



CHILD PROTECTION POLICY & PROCEDURES

Last Updated:
Quality & Curriculum Committee:
Corporation Approval:
Review Date:

July 2011
June 2011
July 2011
Annual



Child Protection Policy and Procedures

1. Policy Statement

- 1.1. BHASVIC has a statutory and moral duty to ensure that the College functions with a view to safeguarding and promoting the welfare of children and young people receiving education and training at the College.
- 1.2. Throughout this policy and procedures, reference is made to children and young people under the age of 18. The College recognises that some adults are also vulnerable to abuse; accordingly, the procedures may be applied to allegations of abuse and the protection of vulnerable adults.

2. Scope

- 2.1. This policy applies to all staff and governors, including staff who are employed on a fixed term contract but not normally those who are employed through an agency.

3. General Principles

- 3.1. The College is committed to ensuring that it:
 - 3.1.1. Provides a safe environment in which children and young people can learn
 - 3.1.2. Identifies children and young people who are suffering, or could suffer, significant harm, and
 - 3.1.3. Takes reasonable steps to see that such children and young people are kept safe, both at home, at the College and when in the College's care.
- 3.2. In pursuit of these aims, the governing body will approve and annually review this policy and procedures with the aim of:
 - 3.2.1. Raising awareness of issues relating to the welfare of children and young people and the promotion of a safe environment for children and young people who are learning within the College
 - 3.2.2. Aiding the identification of children and young people at risk of significant harm, and providing procedures for reporting concerns
 - 3.2.3. Aiding the reporting and dealing with allegations of abuse against members of staff, including protecting staff from malicious complaint
 - 3.2.4. The safe recruitment of staff

- 3.3. The Child Protection Policy has been developed with the assistance of a representative of the Local Safeguarding Children Board and follows the outline recommended by the Association of Colleges. BHASVIC child protection procedures are congruent with the Brighton and Hove Local Safeguarding Children Board procedures.
- 3.4. The College will refer concerns that a child or young person might be at risk of significant harm to the Duty Assessment Team in the area nearest to the child or young person's home address.
- 3.5. The Principal and all staff working with children and young people will receive training adequate to familiarise them with child protection issues and responsibilities and the College procedures and policies, with refresher training at least every 3 years. The Assistant Principal (Director of Student Services) has special responsibility for child protection issues. He/she will be assisted by the Senior Tutors.
- 3.6. The governing body will receive from the Assistant Principal (Director of Student Services) an annual report which reviews how the duties have been discharged.

4. Related Policies

- Bullying and Harassment (Students) Policy
- Disciplinary (Misconduct & Capability) Policy, Procedures and Guidelines
- Instrument and Articles of Government
- Children of Staff on the College Site Policy
- Safeguarding Policy and Procedures
- Staff Recruitment and Selection Policy and Procedures
- Staff Development Policy
- Whistleblowing Policy and Procedures

June 2011

Child Protection Procedures

Definitions:

1. Abuse and Neglect

Abuse and neglect are forms of maltreatment of a child or young person. Somebody may abuse or neglect a child or young person by inflicting harm, or by failing to act to prevent harm. Children and young people may be abused in a family or in an institutional or community setting; by those known to them or, more rarely, by a stranger. They may be abused by an adult or adults or another child or young person or children or young people.

The College recognises the following as definitions of abuse:

1.1. Physical abuse

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

1.2. Emotional abuse

Emotional abuse is the persistent emotional maltreatment of a child or young person such as to cause severe and persistent adverse effects on the child or young person's emotional development. It may involve conveying to a child or young person that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on a child and young person. These may include interactions that are beyond the child or young person's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child or young person participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying causing the child or young person frequently to feel frightened or in danger or the exploitation or corruption of a child or young person. Some level of emotional abuse is involved in all types of maltreatment of a child or young person, though it may occur alone.

1.3. Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child or young person is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving a child or young person in looking at, or in the production of, pornographic material, or watching sexual activities, or encouraging a child or young person to behave in sexually inappropriate ways.

1.4. Neglect

Neglect is the persistent failure to meet a child or young person's basic physical and/or psychological needs, likely to result in the serious impairment of the child or young person's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child or young person is born, neglect may involve a parent or carer failing to provide adequate food and clothing, shelter including exclusion from home or abandonment, failing to protect a child or young person from physical and emotional harm or danger, failure to ensure adequate supervision including the use of inadequate care takers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child or young person's basic emotional needs.

2. Designated Staff with Responsibility for Child Protection

2.1. Senior Staff Member with Lead Responsibility

- 2.1.1. The designated senior member of staff with lead responsibility for child protection issues at BHASVIC is the Assistant Principal (Director of Student Services).
- 2.1.2. The Assistant Principal (Director of Student Services) is a member of the Senior Management Team. The Assistant Principal (Director of Student Services) 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 children and young people learning within the College.
- 2.1.3. He/she has received training in child protection issues and inter-agency working, as required by the Local Safeguarding Children Board, and will receive refresher training at least every 2 years.
- 2.1.4. The Assistant Principal (Director of Student Services) is responsible for:
 - Overseeing the referral of cases of suspected abuse or allegations to the Duty Assessment Team.
 - Providing advice and support to other staff on issues relating to child protection
 - Maintaining a proper record of any child protection referral, complaint or concern (even where that concern does not lead to a referral)
 - Ensuring that parents of children and young people within the College are aware of the College's child protection policy
 - Liaising with the appropriate Local Authority and Local Safeguarding Children Board and other appropriate agencies
 - Liaising with secondary schools which send children and young people to the College to ensure that appropriate arrangements are made for the children and young people
 - Liaising with employers and training organisations that receive children and young people from the College on long term placements to ensure that appropriate safeguards are put in place
 - Ensuring that staff receive basic training in child protection issues and are aware of the College's child protection procedures.
- 2.1.5. The Assistant Principal (Director of Student Services) will provide an annual report to the Corporation setting out how the College has discharged its duties. He/she is responsible for reporting deficiencies in procedure or policy identified by the Local Safeguarding Children Board to the governing body at the earliest opportunity.

2.2. Other designated Staff Members

- 2.2.1. Other designated members of staff with responsibility for child protection issues are Senior Tutors. They:
 - Report to the Assistant Principal (Director of Student Services)

- 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.
- Have received training in child protection issues and will receive refresher training at least every 2 years

2.3. Designated Corporation Committee

2.3.1. The Chair of the Human Resources Committee is responsible for liaising with the Principal and Assistant Principal (Director of Student Services) over matters regarding child protection, including:

- Ensuring that the College has procedures and policies which are consistent with Brighton and Hove Local Safeguarding Children Board's procedures
- Ensuring that the governing body considers the College policy on child protection each year
- Ensuring that each year the governing body is informed of how the College and its staff have complied with the policy, including but not limited to a report on the training that staff have undertaken.
- The Chair of the Corporation is responsible for overseeing the liaison between the relevant agencies in connection with allegations against the Principal or the Assistant Principal (Director of Student Services). This will not involve undertaking any form of investigation, but will ensure good communication between the parties and provide information to assist enquiries. To assist in these duties the Chair of the Corporation and the Chair of the Human Resources Committee will receive appropriate training.

3. Procedures for Reporting Concerns and Disclosure of Abuse

3.1. A child or young person may volunteer information or a disclosure may occur during a conversation about other concerns, e.g. failure to hand in work or behaviour.

3.2. If a child or young person tells a member of staff about possible abuse:

3.2.1. Listen carefully and stay calm.

3.2.2. Reassure the child or young person that by telling you, they have done the right thing.

3.2.3. Inform the child or young person that you may 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. It is desirable to obtain the child or young person's permission to pass on information on a 'need to know' basis.

- 3.2.4. Do not interview the child or young person, but question normally and without pressure, in order to be sure that you understand what the child or young person is telling you.
 - 3.2.5. Do not put words into the child or young person's mouth.
 - 3.2.6. Ask the child or young person if there are any younger siblings who may be affected by what is happening.
 - 3.2.7. Note the main points carefully. Make a detailed note of the date, time, place, what the child or young person said, did and your questions etc. Any notes will be kept securely in a confidential file in the Assistant Principal (Director of Student Services) office. This is separate from staff HR files. **Do not put confidential notes into an e-mail**
- 3.3. Staff should not investigate concerns or allegations themselves, but should report them immediately to the Assistant Principal (Director of Student Services) or the relevant Senior Tutor.
- 3.4. When a disclosure of abuse or a cause for concern is reported to the Assistant Principal (Director of Student Services), he/she will:
- 3.4.1. Seek the child or young person's permission to report the abuse to the Duty Assessment Team
 - 3.4.2. Gather all relevant information
 - 3.4.3. Contact the Duty Assessment Team in the area where the child or young person lives to seek advice
 - 3.4.4. Liaise with the police if advised by the Duty Assessment Team
 - 3.4.5. Where a child or young person does not consent to reporting the abuse to the authorities, designate a member of staff to discuss with the child or young person ways of making them safe. This may include discussions with the Duty Assessment Team where no names are mentioned
 - 3.4.6. Decide with the relevant Senior Tutor and the child or young person and other appropriate adults what actions will follow disclosure

4. Reporting and Dealing with Allegations of Abuse against Members of Staff

The procedures apply to all staff, whether teaching, management or support, as well as to volunteers. The word "staff" is used for ease of description.

4.1. Introduction

- 4.1.1. In rare instances, staff in education institutions have been found responsible for child abuse. Because of their frequent contact with children and young people, staff may have allegations of child abuse made against them. The College recognises that an allegation of child abuse made against a member of staff may be made for a variety of reasons and it may or may not be true. It is imperative that those dealing with an allegation maintain an open mind and that investigations are thorough and not subject to delay.

4.1.2. The College recognises that the Children Act 1989 states that the welfare of the child is the paramount concern. It is also 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 and will act in a careful, measured way.

4.2. Receiving an Allegation from a Child or Young Person

4.2.1. A member of staff who receives an allegation about another member of staff from a child should follow the guidelines in Part 3 above for dealing with disclosure.

4.2.2. The allegation should be reported immediately to the Principal, unless the Principal is the person against whom the allegation is made, in which case the report should be made to the Assistant Principal (Director of Student Services) or the Chair of the Human Resources Committee. The Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee if the allegation is against the Principal) should:

- Obtain written details of the allegation from the person who received it, that are signed and dated. The written details should be countersigned and dated by the Principal (or Assistant Principal (Director of Student Services) or the Chair of the Human Resources Committee).
- Record information about times, dates, locations and names of potential witnesses.

4.3. Initial Assessment by The Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee)

4.3.1. The Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee) should make an initial assessment of the allegation, consulting with the Assistant Principal (Director of Student Services), the Chair of the Human Resources Committee and the Local Safeguarding Children Board (Local Safeguarding Children Board) as appropriate. Where the allegation is considered to be either a potential criminal act or indicates that the child has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the Local Safeguarding Children Board.

4.3.2. It is important that the Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee) does not investigate the allegation. The initial assessment should be on the basis of the information received and is a decision whether or not the allegation warrants further investigation.

4.3.3. Other potential outcomes are:

- The allegation represents inappropriate behaviour or poor practice by the member of staff and is neither potentially a crime nor a cause of significant harm to the child. The matter should be addressed in accordance with the College disciplinary procedures.
- The allegation can be shown to be false because it could not possibly be true.

4.4. Enquiries and Investigations

- 4.4.1. Child protection enquiries by social services or the police are not to be confused with internal, disciplinary enquiries by the College. The College may be able to use the outcome of external agency enquiries as part of its own procedures. The child protection agencies, including the police, have no power to direct the College to act in a particular way; however, the College should assist the agencies with their enquiries.
- 4.4.2. The College shall hold in abeyance its own internal enquiries while the formal police or social services investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform with the existing staff disciplinary procedures.
- 4.4.3. If there is an investigation by an external agency, for example the police, the Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee) should normally be involved in, and contribute to, the inter-agency strategy discussions. The Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee) is responsible for ensuring that the College gives every assistance with the agency's enquiries. He/she will ensure that appropriate confidentiality is maintained in connection with the enquiries, in the interests of the member of staff about whom the allegation is made. The Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee) shall advise the member of staff that he/she should consult with a representative, for example, a trade union and that he/she can discuss with a member of the Human Resources Department what other support can be offered.
- 4.4.4. Subject to objections from the police or other investigating agency, the Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee) shall:
 - Inform the child/children 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 the child making the 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 the Corporation and/or the Chair of the Human Resources Committee of the allegation and the investigation.
 - The Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee) shall keep a written record of the action taken in connection with the allegation.

4.5. Suspension of Staff

- 4.5.1. Suspension should not be automatic. In respect of staff other than the Principal, suspension can only be carried out by the Principal or designated Senior Post Holder, in accordance with the Articles of Government. In respect of the Principal, suspension can only be carried out by the Chair of the Corporation (or in his/her absence, the deputy chair).
- 4.5.2. Suspension may be considered at any stage of the investigation. It is a neutral, not a disciplinary act and shall be on full pay. Consideration should be given to alternatives: eg paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties.

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

- Where a child is at risk.
- Where the allegations are potentially sufficiently serious to justify dismissal on the grounds of gross misconduct.
- Where necessary for the efficient conduct of the investigation.

4.5.4. If suspension is being considered, the member of staff should be encouraged to seek advice, for example from a trade union.

4.5.5. Prior to making the decision to suspend, the Principal (or designated Senior Post Holder, Chair or Vice Chair of the Corporation) should interview the member of staff. This should occur with the approval of the appropriate agency from the Local Safeguarding Children Board. In particular, if the police are engaged in an investigation, the officer in charge of the case should be consulted.

4.5.6. 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 friend. 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.

4.5.7. During the interview, the member of staff should be given as much information as possible, in particular the reasons for any proposed suspension, provided that doing so would not interfere with the investigation into the allegation. The interview is not intended to establish the member of staff's innocence or guilt, but give the opportunity for the member of staff to make representations about possible suspension. The member of staff should be given the opportunity to consider any information given to him/her at the meeting and prepare a response, although that adjournment may be brief.

4.5.8. If the Principal (or designated Senior Post Holder, Chair or Vice Chair of the Corporation) considers that suspension is necessary, the member of staff shall be informed that he/she is suspended from duty. Written confirmation of the suspension, with reasons, shall be despatched as soon as possible, and ideally within one working day.

4.5.9. Any employee who has been under suspension for three weeks or more and has not been notified of a proposal to dismiss, may appeal in writing to the Principal (or Chair of the Corporation as appropriate) against the suspension.

4.5.10. If the employee does appeal, the suspension shall continue pending the determination of the appeal, which shall be considered as soon as is practical.

4.5.11. Where a member of staff is suspended, the Principal (or Chair or Vice Chair of the Corporation) should address the following issues:

- The Chair of the Corporation should be informed of the suspension in writing.
- The Corporation should receive a report that a member of staff has been suspended pending investigation. The detail given to the Corporation should be minimal.

- Where the Principal has been suspended, the Chair or Vice Chair of Corporation will need to take action to address the management of the College.
- 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.
- Mindful of the need to preserve confidentiality, other staff who need to know that the suspension has taken place will be informed so that the impact of the suspension can be managed (eg work covered).

4.5.12. Depending on the nature of the allegation, the Principal should consider with the Chair of the Human Resources Committee 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 for both the College and the member of staff concerned.

4.5.13. The Principal shall consider carefully and keep under review the decisions as to who is informed of the suspension and investigation. The Local Safeguarding Children Board and external investigating authorities should be consulted.

4.5.14. Any requests for support that the suspended member of staff makes during the period of suspension will be given careful consideration. He/she should also be provided with information on progress and developments in the case at regular intervals.

4.5.15. The suspension should remain under review in accordance with the College disciplinary procedures.

4.6. The Disciplinary Investigation

4.6.1. The disciplinary investigation should be conducted in accordance with the existing staff disciplinary procedures.

4.6.2. 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.

4.6.3. The child or children and/or their parents making the allegation 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).

4.6.4. The Principal (or Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee) should give consideration to what information should be made available to the general population of the College and other interested parties.

4.7. Allegations without foundation

- 4.7.1. False allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the Local Safeguarding Children Board and other statutory bodies in order that other agencies may act upon the information.
- 4.7.2. In consultation with Assistant Principal (Director of Student Services) or Chair of the Human Resources Committee, the Principal will:
 - Inform the member of staff 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.
 - Where the allegation was made by a child other than the alleged victim, consideration shall be given to informing the parents/carers of that child.
 - Prepare a record outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action has been taken.

4.8. Records

- 4.8.1. 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, details retained on the member of staff's personal and confidential file. All records will be placed in an envelope marked as confidential to members of SMT and the member of staff concerned.
- 4.8.2. If a member of staff is dismissed or resigns before the disciplinary process is completed, he/she should be informed about the College's statutory duty to inform the relevant Secretary of State under the "List 99" procedures or equivalent.

4.9. Monitoring Effectiveness

- 4.9.1. Where an allegation has been made against a member of staff, the Principal, Assistant Principal (Director of Student Services) and Chair of the Human Resources Committee should, at the conclusion of the investigation and any disciplinary procedures, consider whether there are any matters arising from it that could lead to the improvement of the College's procedures and/or policies and/or which should be drawn to the attention of the Local Safeguarding Children Board. Consideration should also be given to the training needs of staff.

5. Recruitment of Staff and Selection Procedure

- 5.1. The College's recruitment and selection procedures should be reviewed regularly in order to ensure that they take account of the following:
 - They should apply to staff and volunteers who may work with children
 - The post or role should be clearly defined
 - The key selection criteria for the post or role should be identified

- Vacancies should be advertised widely in order to ensure a diversity of applicants
- Require documentary evidence of academic/vocational qualifications
- Obtain professional and character references
- Verify previous employment history
- Criminal Records Bureau disclosure/List 99 checks or equivalent
- Use a variety of selection techniques (eg qualifications, previous experience, interview, reference checks)

June 2011