies to ensure that a body or individual, on whose behalf they are countersigning Disclosure applications, has a written policy.

#### **Policy Statement**

##### **General principles**

All staff and over 18 year olds resident on campus (who are not Plumpton College students) are subject to an enhanced DBS check.

As an organisation using the Disclosure and Barring Service's (DBS) Disclosure service to help assess the suitability of applicants for positions of trust, Plumpton College complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

##### **Storage and access**

Disclosure information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties, i.e. Human Resources Officer (as DBS signatory).

##### **Handling**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

March 2017

## **Usage**

Disclosure information is used to assess the suitability of the applicant to the role. Where spent and unspent offences are disclosed each disclosure will be risk assessed and reviewed on its own merits by the DSL and at least one DMS in order to assure objective and lawful decisions. This will involve an assessment of the nature of the disclosure and, where the situation requires, additional information from related sources such as Police and Probation reports. In this context, the College's exempted status under the terms of the Rehabilitation of Offenders Act means that offences are never spent. The DSL will define, in every case, which individuals, on a 'need to know basis', should be involved in such cases. In accordance with this policy, it will be sufficient to inform managers that a Disclosure has been obtained and that the College is satisfied that the individual is cleared.

The DSL will be responsible for taking forward any control measures identified through the risk assessment. If the DSL considers that the associated risk cannot be adequately controlled then the offer of employment will be withdrawn.

Disclosures that do not constitute an offence may still appear on a DBS report. Such disclosures will be assessed using the same method as above.

## **Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Before the disclosure is destroyed, a record will be kept detailing the date the disclosure was obtained, the level of disclosure and the unique reference number. The central record of disclosures will include staff, volunteers and governors and will be maintained by the HR Officer. Access will be strictly controlled and limited to those who are entitled to see it as part of their duties.

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## **Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

## **Annex D**

### **Procedure for Dealing with Allegations of Abuse or Misconduct against Members of Staff**

It is essential that complaints in the above category are dealt with fairly, quickly and consistently, in a way that provides effective protection for the child or adults at risk and at the same time supporting the person who is the subject of the allegation.

Whilst the welfare of the child or adult at risk is the paramount concern, it is recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Therefore, those dealing with such allegations within the College will do so with sensitivity.

The College may hold in abeyance its own internal enquiries while the formal police or social services investigations proceed; to do otherwise may prejudice the investigation.

Subject to consultation with the Police or other investigating agency, the Designated Member of Staff (DMS) shall:

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- inform the child/adult or parent/carer making the allegation that the investigation is taking place and what the likely process will involve.
- ensure that the parents/carers of a child making an allegation have been informed that the allegation has been made and what the likely process will involve.
- inform the member of staff against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve.
- inform the Chair of Governors of the allegation and the investigation.

The DMS shall keep a written record of the action taken in connection with the allegation.

### **Suspension of staff**

Suspension should not be automatic. In respect of staff other than the Principal, suspension can only be carried out by the Principal. In respect of the Principal, suspension can only be carried out by the Chair of Governors (or in his/her absence, the vice chair).

Suspension may be considered at any stage of the investigation. It is a neutral act, not a disciplinary sanction and shall be on full pay. Consideration should be given to alternatives e.g. paid leave of absence, agreement to refrain from attending work, change of, or withdrawal from, specified duties.

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

- where a child or vulnerable adult is at risk.
- where the allegations are potentially sufficiently serious to justify dismissal on the grounds of gross misconduct.
- where necessary for the good and efficient conduct of the investigation.

The member of staff should be advised to seek the advice and/or assistance of his/her trade union and should be informed that they have the right to be accompanied by a trade union representative (if they are a member of a trade union), or a colleague.

The member of staff should be informed that an allegation has been made and that consideration is being given to suspension. It should be made clear that the interview is not a formal disciplinary hearing, but solely for raising a serious matter which may lead to suspension and further investigation. Written confirmation of the suspension, with reasons, will be provided and sent, in accordance with the College Disciplinary procedure.

Where a member of staff is suspended, the Designated Safeguarding Lead should address the following issues:

- the Governing Body should receive a report that a member of staff has been suspended pending investigation, the detail given to the governing body should be minimal
- where the Principal has been suspended, the Chair of Governors will need to take action to address the management of the College
- at the Principal's discretion, the parents/carers of the child making the allegation should be informed of the suspension. They should be asked to treat the information as confidential. Consideration should be given to informing the child making the allegation of the suspension
- senior staff who need to know of the reason for the suspension should be informed
- depending on the nature of the allegation, the Principal should consider whether a statement to the students of the College and/or parents/carers should be made, taking due regard of the need to avoid unwelcome publicity.

The Principal shall consider carefully and review the decisions as to who is informed of the suspension and investigation. The LADO/ Adult Emergency Duty Team and external investigating authorities should be consulted. Where appropriate the LADO/Adult Emergency Duty Team may give advice about suspension but the decision remains with the Principal.

The suspended member of staff should be given appropriate support during the period of suspension. He/she should also be provided with information on progress and developments in the case at regular intervals. The suspension should remain under review in accordance with the College disciplinary procedures.

### **The disciplinary investigation**

This procedure is separate from the disciplinary procedure, which may be used following the results of the investigation under this procedure. Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed straight away with the disciplinary procedure. Any disciplinary investigation will be conducted in accordance with the existing staff disciplinary procedures.

The investigating officer will notify the member of staff of:

- The disciplinary charge against him/her.
- That a management investigation is taking place
- That a management investigation interview will take place with them
- That they are entitled to be accompanied or represented by a trade union representative or colleague.

The manager investigating the allegations will:

- gather all the relevant facts promptly;
- take statements from all parties and witnesses involved;
- collect documentation relating to the allegation.

The manager will then determine whether there is substance to the allegation. The decision taken will be communicated to the member of staff who has been investigated. If it is decided that a disciplinary hearing will take place, this will follow the process outlined in the Disciplinary procedures, including the right of appeal.

Every effort will be made to manage cases to avoid any unnecessary delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation.

Where the member of staff has been suspended and no disciplinary action is to be taken, the suspension should be lifted immediately and arrangements made for the member of staff to return to work. It may be appropriate to offer counselling.

The child/ adult making the allegation and/or their parents/carers should be informed of the outcome of the investigation and proceedings. This should occur prior to the

return to College of the member of staff (if suspended). The Designated Safeguarding Lead should give consideration to what information should be made available to the general population of the College.

### **Dismissal/Resignation**

If a member of staff is dismissed or resigns before the disciplinary process is completed, the College has a statutory duty to inform the Disclosure and Barring Service and the member of staff will be advised of this.

The fact that a person tenders their resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with this policy. 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/ adults including any in which the person concerned refuses to co-operate with the process.

Wherever possible the person should be given full opportunity to answer the allegation and make representations. However, if the person does not cooperate, the process should continue. It may be difficult, however, to reach a judgement on whether the decision can be regarded as substantiated based on all the information available. It may also 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.