

## SAFEGUARDING CHILDREN POLICY AND PROCEDURE

Author:	Nicole Francis, ERC Chief Executive
Applicable from:	1st August 2019
Approved by Trustees:	28th September 2023
Lead Trustee:	Sade Alade
Date of latest review:	<b>9<sup>th</sup> October 2023</b>
Date for next review:	September 2024

### DESIGNATED SAFEGUARDING LEADS

Name: Chisom Nene  
Title: Head of College  
E-mail: [chisom@elfridacamden.org.uk](mailto:chisom@elfridacamden.org.uk)  
Tel: 020 7424 1617 / 07917 193 885

Name: Nicole Francis  
Title: Chief Executive  
E-mail: [nicole@elfridacamden.org.uk](mailto:nicole@elfridacamden.org.uk)

Tel: 020 7424 1610/ 07917193697

### TRUSTEE SAFEGUARDING LEAD

Name: Sade Alade  
E-mail: [sade.alade@walthamforest.gov.uk](mailto:sade.alade@walthamforest.gov.uk)  
Tel: 07971311879

### London Borough of Camden

#### **Child protection lead officer and Local Authority Designated Officer (LADO):**

The LADO for Children in Camden is Jacqueline Fearon. The email is [LADO@camden.gov.uk](mailto:LADO@camden.gov.uk)

The mailbox is regularly checked by the LADO and who will contact the referrer as soon as possible to discuss the case and decide what action to take.

In cases where it is necessary to speak directly to the LADO, responsible officers can call **020 7974 4556** and ask to speak to the LADO. Referrers may reach a voicemail message and be asked to leave a message but this will be returned as soon as possible.

### **Children & Families Contact Service - Camden**

If you believe a child is at immediate risk of harm call the police on 999.

The Children & Families Contact Service is a single access point providing advice, information and support for children and young people who may need extra help or who are vulnerable and at risk. The team provides access to the right help at the right time, as well as supporting professionals to work in an integrated way with children, young people and their families. This includes MASH and First Stop Early Help.

Tel: **020 7974 3317 (9am to 5pm)**

Out of Hours Tel: **020 7974 4444**

Email: **LBCMASHadmin@camden.gov.uk**

Secure Email: **LBCMASHadmin@camden.gov.uk.cjasm.net**

### **Camden MASH (part of the Children & Families Contact Service)**

The MASH is a partnership of agencies that have a duty to safeguard children and who have agreed to share information they have on families and children and work within an integrated team in order to improve decision-making whenever there are concerns about a child.

### **Camden Safeguarding Children Partnership**

[CSCP@camden.gov.uk](mailto:CSCP@camden.gov.uk)

Tel: 020 7974 6658/1276

Camden Safeguarding Children Partnership

5 Pancras Square

London

N1C 4AG

### **PREVENT Contacts**

Email [prevent@camden.gov.uk](mailto:prevent@camden.gov.uk)

Tel: 020 7974 2010.

## **SAFEGUARDING CHILDREN POLICY**

### **1. Overview**

**Elfrida Rathbone Camden** is committed to safeguarding all children and young people supported by or taking part in our services and to supporting their welfare by protecting them from physical, sexual and emotional harm and neglect. Elfrida Rathbone Camden has zero tolerance of all forms of child abuse.

### **2. Purpose**

Elfrida Rathbone Camden aims to ensure that:

- Appropriate action is taken in a timely manner to safeguard and promote children's welfare.
- All staff are aware of their statutory responsibilities with respect to safeguarding.
- Staff are properly trained in recognising and reporting child protection and safeguarding.
- All statutory and governmental guidance requirements and recommendations are met.

This policy and its associated procedures are mandatory for all staff, as they must be aware of their individual and collective roles and responsibilities in safeguarding and protecting children from abuse and neglect.

### **3. Outcomes**

As a result of this policy and associated procedure being followed, children will be better protected from the impact of abuse and neglect. Staff will take the necessary steps to safeguard and protect children at risk, contacting statutory agencies and/or if appropriate, discussing concerns with statutory agencies and when appropriate, their parents/carers or advocates. Actions for staff to follow are set out in this procedures document.

### **4. Key Principles**

- This policy and procedure aim to achieve a culture in ERC in which a proactive approach is taken to safeguarding and promoting and protecting the rights of children.
- All children attending ERC have the right to live a life free from abuse, harm, and neglect regardless of age, disability, sex identification, racial heritage, religious belief, sexual orientation, or identity.
- All allegations, concerns or suspicions of abuse or neglect are taken seriously and responded to within the steps laid out in this procedure.
- To work in partnership with the children and young people of ERC and their families/carers.
- To work in partnership with the local Safeguarding Children Teams and comply with the Pan London multi-agency Safeguarding Children Procedures.
- All staff have a responsibility to ensure they are informed, trained, and understand their duty to operate within this policy and procedure.
- All staff have a shared responsibility to take appropriate steps to protect children at risk.
- Trustees and the Senior Leadership Team have responsibility for ensuring effective governance and safe services and will achieve this through:
  - Effective, comprehensive Policies and Procedures.
  - Implementation of Safer Recruitment principles and requirements.
  - Effective monitoring of safeguarding.
  - The provision of effective and comprehensive training.

### **5. The Policy Statement**

This policy and associated procedure apply to all staff of ERC.

- ERC has zero tolerance to all forms of abuse, neglect, and discrimination of children and is committed to applying the guidance provided by Keeping Children Safe in Education 2023 at all times

- ERC is committed to the prevention of, and protection from, abuse and neglect of all children who come into contact with the organisation through its staff, or representatives, in whatever capacity that contact occurs.
- ERC is committed to taking all necessary steps to stop abuse and discrimination happening, whether perpetrated by staff, family members, members of the public or other learners.
- ERC is committed to its duty of care to all children it has contact with. If there are concerns about staff perpetrating abuse or discrimination, it will facilitate any action required to address this without delay. This will include actions required to address abusive or discriminatory behaviours and attitudes. When staff have been dismissed because of concerns about abuse or neglect, they will be referred to the Disclosure & Barring Service (DBS) and relevant professional bodies.
- ERC is committed to ensuring that children at risk of abuse, neglect or discrimination are given information, advice, and support in a form that they can understand and also have their views included in all forums where decisions are made about their lives.
- ERC is committed to working in partnership with parents and carers. In respect of children who use the services of the charity, that partnership will be with their consent, when this is required and appropriate, but where necessary to prevent abuse consent may not be sought.
- ERC will publish online the Safeguarding Children Policy and Procedure. In addition, it will inform, in an appropriate format, all users of their services, and their parents or carers, that ERC has a duty to contact the home and host Local Authority Children's Social Care Department if there are concerns that a child may be being abused or neglected.
- ERC is committed to providing a curriculum that enables all learners to learn to keep themselves safe and how to raise concerns if they do not feel safe in all aspects of their lives.
- ERC is committed to ensuring that the DSLs (Chief Executive and Head of College) will be without delay, fully briefed and consulted with by staff on any concerns about abuse or neglect: the process for this is detailed in the procedure.
- If the DSLs are not available, the Training and Learning Manager will act as cover.

ERC is committed to working within the Camden Safeguarding Partnership policy and procedures and the procedures of any other local authorities where any child at risk may reside.

ERC is committed to ensuring all staff, including those with designated responsibilities, have received appropriate levels of up-to-date safeguarding training.

## **6. Risk Assessment**

Should this policy and associated procedure be ignored or disregarded, the possible outcomes are:

- For children at risk of abuse or neglect – being placed at further risk of harm and neglect.
- For staff – who may be subject to inquiry, investigation internally or externally for failing to take appropriate steps, internally may then be subject to a disciplinary process.
- For the DSLs and Board of Trustees – possible inquiry/investigation and report from the Charities Commission and regulators or recommendation from local authorities to regulators.
- For ERC – possible risk of public scrutiny and ultimately risk of prosecution and/or additional inspections from regulators and ultimately deregistration. All of the above can lead to negative media attention and damage to the reputation to ERC.

## **7. Legislation and statutory guidance**

This policy and procedure are based on the Department for Education's statutory guidance, Keeping Children Safe in Education 2023, Working Together to Safeguard Children, What to do if you are Worried a Child is Being Abused: Advice for Practitioners, and the Governance Handbook.

We comply with this guidance and the procedures set out by our local multi-agency partnerships.

This policy is also based on the following legislation:

- The Children Acts 1989 and 2004, which provide a framework for the care and protection of children.
- Section 5B(11) of the Female Genital Mutilation Act 2003, as inserted by section 74 of the Serious Crime Act 2015, which places a statutory duty on teachers and other professionals to report to the police where they discover that female genital mutilation (FGM) appears to have been carried out on a girl under 18.
- The Marriage and Civil Partnership (Minimum Age) Act 2022.
- Statutory guidance on FGM, which sets out responsibilities with regards to safeguarding and supporting girls affected by or at risk of FGM.
- Sexual Offences Act 2003, Serious Crime Act 2015, and Voyeurism Act 2019 which among other things, provide the framework for responding to allegations of sexual violence and harassment between learners in schools and colleges.
- The Rehabilitation of Offenders Act 1974 (exceptions order 1975), which outlines when people with criminal convictions should disclose these to prospective employers.
- Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012, which define what 'regulated activity' is in relation to children and vulnerable adults
- Statutory guidance on the Prevent duty, which explains colleges' duties under the Counter Terrorism and Security Act 2015 with respect to protecting people from the risk of radicalisation and extremism.
- The Disqualification under the Childcare Act (DUCA) Regulation 2018, which sets out who is disqualified from working in early years or later years childcare.

This policy also meets requirements relating to our funding agreements and articles of association, with regard to the Charity Commission guidance in Safeguarding duties for charity trustees and Safeguarding strategy, and Guidance on reporting serious incidents.

London Boroughs adhere to the Pan London Child Protection Procedures and Guidance (5th edition) which can be found on the London Child Protection Procedures website.

## 8. Definitions

*Safeguarding and promoting the welfare of children means:*

- Protecting children from maltreatment.
- Preventing impairment of children's health or development.
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care.
- Taking action to enable all children to have the best outcomes.

*Child protection* is part of this definition and refers to activities undertaken to prevent children suffering, or being likely to suffer, significant harm.

*Abuse* is a form of maltreatment of a child and may involve inflicting harm or failing to act to prevent harm.

*Neglect* is a form of abuse and is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development.

*Children* includes everyone under the age of 18. The term 'Children' in this policy could also be referenced as Young People. For Young People in our services over the age of 18 please refer to our Adult Safeguarding Policy and Procedure.

OFSTED defines safeguarding as:

"Safeguarding is not just about protecting children, learners and vulnerable adults from deliberate

harm, neglect, and failure to act. It relates to broader aspects of care and education, including:

- children's and pupils' health and safety and well-being, including their mental health
- meeting the needs of children who have special educational needs and/or disabilities
- the use of reasonable force
- meeting the needs of children and learners with medical conditions
- providing first aid
- educational visits
- intimate care and emotional well-being
- online safety and associated issues
- appropriate arrangements to ensure children's and learner's security, taking into account the local context.

For more information on types of abuse please refer to Appendix 1.

## **9. Equality statement**

Some children have an increased risk of abuse, and additional barriers can exist for some children with respect to recognising or disclosing it. Children with learning disabilities may be more vulnerable to abuse than their peers. We are committed to anti-discriminatory practice and we ensure that all children have the same protection, regardless of any barriers they may face.

## **10. Links with other policies and procedures**

This policy links to the following policies and procedures:

- Adult Safeguarding Policy and Procedure
- Code of Conduct
- Recruitment and Selection
- Compliments and Complaints
- Health and Safety
- Data Protection
- Whistleblowing
- Preventing Extremism and Radicalisation

## **11. Governance and Monitoring arrangements**

This policy and procedure will be reviewed annually by the Chief Executive. At every review, it will be approved by the Board of Trustees.

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## **SAFEGUARDING CHILDREN PROCEDURES**

### **1. Roles and responsibilities**

Safeguarding and child protection is everyone's responsibility and hence is a whole organisational approach. This policy applies to all staff in Elfrida Rathbone Camden and is consistent with the procedures of Camden's Safeguarding Children's Partnership and Pan London Child Protection Procedures and Guidance. We are aware of our responsibility to do all we can to support social workers, and to facilitate social workers to have access to children in order to undertake statutory assessments under s17 or s47 of the Children Act 1989. Any staff member may be asked to contribute to an assessment and would have a statutory responsibility to do so. Our policy and procedures also apply to off-site activities, such as work experience placements.

### **2. All staff responsibilities**

All staff will read and understand part 1 and Annex A of the Department for Education's statutory safeguarding guidance, Keeping Children Safe in Education 2023 (KCSiE) and review this guidance at least annually. All staff will be aware of:

- Our systems which support safeguarding, including the staff code of conduct, whistleblowing, the role of and how to contact the designated safeguarding lead (DSL), online safety, filtering and monitoring systems and acceptable use policy, the behaviour policy, and the safeguarding response to children who go missing from education.
- The early help/early intervention process and their role in it, including identifying emerging problems, liaising with the DSL, and sharing information with other professionals to support early identification and assessment.
- What to do if they identify a safeguarding issue or a child tells them they are being abused or neglected, including specific issues, such as FGM, child sexual exploitation and child on child abuse and how to maintain an appropriate level of confidentiality while liaising with relevant professionals.
- The signs of different types of abuse and neglect, as well as specific safeguarding issues, such as child sexual exploitation (CSE), so-called honour-based abuse and radicalisation. The organisation has a separate Preventing Extremism and Radicalisation Policy.
- Any allegations about the possibility of abuse by staff will always be treated seriously and will be fully investigated, in line with Safeguarding Procedure Appendix 2: Allegations of abuse against staff, following discussion with the Local Authority Designated Officer.

### **The Designated Safeguarding Leads (DSL)**

The Chief Executive and Head of College are the Designated Safeguarding Leads (DSL). The DSLs take lead responsibility for child protection and wider safeguarding arrangements.

During term time, the DSLs will be available during college hours for staff to discuss any safeguarding concerns. When the DSLs are absent, the Training and Learning Manager will act as cover for Elfrida Rathbone Camden.

The DSLs will liaise with the home and host Local Authority case managers and designated officers for child protection concerns as appropriate. The DSLs will be given the time, funding, training, resources, and support to:

- Provide advice and support to other staff on child welfare and child protection matters.
- Take part in strategy discussions and inter-agency meetings and/or support other staff to do so.
- Contribute to the assessment of children.
- Ensure that all staff are aware of the requirements of the latest Keeping Children Safe in Education Guidance.
- Refer cases of concern, as appropriate, to the relevant body (Local Authority children's social care, Channel programme, and/or police), and support staff who make such referrals directly.

- Be aware of the PACE requirements for children to have an Appropriate Adult. (Further information can be found in the Statutory guidance – (PACE Code C 2019).
- Be aware of, and follow, the NPCC guidance on when to make a direct referral to the police.
- Where learners have an allocated social worker, as a result of concerns about abuse or neglect, ensure relevant staff are aware of this so that additional learning and/or pastoral support can be offered to the child.
- Ensure appropriate referrals are made to the Disclosure & Barring Service, Teaching Regulation Agency and/or other regulatory bodies.

### **3. Governance**

The Board of Trustees will appoint a senior board level member to monitor the effectiveness of this policy and procedure and act as the Safeguarding lead. The Trustee safeguarding lead will receive the notes of the termly DSL review meetings and will also conduct an annual safeguarding review meeting at Elfrida Rathbone Camden to review the effectiveness of the policy and procedure and the safeguarding records and recruitment records.

The Chief Executive will act as the 'case manager' if an allegation of abuse is made against the Head of College. The Board of Trustees safeguarding lead will act as the 'case manager' if an allegation of abuse is made against the Chief Executive. Trustees must follow the specific guidance outlined in How to report serious incidents in your charity Sept 2017, Charities: how to protect children and adults at risk 2018 and Strategy for dealing with safeguarding issues in charities Dec 2017. The Chief Executive will advise the Chair of Trustees when a safeguarding incident needs to be reported to the Charity Commission.

### **4. Confidentiality and reporting**

The DSLs have responsibility to ensure all concerns within ERC are recorded, monitored secured and acted upon.

Staff must report their concerns verbally within two hours to the DSLs and follow up within 24 hours by email. Access to the safeguarding records are strictly limited on a need-to-know basis and controlled by the DSLs. All electronic records will be held in a secure area with access limited by the DSL. If records are sent outside of the organisation, then the records would be password protected and/or sent via an encrypted email system such as Egress Switch.

### **5. Notifying parents/carers**

Where appropriate, we will discuss any concerns about a child with the child's parents/carers. The DSLs will normally do this in the event of a suspicion or disclosure of abuse or neglect. Other staff will only talk to parents about any such concerns following consultation with the DSLs. Consent from parents will always be needed for s17 of the Children Act 1989 (child in need support or early help) but is not required in order to make a s47 of the Children Act 1989 (child protection) referral. In line with ERCs Data Protection Policy and Privacy Notice, if we believe that notifying the parents would increase the risk to the child, allow evidence to be destroyed, or that it would not be reasonable or practical to contact parents (for example, because it would cause a delay or the given phone number is uncontactable) we will discuss this with the Local Authority children's social care team before doing so. In the case of allegations of abuse made against other children, we will normally notify the parents of all the children involved. If the police or children's social care are involved, the parents will only be informed with the agreement of those agencies.

### **6. Complaints and concerns about college safeguarding practices**

#### **Complaints against staff**

Complaints against staff that are likely to require a child protection investigation will be handled in accordance with our procedures for dealing with allegations of abuse made against staff (see ERC Safeguarding Children Policy and Procedure – Updated 9<sup>th</sup> October 2023



Appendix 2). Other complaints Concerns raised against the organisation in relation to its handling of safeguarding issues should be referred to the Chief Executive who will always raise this with the Safeguarding Trustee Lead and the Chair of Trustees.

## **7. Whistleblowing**

Staff access to the support provided by the whistleblowing procedure is an important element of Safeguarding. For information on Whistleblowing, please see ERC's Whistleblowing policy. Where a member of staff is not satisfied that their concerns have been responded to by the Charity, or not taken seriously, then they should approach the safeguarding team in Camden.

## **8. Training All staff**

All staff members will undertake safeguarding and child protection training at induction, including on whistleblowing procedures, to ensure they understand our safeguarding systems and their responsibilities, and can identify signs of possible abuse, neglect or safeguarding issues. This training will be regularly updated and will be in line with advice from our local safeguarding children partnership. All staff will have training on the government's anti-radicalisation strategy, PREVENT, to enable them to identify children at risk of being drawn into terrorism and to challenge extremist ideas. Staff will also receive regular safeguarding and child protection updates through emails and staff meetings as required, but at least annually. The DSLs will undertake child protection and safeguarding training at least every three years. In addition, they will update their knowledge and skills at regular intervals and at least annually (for example, through e-bulletins, meeting other DSLs, or taking time to read and digest safeguarding developments). They will also undertake PREVENT awareness training at least every three years.

All Trustees receive training about safeguarding every three years to make sure they have the knowledge and information needed to perform their functions and understand their strategic responsibilities as outlined in KCSiE part 2.

## Appendix 1: Types of abuse and specific safeguarding issues for children

Abuse, including neglect, and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap.

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

*Psychological/emotional abuse* is the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

Emotional abuse may involve:

- Conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.
- Not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate.
- Age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction.
- Seeing or hearing the ill-treatment of another.
- Serious child on child abuse (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children.

Financial abuse Financial abuse is a crime. It is the use of a person's property, assets, income, funds or any resources without their informed consent or authorisation. It includes:

- Theft.
- Fraud.
- Exploitation.
- Undue pressure in connection with wills, property, inheritance, or financial transactions.
- The misuse or misappropriation of property, possessions, or benefits.
- The misuse of an enduring power of attorney or a lasting power of attorney, or appointeeship.

*Sexual abuse* involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve:

- Physical contact, including assault by penetration (for example rape or oral sex) or nonpenetrative acts such as masturbation, kissing, rubbing, and touching outside of clothing.
- Non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse.

Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education.

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

- Provide adequate food, clothing, and shelter (including exclusion from home or abandonment).

- Protect a child from physical and emotional harm or danger.
- Ensure adequate supervision (including the use of inadequate caregivers).
- Ensure access to appropriate medical care or treatment.
- It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

*Self-neglect* is defined as behaviour that results in neglecting to care for one's personal hygiene, health or surroundings and may include such behaviour as hoarding.

*Domestic abuse* can be psychological, physical, sexual, financial, or emotional. It can impact on children through seeing, hearing, or experiencing the effects of domestic abuse and/or experiencing it through their own intimate relationships.

*Discriminatory abuse* exists when values, beliefs, or culture result in a misuse of power that denies opportunity to some groups or individuals. It can be a feature of any form of abuse of a child at risk, but can also be motivated because of age, sex identification, sexuality, disability, religion, class, culture, language, 'race' or ethnic origin. It can result from situations that exploit a person's vulnerability by treating the person in a way that excludes them from opportunities they should have as equal citizens, for example, education, health, justice and access to services and protection.

*Organisational abuse* is the mistreatment or abuse or neglect of a child at risk by a regime or individuals within settings and services that children at risk live in or use, that violate the person's dignity, resulting in lack of respect for their human rights. Institutional abuse occurs when the routines, systems and regimes of an institution result in poor or inadequate standards of care and poor practice which affects the whole setting and denies, restricts, or curtails the dignity, privacy, choice, independence, or fulfilment of children at risk. Institutional abuse can occur in any setting providing health, education, and social care.

## **Specific safeguarding issues for children**

### *Children missing from education or home/care*

A child going missing from education is a potential indicator of abuse or neglect, and such children are at risk of being victims of harm, exploitation, or radicalisation.

### *Child sexual exploitation*

Child sexual exploitation (CSE) is a form of sexual abuse where children are sexually exploited for money, power, or status. Where there is evidence of or concerns about CSE, ERC will use the Child Pan London Child Exploitation Operating Protocol. If a member of staff suspects CSE, they will discuss this with the DSLs.

### *So-called honour-based abuse, including Female Genital Mutilation (FGM)*

If a staff member discovers that an act of FGM appears to have been carried out or suspects that a learner is at risk of FGM they should contact the DSLs immediately.

### *Forced marriage*

Forcing a person into marriage is a form of so-called honour-based abuse and is a crime. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats, or any other form of coercion is used to cause a person to enter into a marriage. If a member of staff suspects that a learner is being forced into marriage, they will speak to the learner about their concerns in a secure and private place. They will then report this to the DSL.

### *Preventing radicalisation*

Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism. Extremism is vocal or active opposition to fundamental British values, such as democracy, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs. ERC has a duty to prevent children from being drawn into terrorism. The DSL will undertake Prevent awareness training and make sure that staff have access to appropriate training to equip them to identify children at risk.

*Child on child abuse (previously known as bullying or peer abuse)*

All concerns regarding child-on-child abuse will be fully investigated with active support and protection plans being agreed for all children involved.

*Checking the identity and suitability of visitors*

All visitors will be required to verify their identity to the satisfaction of staff. If the visitor is unknown to ERC, we will check their credentials and reason for visiting before allowing them to enter the setting. Visitors should be ready to produce identification. Visitors are expected to wear a visitor's badge.

## Appendix 2: Allegations of abuse made against staff

This section of this policy applies to all cases in which it is alleged that a current member of staff has:

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

It applies regardless of whether the alleged abuse or behaviour took place in Elfrida Rathbone Camden.

Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and good judgement.

### *Suspension*

Suspension will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative. Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the college so that the individual does not have direct contact with the child or children concerned.
- Providing an assistant to be present when the individual has contact with children/learner
- Redeploying the individual to alternative work in ERC so that they do not have unsupervised access to children.
- Working from home

### *Definitions for outcomes of allegation investigations*

Substantiated: there is sufficient evidence to prove the allegation

Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive

False: there is sufficient evidence to disprove the allegation

Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)

Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made

Procedure for dealing with allegations.

In the event of an allegation that meets or appears to meet any of the criteria above:

- The Chief Executive will immediately inform the Chair of Trustees.
- If the allegation is likely to be considered a Serious Incident the Chief Executive will inform the Trustee responsible for safeguarding and a report to the Charity Commission undertaken.
- The Chief Executive is responsible for completing the report to the Charity Commission.
- The Chief Executive will agree the case manager who must be a trained DSL.

The case manager will:

- Immediately discuss the allegation with the designated officer at Camden (the LADO). This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police before consulting the LADO – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police).
- Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary).
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at ERC is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the LADO, police and/or children's social care services, as appropriate.
- If immediate suspension is considered necessary, agree and record the rationale for this with the LADO. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within one working day, and the individual will be given a named contact at ERC and their contact details.
- If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the LADO what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
- If it is decided that further action is needed, take steps as agreed with the LADO to initiate the appropriate action in college and/or liaise with the police and/or children's social care services as appropriate.
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative from ERC to keep them informed of the progress of the case and consider what other support is appropriate.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against staff (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a staff member will be advised to seek legal advice.
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).
- If the allegation is founded make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child. We will inform Ofsted of any allegations of serious harm or abuse by any person working with children in ERC (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made. If ERC is made aware that the Secretary of State has made an interim prohibition order in respect of an individual, we

will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency (TRA). Where the police are involved, wherever possible ERC will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in ERC's disciplinary process, should this be required at a later point. The same will be requested where children's social care are undertaking s47 of the Children Act 1989 enquiries.

### **Timescales**

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within one week.
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within three working days.
- If a disciplinary hearing is required and can be held without further investigation, we would usually hold this within 15 working days.

### ***Specific actions following a criminal investigation or prosecution***

The case manager will discuss with Camden's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

### ***Conclusion of a case where the allegation is substantiated***

If the allegation is substantiated and the individual is dismissed or ERC the case manager AND THE Chief Executive will discuss with the LADO and referrals will be made to DBS when the organisation believes a person has caused harm or poses a future risk of harm to vulnerable groups, including children.' If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the LADO whether to refer the matter to the TRA to consider prohibiting the individual from teaching. A referral would be appropriate if the alleged misconduct is so serious that it warrants a decision on whether the teacher should be prevented from teaching.

### ***Individuals returning to work after suspension***

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this. The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending ERC.

### ***Unsubstantiated or malicious allegations***

If an allegation is shown to be deliberately invented, or malicious, the Chief Executive or other appropriate person in the case of an allegation against the Chief Executive, will consider whether any disciplinary action is appropriate against the learner(s)/staff who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a learner.

### ***Confidentiality***

ERC will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared.
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality.
- What, if any, information can be reasonably given to the wider community to reduce speculation.
- How to manage press interest if, and when, it arises.

### **Record-keeping**

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

Such records will include:

- A clear and comprehensive summary of the allegation.
- Details of how the allegation was followed up and resolved.
- Notes of any action taken, and decisions reached (and justification for these, as stated above).

If an allegation or concern is not found to have been malicious, ERC will retain the records of the case on the individual's confidential personnel file and provide a copy to the individual. We will normally retain these records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer. However, for the duration of the Independent Inquiry into Child Sexual Abuse (IICSA) it is unlawful to destroy any records that may be called as evidence to the inquiry; as a result, the records relating to any allegation of sexual harm of a child or children will be retained for the duration of the inquiry, regardless of the outcome.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file, unless they fall within the scope of the IICSA as described above.

### **References**

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

### **Learning lessons**

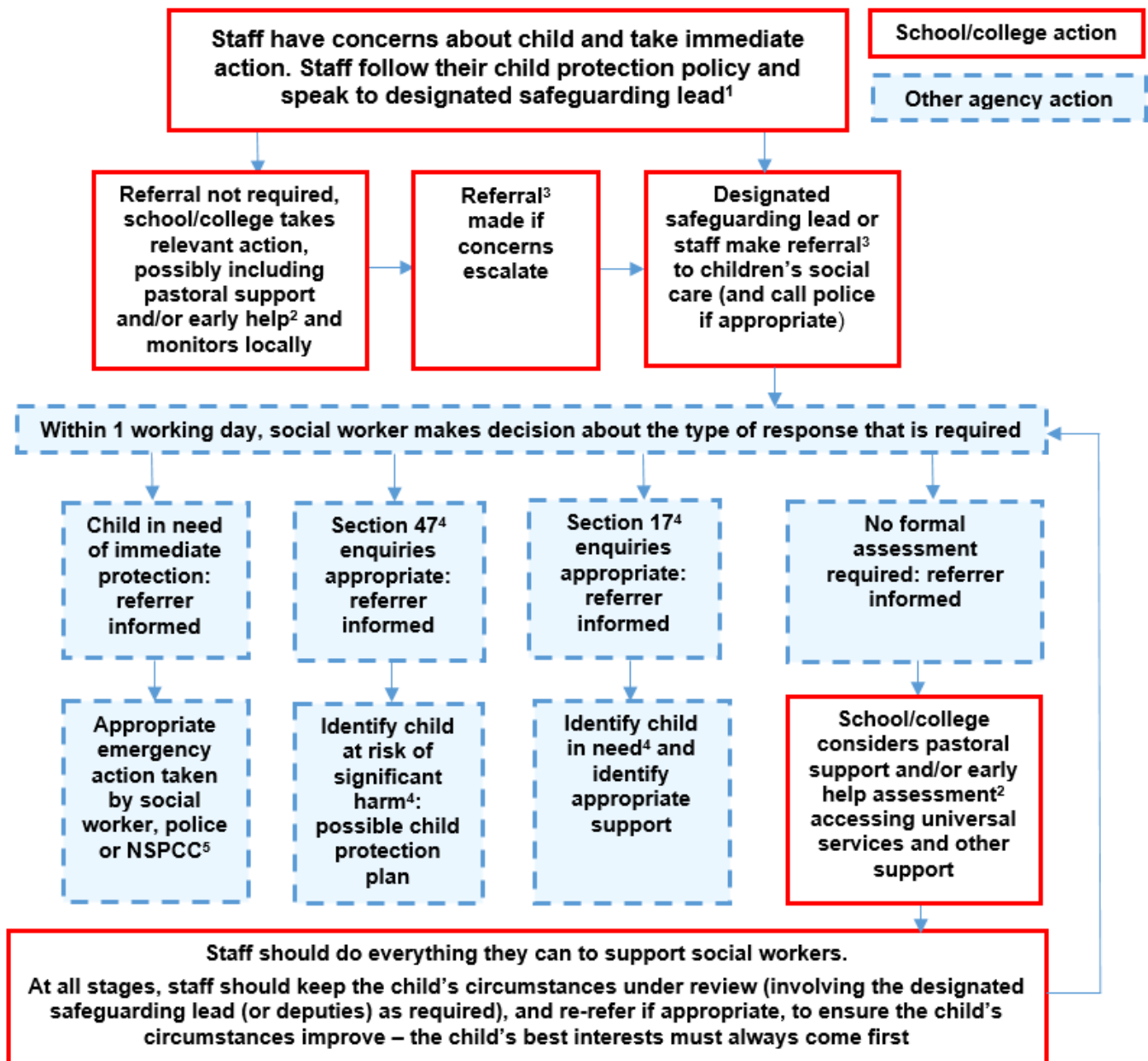
At the conclusion of any case, we will review the circumstances of the case using a 'lessons learnt' approach to determine whether there are any improvements that we can make to ERC's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension.
- Whether or not the suspension was justified.
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.
- Whether there are any training needs or changes to policies / procedures needed



## Appendix 3: Actions where there are concerns about a child (KCSiE 2023)



<sup>1</sup> In cases which also involve a concern or an allegation of abuse against a staff member, see Part Four of the full version of KCSiE.

<sup>2</sup> Early help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged. Chapter one of [Working Together to Safeguard Children](#) provides detailed guidance on the early help process.

<sup>3</sup> Referrals should follow the process set out in the local threshold document and local protocol for assessment. Chapter one of [Working Together to Safeguard Children](#).

<sup>4</sup> Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989. Under section 47 of the Children Act 1989, where a local authority has reasonable cause to suspect that a child is suffering or likely to suffer significant harm, it has a duty to make enquiries to decide whether to take action to safeguard or promote the child's welfare. Full details are in Chapter one of [Working Together to Safeguard Children](#).

<sup>5</sup> This could include applying for an Emergency Protection Order (EPO).