

NCG Safeguarding Policy



<u>Policy Title</u>	NCG Safeguarding Policy	
<u>Policy Category</u>	Compliant	
<u>Owner</u>	Executive Director Quality	
<u>Group Executive Lead</u>	Executive Director Quality	
<u>Date Written</u>	July 2020	
<u>Considered By</u>	Safeguarding Council	
<u>Approved By</u>	Corporation	
<u>Date Approved</u>	September 2020	
<u>Equality Impact Assessment</u>	The implementation of this policy is not considered to have a negative impact on protected characteristics	
<u>Freedom of Information</u>	This document will / will not be publicly available through the Groups Publication Scheme.	
<u>Review Date</u>	Month / Year	
<u>Policy Summary</u>	Annual update to policy to remain compliant with legislation and guidance, specifically Keeping Children safe in Education 2020 revision. Strengthens arrangements for remote and blended delivery. Makes clear the responsibility for Group Procurement and Group Estates to ensure contractors are adequately checked / supervised.	
<u>Applicability of Policy</u>	<u>Consultation Undertaken</u>	<u>Applicable To</u>
Newcastle College	Yes	Yes
Newcastle Sixth Form	Yes	Yes
Carlisle	Yes	Yes
Kidderminster	Yes	Yes
Lewisham	Yes	Yes
Southwark	Yes	Yes
West Lancashire	Yes	Yes
Group Services	Yes	Yes
<u>Changes to Earlier Versions</u>		
<u>Previous Approval Date</u>	<u>Summarise Changes Made Here</u>	
April 2020	Interim update following requirement for home study and working during COVID19 lockdown	
<u>Linked Documents</u>		
<u>Document Title</u>	<u>Relevance</u>	
Divisional Safeguarding Procedures	Local arrangements for implementation of this policy within colleges.	
Disclosure Policy	Whistleblowing arrangements	
Admissions Policy / Recruitment Policy	Arrangements for safe recruitment of staff	
Attendance Policy	Monitoring regular attendance of students	
Health, Safety and Wellbeing Policy	Arrangements for keeping staff, students and visitors to the college safe and well.	
Equality Strategy	Arrangement for promoting equality of opportunity	

Scope and Purpose of Policy

NCG, and its constituent colleges, is committed to the safety and well-being of its learning community. In doing so, this policy will be adopted through college procedures and strictly adhered to.

Note the term **college** refers to the constituent parts of NCG and professional services refers to those NCG central services, located in Rye Hill House Newcastle and residing in college business support functions.

NCG staff refers to all staff in the organisation, including volunteers, sessional workers, agency staff and volunteers.

1.1. Safeguarding Young People (Children)

In June 2004 Section 175 of the Education Act 2002 came into force. The provisions of Section 175 make explicit the responsibility of governing bodies for safeguarding and promoting the welfare of children as part of fulfilling their common law duty of care towards the children for whom their organisation is responsible. In addition, arrangements must be made in accordance with any guidance issued by the Secretary of State.

Keeping Children Safe in Education (KCSIE) is statutory guidance from the Department for Education issued under Section 175 of the Education Act (2002), the Education (Independent School Standards) Regulations (2014) and the Non-Maintained Special Schools (England) Regulations (2015). Schools and colleges must have regard to it when carrying out their duties to safeguard and promote the welfare of children. This means that they should comply with it unless exceptional circumstances arise. KCSIE is updated annually, this policy is in line with the September 2020 version.

KCSIE (2020, p5) defines safeguarding and promoting the welfare of children as:

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

This policy and the derivative college procedures have been developed in response to KCSIE. The Children Act (1989) defines a child as any person under the age of 18 years. This includes all 14–16 year old children attending any College of NCG for whom additional procedures apply.

1.2. Safeguarding Adults at Risk

This policy and the derivative procedures have been developed in response to guidance issued on the protection of adults considered vulnerable in the DfES/NIACE publication "Safer Practice, Safer Learning" (2007). The guidance applies to all education providers of post-16 learning and skills.

The Care Act (2014) Section 14.2 states: The safeguarding duties apply to an adult who: has needs for care and support (whether or not the local authority is meeting any of those needs) and; is experiencing, or at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect. An adult is a learner aged 19 or above at the point of enrolment.

The term 'Adult at Risk' is used to describe a vulnerable adult.

At the time of writing the UK remains in midst of the COVID-19 pandemic, as such this policy is required to be compliant with the following, additional guidance: <https://www.gov.uk/government/publications/covid-19-safeguarding-in-schools-colleges-and-other-providers>

The NCG Executive will continue to monitor the guidance and provide updates (as an annex to this policy) on the NCG website. <https://www.ncgrp.co.uk/wp-content/uploads/2020/04/2020-04-Safeguarding-Policy-Annex-in-response-to-COVID-19.pdf>

1.3. The Types and forms of Abuse

Abuse is described as 'a violation of a person's human or civil rights by any other person or persons'.

There are four main categories of abuse that apply to both children and adults at risk:

- Physical
- Emotional
- Neglect
- Sexual

There are additional categories of abuse for adults at risk:

- Modern Slavery/Exploitation
- Organisational/Institutional
- Discriminatory
- Financial
- Domestic
- Self-Neglect

There are various signs and indicators to be aware of and these can be separated into two categories physical and behavioural/emotional.

Keeping Children Safe in Education (2020) defines a further 16 specific safeguarding issues, including:

- Bullying including Cyber Bullying
- Child Sexual exploitation and Child Criminal Exploitation
- Domestic Abuse, Violence and children as witnesses to abuse

- 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)
- Mental Health
- Private Fostering
- Radicalisation
- Sexting
- Teenage Relationship Abuse
- Trafficking

A number of recent additions to the KCSIE guidance (since 2018) are highlighted below:

1.3.1. Peer Abuse

All staff are requested to be vigilant around issues associated with sexual violence and sexual harassment between children in schools and colleges. The KCSIE guidance provides clarity of managing peer-on-peer abuse and additionally physical relationships between children.

1.3.2. Serious Violence, Organised Violence, Knife Crime and County Lines

Staff are required to be vigilant around the indicators of learners being at threat and/or drawn into serious violence and gang cultures. Staff should understand the local hazards and risks and advise learners on how to avoid them.

Advice for colleges is provided in the Home Office's documents: [Preventing youth violence and gang involvement](#) and [criminal exploitation of children and vulnerable adults: county lines guidance](#) these documents should be reference in the procedure.

1.3.3. Online Safety and Remote Study/Working

Colleagues are additionally expected to be vigilant around harmful online material that may constitute one or more types of abuse. The period of home study resulting from the COVID outbreak in the spring and summer for 2020 has increased the amount of online learning and study significantly, and staff are required to be aware of the risks to their learners and take steps to reduce those risks through training and education. Additional arrangements (such as additional training, learner engagement and wellbeing monitoring and learner surveys) may be

necessary in the event of a prolonged period of home study, which will be advised to staff via the NCG website. <https://www.ncgrp.co.uk/guide-to-information/our-policies-and-procedures/safeguarding/>

1.3.4. Child Sexual Exploitation and Child Criminal Exploitation

KCSIE 2020 provides additional information on both CSE and CCE which are forms of abuse and both occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual or criminal activity. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources. In some cases, the abuse will be in exchange for something the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator. The abuse can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time and range from opportunistic to complex organised abuse. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual and it should be noted exploitation as well as being physical can be facilitated and/or take place online.

1.3.5. Mental Health / Mental Wellbeing and Fitness

If staff have a concern about a learner's mental wellbeing then that is also a safeguarding concern, immediate action should be taken, following this Safeguarding Policy and College Safeguarding Procedure speaking to the designated safeguarding lead.

All staff should also be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Staff however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. Staff should also be aware that where learners have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these experiences, can impact on their mental health, behaviour and education.

1.3.6. Radicalisation and Extremism

The [Prevent Duty Guidance](#) defines **radicalisation** as 'the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups'. The Counter-Terrorism and Security Act 2015 places a duty on specific organisations, including colleges, to have regard to the need to prevent people from being drawn into terrorism. This policy seeks to put in place the requirements of the Act through a

Prevent Risk Assessment – an NCG cascade policy to be adapted and implemented locally.

*[The Counter Extremism Strategy 2015](#) defined **extremism** as ‘the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty, and respect and tolerance for different faiths and beliefs.’ For the purposes of clarification, **terrorism** is the act or threat designed to influence a body or organisation through intimidation and violent action.*

2. Policy Statement

All staff (including agency, volunteers and contractors) should be aware of systems within their college which support safeguarding, and these should be explained to them as part of staff on-boarding process. This will include the:

- NCG Safeguarding Policy (this document) and derivative college procedure for local reporting arrangements
- NCG Positive Student Behaviour Policy
- Staff Code of Conduct
- Designated Leads and key contacts

It is essential that all children and adults at risk are protected from abuse and have the right to access education and training free from fear of harm and protected from mistreatment and abuse, including the risk of radicalisation.

Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on ‘specified authorities’ which includes NCG, to comply with the *Prevent Duty Guidance: for England and Wales*.

NCG recognises that governors, members of staff and students each have a role to play in safeguarding the welfare of children and adults at risk and preventing their abuse with specific attention paid to the particular safeguarding risks of Looked After Children and children / adults at risk who have additional support needs.

In accordance with the statutory guidance across the UK provided in “Keeping Children Safe in Education” and “Safer Practice, Safer Learning” (2007), the following arrangements apply to each College of NCG:

- NCG’s Safeguarding policy applies to all colleges and is made available to parents / carers, learners and customers via a website link: <https://www.ncgrp.co.uk/guide-to-information/our-policies-and-procedures/safeguarding/>
- The KCSIE guidance is to be available via link on NCG Intranet and college leaders are responsible for ensuring all staff have read it.
- College procedures are developed and updated within the framework. These procedures are:

- Developed in accordance with local authority guidance and locally agreed interagency procedures; DfE Guidance Keeping Children Safe in Education and Safer Practice, Safer Learning (2007).
- Include guidelines for dealing with allegations of abuse against members of staff and volunteers.
- Reviewed and updated annually by Group and College Designated Safeguarding Leads.
- Approved by the Corporation and adopted as procedures by the Local Board and College Leadership.
- NCG operates safe recruitment procedures and ensures that all appropriate checks are carried out on staff and volunteers who work with all learners in regulated activity and therefore a position of trust. A single central register will be held by Group HR. HR will ensure that a process will be in place to verify that agency staff have been appropriately checked prior to starting work.
- Group Procurement/Group Estates will ensure that all contractors are either fully supervised in line with risk assessments or cleared at the appropriate level and that records are maintained.
- The college principal, working with Group Estates, is responsible for physical security in all college buildings. Adequate measures/deterrents for preventing access to unauthorised personnel must be in place i.e. use of lanyards / CCTV/ barriers/ security staff.
- A member of the Group Executive, the Executive Director of Quality is NCG's Group Designated Safeguarding Lead (GSL). The GSL is responsible for this policy framework and to ensure that KCSIE is enacted in all colleges by working with the principal and a team of college designated safeguarding leads (DSLs) who have delegated responsibility for dealing with all safeguarding issues across NCG's colleges.

2.1. Designated College Safeguarding Leads (DSL)

- The college principal will identify a senior manager as the Designated College Safeguarding Lead (DSL) with the responsibility for safeguarding arrangements at the College.
- Deputy College Designated Safeguarding Leads must be identified in each College to deputise in the absence of the College Designated Safeguarding Lead; DSLs are required to inform the GSL of the current deputies.
- Additional Nominated Safeguarding Managers/Safeguarding Officers are identified within Schools/sub-Divisions to ensure that safeguarding requirements are met at local level.
- In addition to basic safeguarding training, NCG's designated safeguarding leads (including Group lead) are required to undertake appropriate training determined by their operational role to standards agreed by the Safeguarding Children Partnerships and their Local Adult Safeguarding

Board. This will extend to refresher training at two yearly intervals to keep knowledge and skills up to date. Designated Safeguarding Leads, the College Deputy Designated Leads and the additional Nominated Safeguarding Managers / Officers. These staff should ensure ongoing CPD as and when appropriate through internal safeguarding meetings and external events. This training is also undertaken by the HR/People Director.

2.2. NCG Staff Responsibilities

- **All NCG staff** have a responsibility to provide a safe environment in which young people and adults can learn, develop and thrive.
- **NCG staff teaching, supervising and working with children and adults at risk** are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned. When concerned about the welfare of a learner, staff should always act in the best interests of the child or adult at risk.
- **All NCG staff** should be aware of indicators of abuse and neglect so that they are able to identify cases of children and adults at risk who may be in need of help or protection.
- **All NCG staff** should be prepared to identify learners who may benefit from early help. Early help means providing support as soon as a problem emerges at any point in a child's / adult at risks' life, from the foundation years, through to the teenage years and beyond into all stages of adulthood. Any learner may benefit from early help, but NCG staff should be particularly alert to the potential need for early help for a child / adult at risk who:
 - Is disabled and has specific additional needs.
 - Has special educational needs (whether or not they have a statutory education, health and care plan).
 - Is a young carer or adult carer.
 - Is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups.
 - Is frequently missing/goes missing from care or from home.
 - Is misusing drugs or alcohol themselves
 - Is at risk of modern slavery, trafficking or exploitation.
 - Is in a family circumstance presenting challenges for the child / adult at risk, such as substance abuse, adult mental health problems or domestic abuse.
 - Has returned home to their family from care.
 - Is showing early signs of abuse and/or neglect.
 - Is at risk of being radicalised or exploited.

- Is a privately fostered child.

2.3. What to do

- **All NCG staff** should know what to do if a child or adult at risk tells them they are being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need to be involved, such as the designated safeguarding lead (or a deputy) and children's / adult's social care. Staff should never promise a child or adult that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child / adult.
- The process for referral is to the College Safeguarding Lead or their nominated team/deputies. Group Services will refer to the Group Designated Safeguarding Lead.
- Where a child / adult at risk is suffering, or is likely to suffer from harm, it is important that a referral to children's / adult's social care (and if appropriate the police) is made immediately. Referrals should follow the college and local authority's referral process and will be made by the College Designated Safeguarding Lead. In the unlikely event that the College Designated Safeguarding Lead or nominated deputy be unavailable, then staff are duty bound to refer to the local authority without delay. The staff member should call the local authority and ask to speak with the duty children and families or adult team (depending whether it is a child or adult at risk). In the event that the referral involves concerns raised about an NCG staff member towards a child or adult at risk, HR must be informed immediately by the Group or College Designated Safeguarding Lead at Referrals@ncl-coll.ac.uk along with the local authority designated officer (LADO). In the unlikely event that the concern is about the Group or College Designated Safeguarding Leads, then the member of staff must contact the principal who will follow the same procedure.
- **All NCG staff** who have a concern about a child, or adult at risk should follow the referral processes set out in this policy. Staff should expect to support social workers and other agencies following any referral.
- **All NCG staff** (including casual staff and volunteers) who will (or will potentially) work with young people are required to read and understand the document 'Keeping Children Safe in Education: information for all school and college staff'. The Keeping Children Safe in education is now part of the safeguarding and prevent module, as is the additional categories of abuse for adults; additional arrangements may be made for key publication updates.
- All staff in NCG who will (or will potentially) work with young people and adults at risk are required to undertake mandatory training to equip them to carry out their responsibilities for safeguarding young people and adults at risk effectively, that is kept up to date by refresher training at two yearly intervals. A log of training will be maintained by Group HR which will be

sent at least fortnightly to college principals and Designated Safeguarding Leads for maintaining compliance.

- The Safeguarding Council is collectively responsible for ensuring that the modules are appropriate, current and accessible through the People Portal.
- The College Designated Safeguarding Lead and the recruiting manager (or their equivalent) ensure that permanent staff, temporary staff and volunteers who work with children and adults at risk receive induction to include the Safeguarding Policy, Code of Conduct for staff and the College procedures for safeguarding children, young people and adult's at risk, including their own responsibilities.
- All staff are required to comply with the NCG Code of Conduct.
- The Chair of the Corporation, or in his absence, the Vice Chair is nominated to be responsible for liaising with the local authority and/or partner agencies, as appropriate in the event of allegations of abuse being made against the Group Chief Executive.
- In terms of strategic oversight, the Corporation Board discharges its statutory leadership responsibility through NCG's Local Boards – this is due to the close proximity of the Local Board members to the College Designated Leads and learners. Local Boards are required to name a link Member for safeguarding which is published as an annex to this policy. Corporation assurance is met through reporting of the Group Designated Safeguarding Lead into the Corporation Board.

2.4. Safeguarding and Whistleblowing (Disclosure Policy)

- Should a member of staff have a concern about another member of staff, then they should follow the same process in this policy and speak to the designated lead or principal. Professional Services staff should refer to the Group Designated Lead, or HR/People Director. There is clear guidance in Part 4, of KCSIE for dealing with allegations and finding the right balance between impartial, critical investigation of the facts, and providing support to an employee.
- If the concern/allegation is with the CEO or principal then it should be referred to the Group Executive Director for Governance, Assurance and Risk who will liaise with the relevant chair of governors.
- If the concern/allegation is with the Group Designated Lead, then it should be referred to the Chief Executive.
- NCG has a whistleblowing policy that protects staff members who report colleagues they believe are doing something wrong or illegal, or who are neglecting their duties. This duty is contained with the NCG Disclosure Policy.
- Where the staff member thinks that the college will cover it up, would treat them unfairly, if they complained, or if they have raised the matter before, but the concern hasn't been dealt with, then they should report it to the Group Designated Safeguarding Lead or follow the Disclosure Policy.

- Independent advice is always available from the NSPCC:
help@nspcc.org.uk

2.5. General Arrangements

- **Group HR** will ensure that procedures for recruiting staff are in line with sector guidance– this will extend to use of application forms, the use of references for interview, safer recruitment checks and use interview questions that are intended to identify any gaps in career and to deter potential offenders/perpetrators. They will act proportionally in line with KCSIE if the processes established an ongoing or prior allegation against an applicant. Staff interview panels must have at least one manager trained in safer recruitment (ETF module or equivalent).
- **Principals** will ensure that procedures are in place for the effective training and probation of staff and learners, taking time to ensure that the learners understand the types of neglect, how that could be applicable in their own circumstances and how to seek help and in doing so remain safe.
- The **NCG Executive** will ensure that steps are taken to ensure that the NCG campus is a welcoming and safe environment; positive action will be taken to promote a healthy lifestyle and mental wellbeing/fitness.
- **The Corporation** will remedy without delay any deficiencies or weaknesses in regard to safeguarding arrangements that are brought to its attention.
- **NCG Data and Information Services** will ensure appropriate filters/block are in place in respect of potential inappropriate online material. Alerts based on keywords, thought to identify potential harm, will be reported to designated leads.
- Policy is reviewed at least annually by the **Group Designated Safeguarding Lead** and information is provided to Governors about how the above duties have been discharged.
- All complaints, allegations or suspicions are taken seriously and discussed with the College Designated Safeguarding Lead and/or Group Designated Safeguarding Lead before any steps are taken. Where action is necessary, this will be undertaken with due regard to procedures within each college.
- The Education and Skills Funding Agency (ESFA) places a specific requirement on colleges to refer to the ESFA in certain circumstances as detailed in Annex C.

2.6. NCG Safeguarding Council

- The **NCG Safeguarding Council** is a subgroup of the NCG Executive and is convened and Chaired by the NCG Group Safeguarding Lead. The Council will comprise of all designated college leads and the Director of HR/People to ensure the adequacy and currency of policy.

- It shall meet at least half termly and leads will review policy and procedures, identify local risks and share best practice.
- The Council is intended to ensure that policy frameworks are current, to facilitate the transfer of knowledge (extending to local risk) and to provide an expert supervisory panel for peer support to DSLs.

3. Referral to Group Services

College Safeguarding Leads are required to inform Group Services of the following referrals:

1. Learner/apprentice (children and adults at risk referrals to the Local Authority Designated Officer / Children and Families or Safeguarding Adults' Duty Team / Police whereby the learner is the alleged 'subject'.
2. Learner/apprentice (children and adults at risk) referrals to the Local Authority Designated Officer / Children and Families or Safeguarding Adults Duty Team / Police whereby the learner is the alleged 'perpetrator'.
3. Staff referrals to the Local Authority Designated Officer / Children and Families or Safeguarding Adults Duty Team / Police whereby the staff member is the alleged 'perpetrator'.

The Prevent and Safeguarding Notification Form should be completed and emailed to Referrals@ncl-coll.ac.uk within 2 days of the referral. All correspondence will be held in the strictest confidence.

Should the College Safeguarding Lead be required to complete local referral documentation that exceeds the content of the NCG referral form, then only part 1 of the Prevent and Safeguarding Notification Form should be completed. This concession is intended to remove unnecessary duplication and bureaucracy – the quality and completeness of information remains the priority.

There may be occasions where colleagues conscientiously refer the siblings of current students to Local Authority Designated Officer due to emerging concerns. In these cases, there is no compulsion to complete the Notification Forum, unless the potential outcome will have a likely and direct impact on the student. For example, a potential intervention from the local authority/police/CAFCAS that would see the family's children removed from their parents/carers, or a potential threat to the learner is apparent as a result of making the disclosure. Local records must be maintained.

The Group Designated Lead will refer to the ESFA based on the information provided on the referral from in line with the funding requirements.
Enquiries.efa@government.gov.uk

Referral for apprenticeships – where the College or a Subcontractor refers a safeguarding concern or an allegation of abuse to local authority children's social care / adult social care and / or the police, the college must, within 24 hours, inform the ESFA by contacting the Helpdesk (08000 150600 or helpdesk@manage-apprenticeships.service.gov.uk).

The Group Designated Lead will inform the ESFA area manager of any referrals that involve NCG staff immediately and also send a copy of the annual safeguarding report once approved by governors.

3.1. Group Monitoring and Action

The Group Designated Safeguarding Lead will monitor the inbox on behalf of Group Services.

The Group Designated Safeguarding Lead may be required to seek further clarification or advise next steps on occasion. Correspondence will be made through Referrals@ncl-coll.ac.uk.

The Group Designated Safeguarding Lead will make arrangements to inform the Education and Skills Funding Agency of the referral of any staff issues in line with Annex B.

3.2. Group Follow-up

College Safeguarding Leads are required to provide summary follow-up information following referral. The purpose of this procedure is to provide Group Services with oversight and assurance that the referral is being handled with due attention by the relevant agency or service.

Automatic milestone reminders will be set at half termly cycles following the referral and College Safeguarding Leads are required to add a summary note to the Prevent and Safeguarding Notification Form and resend to the Referrals@ncl-coll.ac.uk inbox.

In some cases, the issues will be resolved within one of the milestones at which point a summary comment will be provided and the referral 'closed'. More complex cases may require ongoing monitoring. The process for this latter category will be set on a case by case basis.

4. Safeguarding and General Data Protection Regulations

Wherever possible Designated Safeguarding Leads will follow the principles of the GDPR, however this should not be a barrier to the effective and timely communication of information related to safeguarding information. This is treated as the 'special category personal data and allow for storage and sharing sensitive and personal information through secure means.

*"Whilst, among other obligations, the Data Protection Act 1998 places duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure, this is **not** a barrier to sharing information where the failure to do so would result in a child being placed at risk of harm. Fears about sharing information **cannot** be allowed to stand in the way of the need to promote the welfare and protect the safety of children."*
KCSIE

Further guidance is available [here](#), page 19 or [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722305/Working Together to Safeguard Children - Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722305/Working_Together_to_Safeguard_Children_-_Guide.pdf)

Appendix A – Forms of Abuse

All school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.

- Abuse: a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. They may be abused by an adult or adults or by another child or children.
- Physical abuse: a form of abuse which 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.
- Emotional abuse: the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It 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. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature 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 from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.
- 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 non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include 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: 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, for example, 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 care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Appendix B - COLLEGE SAFEGUARDING POLICY CHECKLIST

The following should be included in the College Procedures:

1.	The procedure should outline the definitions, signs and symptoms of the four kinds of abuse and neglect.
2.	The procedure should outline the difference between a 'concern' and 'immediate danger' or 'at risk of harm'.
3.	The procedure should include the signs and symptoms of child sexual exploitation and child criminal exploitation.
4.	The procedure should include the signs and symptoms of female genital mutilation and should refer to the mandatory duty on teachers to report disclosures on FGM about a female under 18.
5.	The procedure should make the responsibilities of staff explicit.
6.	<p>The procedure must be made available and explained to students at induction; they should be made aware of the Positive Student Behaviour policy or equivalent.</p> <p>It should detail the specific wider training to be delivered to students including Prevent, relationship and sex education, British Values and risk associated with serious violence/gang cultures as a minimum.</p>
7.	<p>The procedure should include the college's duties under the Counter Terrorism and Security Act 2015 (The 'Prevent Duty') college and adopt, adapt and implement the NCG Prevent Risk Assessment.</p> <p>There will be a clear definition of what constitutes radicalisation and extremism.</p> <p>The procedure should additionally extend to a description of the risk associated with serious violence, gang cultures (including County Lines) and knife crime. Key government documents as detailed in 3.5 should be reference in the procedure.</p>
8.	The procedure should define ' Private Fostering ' and note that there is a mandatory duty to inform the local authority of children in such arrangements.
9.	<p>The procedure should refer to the key areas of risk that students in the college may encounter. Outlining the signs and symptoms staff might notice is useful. You can use information from the local authority child health profiles to identify where your students are at higher risk and ensure those issues are a focus. You can find the profiles here: http://www.chimat.org.uk/resource/view.aspx?QN=PROFILES_STATIC</p> <p>Risks can also be identified from the safeguarding issues identified from your own annual safeguarding report analysis and changes year-on-year.</p>
10.	The procedure should include a statement that certain groups of learners are more vulnerable to abuse or neglect , and how the

	college identifies these learners and seeks to keep them safe; additional consideration must be given to learners with high needs.
11.	<p>The principles of safer recruitment followed should be outlined in the procedure including pre-employment checks such as take-up of two references, DBS checking (all governors now need an Enhanced DBS check), central register, etc.</p> <p>For agency staff, it is a requirement that colleges check that the person presenting at the college, is the same person that the agency has provided the vetting checks for. Agency staff in a regulated activity presenting, without checks must not be allowed to proceed with employment.</p> <p>The COLLEGE shall not employ or engage, or continue to employ or engage, any person who is subject to a prohibition order made under section 141B of the Education Act 2002, or an interim prohibition order made under regulation 14 of the Teachers' Disciplinary (England) Regulations 2012, to carry out teaching work (as defined in regulation 3 of the Teachers' Disciplinary (England) Regulations 2012) in respect of any Students under the age of 19 and High Needs Students aged 19 to 25 (as if those Students were pupils for the purposes of the definition of teaching work in regulation 3 of the Teachers' Disciplinary (England) Regulations 2012).</p> <p>Note the NCTL's Teacher Services system (previously known as the Employer Access Service) now provides restriction information about teachers from the European Economic Area (EEA), and these checks must be recorded for staff from these countries.</p>
12.	Policies and procedures include appropriate reporting to the local authority for dealing with learners who go missing from education (see page 76 and 86 KCSIE).
13.	<p>The College has at least two Designated Safeguarding Leads (one a deputy) and these are named in the procedure, along with contact details (best practice is to have a male & female). Usually a senior member of staff, the CSL should not delegate their responsibility.</p> <p>For CSLs there is an increased emphasis on ensuring that they have a job description, and that the cover arrangements are clear (most colleges have a senior management duty rota where the managers have received safeguarding training). The contact details for the Designated Safeguarding Leads will be published as an annex to this policy.</p>
14.	The College has a named governor for safeguarding who is identified in the procedure, along with appropriate contact details. The procedure should also name the person to whom concerns about the principal can be taken. For the purpose of NCG, the CEO will act as the named Corporation Link Governor.

15.	The procedure is clear that staff should promptly share their concerns in writing with the CSL and sets out the procedure for doing so.
16.	The procedure should be clear that all verbal conversations should be promptly recorded in writing.
17.	There should be an identified single location for the delivery of concern forms and a clear method for alerting the CSL that a concern form has been raised.
18.	The procedure should be clear about the steps the CSL should take in order to refer a concern outside the college , e.g. a social services enquiry or to the local authority Designated Officer (LADO) and to Group Services. An up-to-date list of relevant names and contacts details should be included in the procedure.
19.	The procedure will make it clear when to refer to Group and in what format.
20.	The procedure should set out the training opportunities for staff in different roles; and the type and frequency of training. For CSL/deputy two-yearly interval, for all other staff 'regular updating' from September 2016 changed to ' at least annually '. In terms of training, the September 2019 version of Keeping Children Safe refers to safeguarding topics that might not have been explicit in the past. These topics include: <p style="text-align: center;">Female Genital Mutilation and Forced Marriage</p> <p style="text-align: center;">Strengthening aspects of serious violence and making reference to County Lines</p> <p style="text-align: center;">Strengthens the nature of sexual abuse and harassment between children by including 'upskirting';</p>
21.	The procedure should make it explicit how learners will be briefed and trained on the referral process (induction), and how the impact of this training will be tested (e.g. student forum, visits to tutorial, survey, audit).
22.	The procedure should be self-contained and not rely on other documents to understand it – is the language understandable or jargon riddled.
23.	The procedure should have a publication date, person responsible and a review date (not later than one year from publication).
24.	The procedure should be available on the college's website.
25.	The procedure should set out the other relevant documents all staff must have read and understood: <p style="text-align: center;">Keeping Children Safe in Education (September 2020)</p> <p style="text-align: center;">NCG Code of Conduct and acceptable staff behaviour</p>

	College's Safeguarding Procedure
26.	Use of the annual safeguarding report for continuous improvement of policy.
27.	Identify specific training needs for staff, governors / local board members.
28.	Identify awareness campaigns to be raised with learners through training/ tutorials/ posters in the year of the procedure (Safer Internet, Anti-Bullying).
29.	The procedure should be explicit that GDPR is not a barrier to sharing information with designated colleagues or authorities.
30. □	The procedure should explicitly state how the college keeps learners safe from harmful online material, specifically the training delivered and web filters / keyword search checks in place.

Appendix C – ESFA Funding Arrangements and informing the ESFA about serious safeguarding incidents

The ESFA funding agreement places specific duties on the college, they are:

- 13.1 The COLLEGE shall comply with all relevant health and safety legislation and Health and Safety Executive working regulations and good practice and shall ensure that learning takes place in safe, healthy and supportive environments, which meet the needs of Students. Failure to do so may constitute a Serious Breach of this Funding Agreement.
- 13.2 The COLLEGE shall make arrangements for ensuring that the Services are provided with a view to safeguarding and promoting the welfare of children receiving education or training at their institution. In doing so, the COLLEGE shall have regard to any guidance published, from time to time, by the Secretary of State for Education which sets out the expectations in relation to safeguarding practice within further education institutions. Failure to do so may constitute a Serious Breach of this Funding Agreement.
- 13.3 The COLLEGE shall make arrangements for ensuring that the Services are provided with a view to safeguarding and promoting the welfare of High Needs Students aged 18 to 25 receiving education or training at their institution. In doing so, the COLLEGE shall make those arrangements as if such Students were children and will have regard to any guidance published, from time to time, by the Secretary of State for Education which sets out the expectations in relation to safeguarding practice within further education institutions as if it applied to those Students as if they were children. Failure to do so may constitute a Serious Breach of this Funding Agreement.
- 13.4 In providing the Services the COLLEGE must ensure it actively promotes the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and promote principles that support equality of opportunity for all.
- 13.5 In providing the Services the COLLEGE must comply with the general duty on specified authorities in section 26 of the Counter-Terrorism and Security Act 2015 (the Prevent duty) and must have regard to statutory guidance issued under section 29 of the Counter-Terrorism and Security Act 2015. Failure to do so may constitute a Serious Breach of this Funding Agreement.
- 13.6 In providing the Services, the COLLEGE must comply with the duty on partners of a panel in section 38 of the Counter-Terrorism and Security Act 2015 (the Channel co-operation duty). Failure to do so may constitute a Serious Breach of this Funding Agreement.
- 13.7 Where the COLLEGE provides residential accommodation for Students, the COLLEGE shall inform the ESFA of the provision of such residential accommodation and shall comply with the requirements of the national minimum standards for residential accommodation for children in Colleges published from time to time by the Secretary of State under section 87C of the Children Act 1989. Failure to do so may constitute a Serious Breach of this Funding Agreement.

- 13.8 The COLLEGE shall not employ or engage, or continue to employ or engage, any person who is subject to a prohibition order made under section 141B of the Education Act 2002, or an interim prohibition order made under regulation 14 of the Teachers' Disciplinary (England) Regulations 2012, to carry out teaching work (as defined in regulation 3 of the Teachers' Disciplinary (England) Regulations 2012) in respect of any Students under the age of 19 and High Needs Students aged 19 to 25 (as if those Students were pupils for the purposes of the definition of teaching work in regulation 3 of the Teachers' Disciplinary (England) Regulations 2012).
- 13.9 Before employing or engaging a person to carry out teaching work in respect of any Students under the age of 19 and High Needs Students aged 19 to 25 (as if those Students were pupils for the purposes of the definition of teaching work in regulation 3 of the Teachers' Disciplinary (England) Regulations 2012), the COLLEGE shall take reasonable steps to ascertain whether that person is subject to a prohibition order made under section 141B of the Education Act 2002, or an interim prohibition order made under regulation 14 of the Teachers' Disciplinary (England) Regulations 2012.
- 13.10 The COLLEGE and/or the COLLEGE Related Parties must be able to demonstrate that they have robust record-keeping procedures in respect of health, safety and safeguarding through checks on record keeping undertaken. Failure to do so will constitute a Serious Breach.
- 13.11 Where the COLLEGE or one of its subcontractors refer:
 - 13.11.1 a safeguarding concern related to sexual violence to Local Authority children's social care/adult social care and/or the police, or
 - 13.11.2 an allegation of abuse made against a teacher or other member of staff to the designated officer(s) (at the local authority), the COLLEGE must, as soon as practicable, inform the ESFA via email to Enquiries.EFA@education.gov.uk. Such notification must include the name of the institution, a high-level summary of the nature of the incident (without sharing personal information about victims or alleged perpetrators) and confirmation of whether it is, or is scheduled to be, investigated by the Local Authority and/or the police.
- 13.12 Where the COLLEGE makes a referral of an individual for the purposes of determining whether that individual should be referred to a panel for the carrying out of an assessment under section 36 of the Counter- Terrorism and Security Act 2015 of the extent to which that individual is vulnerable to being drawn into terrorism, the COLLEGE shall ensure it notifies the ESFA that a referral has been made.
- 13.13 Where the COLLEGE has made a referral or provided information to the Disclosure and Barring Service in compliance with any duties of the COLLEGE under the Safeguarding Vulnerable Groups Act 2006 in respect of serious safeguarding concerns, the COLLEGE shall ensure that it informs the ESFA that a referral has been made / information has been provided.



**Appendix D – Referral Form
Separate Annex**

**Appendix E – Designated Leads
Separate Annex**