



ENERGY COAST UTC

SAFEGUARDING POLICY

2018-2019

Approved: UTC Governing Body

Signed: B.Stephens (Chair)

Date: June 2018

Date for Review: April 2021

Revision History:

Revision History			
Revision	Date	Owner	Summary of Changes
1	March 2016	LM	Updating
2	February 2017	BLS	Updating
3	April 2018	BLS	Management of visitors and handling of personal information.
4			
5			

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Named Staff with Specific Safeguarding and Child Protection Responsibilities during 2017-2018 and other contacts

- Designated Safeguarding Lead (DSL): Ben Stevenson: Vice Principal i/c Safeguarding and Child Protection
- Deputy Designated Safeguarding Lead: Cherry Akred
- Principal: Cherry Tingle
- Nominated Governor: Alistair Bulloch, alistair.j.bulloch@sellafieldsites.com
- Chair of Governing Body: Barbara Stephens b.stephens@crook/hall.com
07836276027
- Cumbria Local Safeguarding Children's Board (LSCB) 03332401727
- Local Authority Designated Officer (LADO)
Phone 01768 81226
Fax: 01768 812090
EFax: lado@cumbria.gov.uk
Post: LADO, Cumbria Safeguarding Hub, Skirsgill Depot, Penrith, Cumbria, CA10 2BQ
LADO working hours: Monday to Thursday 9am to 5pm and Friday 9am to 4.30pm.
- Cumbria Safeguarding Hub
0333 240 1727 (9.00-5.00 Monday to Thursday)
(9.00-4.30 Friday)
Emergency Duty Team operates out of hours
If a fault appears on the 033 240 1727 number, dial 0176 889 5019
<http://www.cumbria.gov.uk/childrensservices/childrenandfamilies/intervention.asp>
- Children's Social Care: Local Office: 01228 226877
- NSPCC:
Tele: Freephone 0808 800 5000
Email: help@nspcc.org.uk
Text: 88858
- www. GOV.UK website

- Childline:
Freephone: 08001111

Introduction

The purpose of this policy is to ensure procedures are in place to safeguard the welfare of all students at Energy Coast UTC. Whilst staff are not the focus of Safeguarding legislation, they are protected by Safer Recruitment practices and by the establishment of a safe learning environment.

1. Energy Coast UTC fully recognises it has a statutory and moral duty to safeguard and promote the welfare of students, young people and vulnerable adults in the College. The aim of the policy is to safeguard and promote students' welfare, safety and health by fostering an honest, open, caring and supportive climate. The welfare of students is of paramount importance.
2. This policy is consistent with:
 - The legal duty to safeguard and promote the welfare of students, as described in section 175 of the Education Act (2002);
 - *Working Together to Safeguard Children* DfE (March 2015);
 - HM Government *What to do if you're worried a child is being abused. Advice for Practitioners* (March 2015);
 - *Keeping Children Safe in Education* (DfE) (September 2016);
 - *The Counter Terrorism and Security Act* (2015);
 - *Advice for Schools on the PREVENT Duty* DfE (August 2015);
 - The Cumbria Local Children's Safeguarding Board (LCSB) Procedures, which contain the inter-agency processes, protocols and expectations for safeguarding students;
 - The Cumbria LSCB Our Child Sexual Exploitation Strategic Plan (2014-2015) amended August 2015.
3. There are four main elements to the Safeguarding and Child Protection Policy:
 - Prevention: e.g. positive College atmosphere, teaching, curriculum and pastoral support to students;
 - Prevention; includes a duty on the College to prevent students from becoming radicalised and is similar in nature to protecting students from other forms of harm and abuse, known as the PREVENT duty;
 - Protection: by following agreed procedures, ensuring staff are trained and supported to respond appropriately and sensitively to Safeguarding and Child Protection concerns, in line with statutory/non-statutory guidance and advice from Cumbria LSCB;
 - Support: to students and College staff who have a need and to students who may have been abused;

- Working with parents/carers: to ensure appropriate communications and actions are undertaken and provide signposts to relevant agencies.
4. This policy applies to all staff, governors, volunteers, trainee teachers and visitors to the College, together with educational visits which students make to off-site premises. The College recognises that Child Protection is the responsibility of all staff within the College and those with whom students come into contact on off-site visits to employers. The College will ensure that all parents/carers, volunteers and other working partners are aware of the Safeguarding and Child Protection policy by making it explicit on the UTC website, displaying appropriate information in Reception and around the College and by raising awareness at initial meetings with parents/carers of new students.
 5. The Principal and SLT will also ensure that all staff receive annual training and are regularly updated with regard to Safeguarding and Child Protection.

As part of the induction process for new staff (teaching and support), temporary staff and volunteers, areas will include:

- The Safeguarding and Child Protection Policy;
 - Relevant statutory /non-statutory guidance e.g. in relation to the new statutory duties placed on teachers to report any suspected cases of Female Genital Mutilation (from October 2015); the PREVENT duty (2015);
 - Ensuring all staff, permanent and temporary and volunteers read Section 1 of the *Keeping Children Safe in Education* DfE Statutory Guidance (September 2016);
 - Systems to support Safeguarding and Child Protection; • The Staff Disciplinary Policy;
 - The role of the DSL.
6. Where the Governing Body provides services or activities directly under the supervision or management of College staff, the College's arrangements for Safeguarding and Child Protection will apply. Where services or activities are provided separately by another body, the Governing Body will ensure that policies and procedures are in place to protect children from harm, drawing upon the DfE 16-19 Study Programmes: Work Experience (March 2015), for KS5 students. The College will require assurance in writing that the body concerned has appropriate policies and procedures in place to safeguard and protect students and there are arrangements to liaise with the College on these matters where appropriate.

College Commitment

7. All staff in the College work to create a safe and secure environment for all students, to enable them to feel free to talk about any concerns and to see College as a safe place when there are difficulties. Students' worries and fears are taken seriously and students are encouraged to seek help from members of staff. The College is also committed to ensuring parents/carers similarly feel comfortable in raising any safeguarding issues with a member of staff. Training will ensure all staff know how to respond to any concerns a student may raise.

8. The College will therefore:

- Establish and maintain an ethos where students feel secure and are encouraged to talk, and are listened to;
- Ensure that students know that there are adults in the College whom they can approach if they are worried or are in difficulty;
- Include in the curriculum activities and opportunities for enrichment activities, which equip students with the skills they need to stay safe from abuse, including potential abuse on-line and the dangers of becoming radicalised, and which will help students develop realistic attitudes to the responsibilities of adult life, particularly with regard to childcare and parenting skills;
- Ensure every effort is made to establish effective working relationships with parents/carers and colleagues from other agencies;
- Operate safe recruitment procedures and ensure that all appropriate checks are carried out on new staff and volunteers who work with students, including references and DBS, the Children's Barred List and the Prohibition Order Check List;
- Ensure that relevant staff, including the Principal, Vice Principal (Curriculum, Teaching and learning), Vice Principal (Safeguarding and Pastoral) and a nominated governor undertake 'Safer Recruitment' training before they conduct an interview for a post at the College.

Roles and Responsibilities – General

9. All adults working with or on behalf of students have a responsibility to safeguard and promote their welfare. This includes a responsibility to be alert to possible abuse and to record and report concerns to the DSL with responsibility for Safeguarding and Child Protection responsibilities within the College.

All allegations of abuse of children by those who work with children must be taken seriously. Allegations against any person who works with children, whether in a paid or unpaid capacity, cover a wide range of circumstances. Procedures in this policy must be applied when there is an allegation or concern that a person who works with children, has:

- Behaved in a way that has harmed a student, or may have harmed a student;
- Possibly committed a criminal offence against or related to a student;
- Behaved towards a student(s) in a way that indicates he or she may pose a risk of harm to students

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);

- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc);
- Possession of indecent photographs / pseudo-photographs of children.
- 'Hazing' i.e. the practice of rituals, challenges, and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group including a new fraternity, sorority, team, or club.

The following guiding principles will underpin the work of the College in relation to Safeguarding and Child Protection. All staff:

- Are in a unique position to be able to observe signs of abuse or neglect, or changes in behaviour which may indicate a child may be being abused or neglected;
- Must make sure that they are alert to the signs of abuse and neglect, that they question the behaviour of children and parents/carers and don't necessarily take what they are told at face value;
- Must make sure they know who to turn to if they need to ask for help;
- Must make sure they understand and work within the local multi-agency safeguarding arrangements of Cumbria Local Safeguarding Children's Board (LSCB).
- Must ensure that visitors they invite to the college are supervised at all times, this includes visits to the toilet and any other areas of the college site. Upon signing in at reception visitors will be issued with a grey lanyard. *

**Visitors who have provided an up to date enhanced DBS check and provided proof of residence via a driving licence or passport will be added to the School Central Record, only then may they access students unsupervised. DBS checked visitors will be issued with a purple lanyard.*

- Must not leave a class of students unsupervised at any time. This is particularly pertinent to practical areas such as the engineering workshops and science labs. On the very rare occasions where staff need to leave their classroom, they must ensure that another member of staff covers them for the duration.

Note: A risk assessment is in place to safeguard the campus which is essentially an open site. The site was passed as safe for opening by the DFE in 2014. It is a statutory requirement that all visitors sign in at reception and the correct procedure as outlined in this policy is followed

Staff should be guided by the following key principles:

- Children have a right to be safe and should be protected from all forms of abuse and neglect;
- Safeguarding children is everyone's responsibility;
- It is better to help children as early as possible, before issues escalate and become more damaging.
- Children and families are best supported and protected when there is a coordinated response from all relevant agencies.

Staff should not let other considerations, like the fear of damaging relationships with adults, get in the way of protecting children from abuse and neglect. If a member of staff thinks that referral to children's social care is necessary, it should be viewed as the beginning of a process of inquiry, not as an accusation. *What to do if you're worried a child is being abused. Advice for Practitioners*. Non-Statutory Guidance HM Government (March 2015).

10. There are, however, key people within the College and the Local Authority who have specific responsibilities. The names of those carrying these responsibilities for the current year are listed at the start of this document.

Roles and Responsibilities of the Governing Body

11. In accordance with *Keeping Children Safe in Education* DfE (September 2016) and *Working Together to Safeguard Children* DfE (March 2015), the Governing Body will ensure the following.

- i. If, at any point, there is a risk of immediate serious harm to a student, a referral is immediately made to Cumbria Children's Social Care.
 - ii. The College has a Safeguarding and Child Protection policy and procedures in place. The policy is updated annually, is published on the UTC website and made available to parents/carers on request.
 - iii. All staff (permanent and temporary) and volunteers read Section 1 of *Keeping Children Safe in Education*, Statutory Guidance DfE (September 2016).
- iv. Clear procedures are in place for protecting students at risk of radicalisation.
- v. The PREVENT policies and procedures/policies take into account the policies and procedures of Cumbria LSCB.

- vi. The DSL and Deputy DSL, as a minimum, have undertaken PREVENT training.
- vii. There is a clear understanding of when it is appropriate to make a reference to the LA Channel panel.
- viii. The College co-operates with the local Channel panel procedures and protocols.
- ix. Suitable IT filter systems ensure students are kept safe on-line in College.
- x. Students are taught how to keep themselves safe on-line and this is regularly monitored and reinforced through learning and teaching opportunities as part of a broad and balanced curriculum, including PSHE and SRE.
- xi. There is a designated teacher to promote the educational achievement of children who are looked after and to ensure that this person has appropriate training.
- xii. The College acts reasonably in making decisions about the suitability of the prospective employees and volunteers based on checks and evidence including: criminal record checks (DBS checks) and prohibition checks together with references and interview information. The Principal and a nominated Governor have undertaken the NCSL safer recruitment online training and assessment and other senior members of staff, if involved in leading on recruitment, have undertaken the NSCL off-line safer recruitment training and assessment.
 - xiii. Appropriate safeguarding responses are in place for students who go missing from education, particularly on repeat occasions, in order to minimise the risk of abuse and neglect, including the potential for sexual exploitation.
 - xiv. There are procedures for dealing with allegations of abuse against members of staff and volunteers (see **Appendix 2**).
- xvi. There is a senior member of the College's leadership team who is designated to take lead responsibility for dealing with Safeguarding and Child Protection (DSL).
- xvii. The DSL has the appropriate authority and is given the time, funding, training, resources and support to provide advice and support to other staff on student welfare and student protection matters, to take part in strategy discussions and inter-agency meetings.
- xviii. The DSL liaises with the LA and works with other agencies in line with *Working Together to Safeguard Children* Statutory Guidance DfE (2015) and ensures there is cover for this role for colleagues participating in these meetings.
- xix. The DSL undertakes Safeguarding training in line with Cumbria LSCB guidance, PREVENT training, training in inter-agency working that is provided by, or to

standards agreed by, the Cumbria LSCB, and has training at two-yearly intervals or more frequently as required.

- xx. The Principal, and all other staff, trainee teachers and volunteers who work with students, undertake appropriate training which is kept up-to-date by refresher training on an annual basis, and that new staff, temporary staff and volunteers who work with students are made aware of the College's arrangements for Safeguarding and Child Protection and their responsibilities through the induction process and on-going training. (see point iii above)
- xxi. Completion of Safeguarding training is recorded within the Single Central Register and copies of training certificates are kept within staff personnel files.
- xxii. Any deficiencies or weaknesses brought to the attention of the Governing Body are rectified.
- xxiii. That the Chair of Governors (or, in the absence of the Chair, the Vice Chair or a nominee), liaises with the Designated Officer(s) from the LA and partner agencies in the event of any allegations of abuse made against the Principal.
- xxiv. There is an individual member of the Governing Body with responsibility for oversight of Safeguarding and Child Protection, who liaises with the DSL and provides information and reports to the Governing Body.

Roles and Responsibilities of the Principal

12. The Principal of the College will ensure that:

- The policies and procedures adopted by the Governing Body are fully implemented, and followed by all staff;
- Sufficient resources and time are allocated to enable the Designated Safeguarding Lead for Child Protection and other staff to discharge their responsibilities, including taking part in strategy discussions and other inter-agency meetings, and contributing to the assessment of students;
- All staff and volunteers feel able to raise concerns about poor or unsafe practice in regard to students, and such concerns are addressed sensitively and effectively in a timely manner.

Roles and Responsibilities of the Designated Safeguarding Lead for Safeguarding and Child Protection

13. The Designated Safeguarding Lead (DSL) for Safeguarding and Child Protection is the first point of contact for liaison with and the provision of information to the Local Authority, to fulfil the duty of the Governing Body in this regard. The role of the DSL includes:

Contact with the Local Authority

- Being the first point of contact with the Local Authority;

Managing Referrals

- Referring all cases of suspected abuse to the Cumbria Children's Social Care Team and:
- The designated officer(s) for child protection concerns (all cases which concern a staff member);
- Disclosure and Barring Service (cases where a person is dismissed or left due to risk/harm to a child) and/or
- Police (cases where a crime may have been committed);
- Liaising with the Principal to inform him of issues especially on-going enquiries under section 47 of the Children Act (1989) and Police investigations;
- Acting as a source of support, advice and expertise to staff on matters of safety and safeguarding and when deciding whether to make a referral by liaising with relevant agencies.

Training

- Recognising how to identify signs of abuse, including that which involves radicalisation and when it is appropriate to make a referral;
- Undertaking appropriate Safeguarding/Child Protection training and PREVENT training, as recommended by the Cumbria LSCB, carried out at least every two years;
- Ensuring each member of staff has access to and understands the UTC Safeguarding and Child Protection Policy and procedures, especially new and part time staff;
- Ensuring all staff have induction training in line with Cumbria LSCB recommendations on Safeguarding/Child Protection and are able to recognise and report any concerns immediately they arise;
- Keeping detailed, accurate and secure written records of referrals/concerns, following relevant legislation and guidance;

- Obtaining access to resources and attending any relevant or refresher training courses every two years;
- Ensuring all staff (teaching and support) complete an annual statement disclosing whether there have been any changes to their status/further information they need to disclose since their initial Enhanced DBS and barring checks;
- Understanding the assessment process for providing early help and intervention, for example through locally agreed common and shared assessment processes such as early help assessments;
- Having a working knowledge of how Cumbria LA conducts a child protection case conference and a child protection review conference and is able to attend and contribute to these effectively when required to do so;
- Is alert to the specific needs of students in need, those with special educational needs and young carers;
- Encourages a culture of listening to students and taking account of their wishes and feelings, among all staff, in any measures the College may put in place to protect them.

Raising Awareness

- Ensures the Safeguarding and Child Protection Policy of the College is known and used appropriately;
- Ensures the Safeguarding and Child Protection Policy of the College is reviewed annually and the procedures and implementation are updated and reviewed regularly, and work with the Governing Body regarding this;
- Ensures the Safeguarding and Child Protection Policy is available publicly, including on the website and parents/carers are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the College in this;
- Works with the Cumbria LSCB to ensure staff are aware of training opportunities and the latest local policies on Safeguarding and Child Protection.

Records of Concerns and Complaints

- Maintains and monitors Child Protection records, including monitoring and acting upon individual and patterns of concerns or complaints, in accordance with agreed policies on recording and monitoring;
- Adheres to the Cumbria LSCB Procedures, Local Authority Safeguarding Policy and other related local and national documents;

- Maintains these in good order, e.g. according to any updates issued;
- Ensures that relevant staff are aware that these procedures are also available on the LSCB website: www.cumbrialscb.com

Records and Monitoring

14. Well-kept records are essential to good Child Protection practice. All staff are clear about the need to record and report concerns about a student within the College. The DSL is responsible for such records and for deciding at what point these records should be passed over to other agencies and the appropriate protocols for this.
15. Records relating to actual or alleged abuse or neglect are stored apart from normal student or staff records including any Early Help or Single Contact forms. Normal records have markers to show that there is sensitive material stored elsewhere. Electronic records are encrypted to ensure all information is secure. This is to protect individuals from accidental access to sensitive material by those who do not need to know. Legislation and guidance in relation to the storage of data are adhered to.
16. Child Protection records are stored securely, with access confined to specific staff, i.e. DSL, the Deputy DSL, the Principal and Vice Principal (or the next most senior member of staff).
17. Child Protection records are reviewed regularly to check whether any action or updating is needed. This includes monitoring patterns of complaints or concerns about any individuals and ensuring these are acted upon.
18. Transfer: When students transfer from College their records are transferred. If there is child protection material, this is transferred separately and direct to the relevant member of staff in the receiving College, with any necessary discussion or explanation. A record is kept of the date of such transfer of sensitive files and of the person to whom they are transferred. In the event of a student moving out of the area and a physical handover not being possible then the most secure method will be found to transfer the confidential records. This could include informing a senior member of the new College that the records are being sent and a scanned copy being saved electronically, encrypted and then destroyed when the new College confirms receipt of the records.

19. Record retention and disposal schedule:

The updated Cumbria County Council Records Retention and Disposal Schedule will largely follow the 2016 IRMS Schools Toolkit Guidance. At this stage, Schools should be aware that the following two retention periods are longer for the Council than the IRMS, and the records should be held for the following amount of time:

1. Special Education Needs (SEN) records should be kept for 35 years from Date of Birth (Toolkit says a minimum of 25 years) [these records should not be destroyed, due to the Independent Inquiry into Sexual Abuse].
2. Staff records should be kept for 25 years from Termination (Toolkit says 6 years) [these records should not be destroyed, due to the Independent Inquiry into Sexual Abuse].

Schools should be aware of the hold on destruction of any records that may be needed for the Independent Inquiry into Child Sex Abuse (formerly the Goddard Inquiry). Certain records should not be destroyed as they may be needed as evidence. The letter sent out by this Inquiry is available online. The scope of this is broad, but examples include:

- Pupil records.
- Meeting records, reports, correspondence about allegations (substantiated or not) about child sexual abuse or exploitation.
- Records about statutory responsibilities for care of children.
- Staff records for those working with children.
- Training records relating to safeguarding.

(Taken from letter 28 March 2018 - Cumbria County Council Records Retention and Disposal Schedule).

20. See **Appendix 6** for Cumbria LSCB Information Sharing Protocol.

Vulnerable Students - Supporting Students at Risk

20. The College recognises that students who are abused or who witness violence may find it difficult to develop a sense of self-worth and view the world in a positive way. For such students, College may be one of the few stable, secure and predictable components of their lives. Other students may be vulnerable because, for instance, they have a disability, are in care, or are experiencing some form of neglect. Such students will be provided with the necessary support and to build their self-esteem and confidence.

Support for Staff

21. Staff as part of their duty to safeguard and promote the welfare of students and young people may hear information, either from the child/young person as part of a disclosure or from another adult that will be emotionally upsetting.
22. Where a member of staff is emotionally disturbed as a result of dealing with a Safeguarding/Child Protection concern, he/she should in the first instance speak to the DSL or Deputy DSL about the support he/she requires.
23. The DSL should seek to arrange support for the member of staff via HR. Alternatively, the DSL can refer the member of staff to Victim Support, a national charity which helps people affected by crime and which provides free and confidential support.

Other Relevant Policies

24. The Governing Body's legal responsibility for safeguarding the welfare of students goes beyond pure Safeguarding and Child Protection. Their duty is to ensure that safeguarding permeates all activity and functions of the College. This policy therefore complements and supports a range of other policy areas, including:

This policy therefore complements and supports the following policies:

- Attendance and Punctuality
- Behaviour Management
- Anti-Bullying
- Special Educational Needs and Disabilities • Trips and Visits • First Aid.
- The administration of medicines
- Health and Safety
- Sex Education
- Site Security
- Equal Opportunities
- Toileting/Intimate care
- ICT
- Staff and Student Acceptable Use
- Staff Disciplinary Policy

The above list is not exclusive but when undertaking development or planning of any kind the College needs to consider safeguarding aspects.

Complaints or Concerns Expressed by Students

25. Energy Coast UTC recognises that listening to students is an important and essential part of safeguarding them against abuse and neglect. To this end any expression of dissatisfaction or disquiet in relation to an individual student will be listened to and acted upon to in order to safeguard his/her welfare. The College will ensure that the student who makes a complaint is informed not only about the action the College will take but also the length of time that will be required to resolve the complaint. The College will also endeavour to keep the student regularly informed as to the progress of his/her complaint.

APPENDIX 1

PROCEDURE TO FOLLOW IN CASES OF POSSIBLE, ALLEGED OR SUSPECTED ABUSE, OR SERIOUS CAUSE FOR CONCERN ABOUT A CHILD

Contents

A	General
B	Individual Staff/Volunteers/Other Adults - main procedural steps
C	Designated Safeguarding Lead for Child Protection – main procedural steps

It is essential that all those who come into contact with Energy Coast UTC students are alert to the signs of abuse, including radicalisation, and neglect. It is important that a ‘healthy’ questioning approach is taken with regard to the behaviour of students and their families and that things are not taken at face value.

‘Staff members working with children are advised to maintain an attitude of ‘it could happen here’ where safeguarding is concerned. When concerned about the welfare of a child, staff members should always act in the interests of the child.’ Keeping Children Safe in Education DfE Part1:19 (2016).

1. Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon **teachers, along with social workers and healthcare professionals, to report to the Police** where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18. *Keeping Children Safe in Education DfE (2016).*

2. The procedures of the Cumbria Local Safeguarding Children's Board (LSCB) contain the inter-agency processes, protocols and expectations for safeguarding students to which all staff at the College are expected to adhere. (Available on LSCB website www.cumbrialscb.com): The Designated Safeguarding Lead (DSL) for Child Protection is expected to be familiar with these, particularly referral processes.
3. It is important that all parties act swiftly and avoid delays.
4. In the first instance any concern should be reported without delay to the DSL or his deputy.
5. If the concern regards the DSL, the concern should be raised immediately with the Principal.
6. If the concern regards the Principal, the concern should be raised immediately with the Chair of Governors.
7. Any person may seek advice and guidance from Cumbria Children's Social Care officers, particularly if there is doubt about how to proceed (see contacts at the start of this policy document). Any adult, whatever their role, can take action in his/her own right to ensure that an allegation or concern is investigated and can report to the investigating agencies. However, in order to avoid delay, it is recommended the advice and guidance is sought from the DSL who may already have knowledge of the student and his/her circumstances.
8. In many cases of concern there will be an expectation that there have already been positive steps taken to work with parents/carers and relevant parties to help alleviate the concerns and effect an improvement for the student. This is appropriate where it is thought a student may be in need in some way, and require assessment to see whether additional support and services are required. An example might be where it is suspected a student may be the subject of neglect. In most cases the parents'/carers' knowledge and consent to the referral are expected, unless there is reason for this not being in the student's interest. However, there will be circumstances when informing the parent/carer of a referral might put the child at risk, and individual advice will need to be taken from the Cumbria Children's Social Care team.
9. Written records of the concern/allegation, dated and signed, must be made to what has been alleged, noticed, reported, including times, dates and location of incident(s) and names of any potential witnesses and kept securely and confidentially.
10. (See **Appendix 6** for Cumbria LSCB guidance on their Information Sharing Protocol.)

B. Individual Staff/Volunteers/Other Adults – Main Procedural Steps

- 1) When a student makes a disclosure, or when concerns are received from other sources, **do not** investigate, ask leading questions, examine students, or promise confidentiality. Students making disclosures should be reassured and if possible at this stage, should be informed what action will be taken next.
- 2) As soon as possible write a dated and timed note of what has been disclosed or noticed, said or done, ensuring that the record accurately records what the student has said, noting names of people/children involved, dates and places. Do not make assumptions or put a personal perspective on the record.
- 3) Report to the DSL in the College, even if the concern involves the conduct of a member of staff or volunteer, a visitor, a governor, a trainee teacher or another young person or child. Pass on the written record as soon as possible, at most within 24 hours. If the DSL, or Deputy is unavailable, the concern must be reported to the Principal.
- 4) If this has not already been done, inform the child (or other party who has raised the concern) what action you have taken.

C. Designated Safeguarding Lead – Main Procedural Steps

- a. Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.
- b. Within one working day, report the allegation to the LADO and discuss the decision in relation to the agreed threshold criteria in [Section 1, Introduction and Criteria](#) (Cumbria LSCB Procedures). Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.
- c. If an allegation requires immediate attention, but is received outside normal office hours, the DSL will consult the Children's Social Care emergency duty team or local Police and inform the LADO as soon as possible.
- d. Complete the Cumbria Safeguarding Hub Single Contact Form on-line.
- e. Begin a case file which will hold a record of communications and actions in a coherent order, to be stored securely (see Section on Records and Monitoring).
- f. Where initial enquiries do not justify a referral to the investigating agencies inform the initiating adult and monitor the situation. If in doubt, seek advice from Cumbria Children's Social Care team.
- g. Share information confidentially with those who need to know, taking cognisance of the Cumbria LSCB Information Sharing Protocol (**Appendix 6**).
- h. Make the necessary communications with the Cumbria Children's Social Care office.
- i. If the concern is about students using sexually abusive behaviour, refer to the separate guidance, Chapter 9 in the Cumbria LSCB procedures.
- j. If it appears that urgent medical attention is required arrange for the student to be taken to hospital (normally this means calling an ambulance) accompanied by a member of

staff who must inform medical staff that non-accidental injury is suspected.
Parents/carers must be informed that the student has been taken to hospital.

Exceptional Circumstances: If it is feared that the student might be at immediate risk on leaving College, take advice from Cumbria Social Care Team (for instance about difficulties if the College day has ended, or on whether to contact the Police). Remain with the student until the Social Worker takes responsibility. If in these circumstances a parent/carer arrives to collect the student, a member of staff has no right to withhold the student. If there are clear signs of physical risk or threat, Cumbria Children's Social Care Team should be updated and the Police should be contacted immediately.

APPENDIX 2

PROCESS FOR DEALING WITH ALLEGATIONS AGAINST STAFF (INCLUDING THE PRINCIPAL) AND VOLUNTEERS

General Considerations Relating to Allegations Against Staff

References to staff in these procedures include staff in the College, trainee teachers and volunteers.

These procedures should be followed in all cases in which there is an allegation or suspicion that a person working with students has:

- Behaved in a way that has harmed a student, or may have harmed a student;
- Possibly committed a criminal offence against or related to a student; or
- Otherwise behaved towards a student(s) or in a way that indicates s/he is unsuitable to work with students.

Relevant documents:

- *Keeping Children Safe in Education* DfE (2016)
- Cumbria LSCB Procedures

Initial Response to an Allegation or Concern

- An allegation against a member of staff may arise from a number of sources (e.g. a report from a student, a concern raised by another adult in the College, an employer partner or a complaint by a parent/carer). It may also arise in the context of the member of staff and their life outside work or at home.
- If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by the College, they should report the matter to the LADO.

Initial Action by Person Receiving or Identifying an Allegation or Concern

- The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the student's / adult's own words), including the time, date and place of incident/s, persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the DSL, or the deputy DSL or Principal in their absence or; where the DSL is the subject of the allegation report to the Principal;
- Where the allegation is against the Principal, the matter should be immediately referred to the Chair of Governors.

Initial action by the DSL/Principal/Chair of Governors

- When informed of a concern or allegation, the DSL/Principal/Chair of Governors should not investigate the matter or interview the member of staff, student concerned or potential witnesses.

They should:

- Obtain written details of the concern / allegation, signed and dated by the person receiving (not the student / adult making the allegation).
- Approve and date the written details.
- Record any information about times, dates and location of incident/s and names of any potential witnesses.
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.
- Within one working day, the DSL/Principal/Chair of Governors should report the allegation to the LADO and discuss the decision in relation to the agreed threshold criteria in Cumbria LSCB Procedures: Section 1, Introduction and Criteria. Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

- If an allegation requires immediate attention, but is received outside normal office hours, the DSL/Principal/Chair of Governors should consult the Cumbria Children's Social Care emergency duty team or local Police and inform the LADO as soon as possible.
- The LADO will advise the College whether or not informing the parents/carers of the student involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the College should inform the parent/s/carers. In some circumstances, however, the parent/s/carers may need to be told straight away (e.g. if a student is injured and requires medical treatment).
- The parent/s/carers and the student, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. The outcome of any disciplinary process is confidential. The College will seek HR advice on sharing details of disciplinary proceedings with relevant parties.
- The College will seek advice from the LADO, the Police and / or Cumbria Children's Social Care Team about how much information should be disclosed to the accused person.
- Subject to restrictions on the information that can be shared, the College should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcomes if the allegations are proven (e.g. disciplinary action may result in dismissal and/or referral to the DBS.).

Organised Abuse

- Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. (See Cumbria LSCB Procedures: [Organised and Complex Abuse Procedure](#).)

The Accused Member of Staff Should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved.
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process.
- If suspended, be kept up-to-date about events in the workplace.
- Cumbria Children's Social Care will inform Ofsted of all allegations made against a foster carer, or prospective adopter.

Initial Consideration Discussion by the DSL/Principal/Chair of Governors and the LADO

There are up to three strands in the consideration of an allegation:

1. A Police investigation of a possible criminal offence;
 2. Cumbria Children's Social Care enquiries and/or assessment about whether a child/student is in need of protection or services;
 3. Consideration by the College of disciplinary action.
- The LADO and the DSL/Principal/Chair of Governors should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false. Care should be taken to ensure that the child/student is not confused as to dates, times, locations or identity of the member of staff.
 - If the allegation is not demonstrably false and there is cause to suspect that a child/student is suffering or is likely to suffer significant harm, the LADO should refer to Cumbria Children's Social Care and ask them to convene an immediate strategy meeting / discussion.
 - If a child is not believed to have suffered, or to be likely to suffer significant harm but a Police investigation will continue, the LADO should conduct this discussion with the Police, the DSL/Principal/Chair of Governors and any other agencies involved to evaluate the allegation and decide how it should be dealt with.
 - This evaluation discussion should take place within one working day and must consider how to take matters forward in a criminal process parallel with a disciplinary process or whether any disciplinary action will need to await the completion of the Police enquiries and/or prosecution. The progress should be reviewed by the Police no later than four weeks after the initial evaluation meeting and thereafter at fortnightly or monthly intervals.

The LADO Meeting/Discussion

Discussion will focus on:

- Sharing what information is available, both from the source of the allegation and from other sources;
- Identify what other information may be needed;
- Come to a view on the seriousness of the allegation;
- Consider whether a complex abuse investigation is applicable;
- Consider whether the alleged perpetrator should continue working or remain in contact with students;
- Consider whether suspension is appropriate advice to the College on this aspect; □
Decide what information and/or advice is to be given to the Principal (or Chair of Governors if the allegation concerns the Principal), including at this stage, whether the member of staff should be informed of the allegation;

- Decide what action is needed and who needs to be involved and informed.

The LADO meeting / discussion will take into account the following definitions when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- **False:** there is sufficient evidence to disprove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence.

Full details can be found on the Cumbria LSCB website.

Confidentiality

- Every effort must be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the student(s), parents/carers and accused person (where this would not place the student at further risk) up-to-date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.
- The Police will not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons will be documented and partner agencies consulted beforehand.
- Section 13 of the Education Act (2011) introduced restrictions implemented in September 2012 on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.
- Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of:
 - a. The person who is the subject of the allegation; and
 - b. The victim of the offence to which the allegation relates.
- There is a right of appeal to the Crown Court.
- There is a new offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public. It is a defence to show that the person publishing was not aware of the allegation having been made as set out in section 141H 'Defences' of the Act.

Monitoring Casework

- The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review LADO meetings / discussions / initial evaluations or direct liaison with the Police, Children's Social Care, or the College, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.
- The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist Cumbria LSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the [Department for Education \(DfE\)](#) as required.
- If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the strategy meeting / discussion / initial evaluation. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

Support

- The College, together with Cumbria Children's Social Care and / or Police, where they are involved, should consider the impact on the student concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the student's needs are addressed.
- As soon as possible after an allegation has been received, the accused member of staff will be advised to contact their union or professional association. HR will be consulted at the earliest opportunity in order to ensure that employment procedures are followed, compliance with employment law and that appropriate support is be provided.

Timescales

- It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided.

Employment Procedures

- In some cases, it may be necessary to remove the individual from the College on a temporary basis. Only the employer has the power to suspend an accused employee and they cannot be required to do so by a Local Authority or Police. Suspension is a neutral act and it should not be automatic. It should be considered in any case where:
 - There is cause to suspect a child/student is at risk of harm; or
 - The allegation warrants investigation by the Police; or
 - The allegation is so serious that it might be grounds for dismissal.
- The possible risk of harm to children should be evaluated and managed in respect of the children involved and any other children in the accused member of staff's home, work or community life.

- If a strategy meeting / discussion is to be held or if Cumbria Children's Social Care or the Police are to make enquiries, the LADO will canvass their views on suspension and inform the Principal. It is important that all agencies understand that action to protect children and / or disciplinary action is not dependent upon a Police prosecution (as beyond reasonable doubt). The group will consider all information available on 'the balance of probability' basis.
- If a suspended person is to return to work, the Principal should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the student concerned, if still in the workplace.

Unsubstantiated and False Allegations

- Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the LADO meeting / discussion or initial evaluation should prepare a separate report of the enquiry and forward this to the DSL/Principal/Chair of Governors to enable them to consider what further action, if any, should be taken.
- False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the College, in consultation with the LADO, should refer the matter to Cumbria Children's Social Care to determine whether the student is in need of services, or might have been abused by someone else.
- If it is established that an allegation has been deliberately invented, the Police should be asked to consider what action may be appropriate.

Substantiated Allegations

- If an allegation is substantiated and the person is dismissed or the College ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the Principal whether a referral should be made to the Disclosure and Barring Service (DBS) or any other regulatory body.
- If a referral is to be made it should be submitted within one month of the allegation being substantiated.
- If the person being referred to the DBS is a teacher in England they should also be referred to the National College for Teaching and Leadership.

Disciplinary or Suitability Process and Investigations

Disciplinary action will be carried out in accordance with the disciplinary procedures of the College. The LADO, HR representative and the DSL/Principal/Chair of Governor will discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided by a LADO meeting / discussion that a Police investigation or LA Children's Social Care enquiry is not necessary; or
- The College or LADO is informed by the Police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the Police and / or Cumbria Children's Social Care;
 - The result of any investigation or trial;
 - The different standard of proof in disciplinary and criminal proceedings.
-
- In the case of supply, contract and volunteer workers, normal Disciplinary Procedures may not apply - advice will be sought from HR. In these circumstances, the LADO and the College should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action. Cumbria LSCB Procedures: [Section 8, Substantiated Allegations and Referral to the DBS](#) provides more details.
 - If formal disciplinary action is not required, the College will institute appropriate action within three working days. If a disciplinary hearing is required, it will be held promptly and in accordance with timescales set in the relevant procedure. If further investigation is needed to decide upon disciplinary action, the College, HR representative and the LADO will discuss whether the College has appropriate resources or whether it should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity. The investigation should not be conducted by a relative or friend of the member of staff.
 - The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and / or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.
 - If, at any stage, new information emerges that requires a child protection referral, the investigation will be held in abeyance and only resumed if agreed with Cumbria LA Children's Social Care and the Police. Consideration will again be given as to whether suspension is appropriate in light of the new information.
 - The investigating officer should aim to provide a report within ten working days.
 - On receipt of the report the College should decide, within two working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days and in accordance with the Disciplinary Procedure.

Sharing information

- Wherever possible, Police and Cumbria Children's Social Care should, during the course of their investigations and enquiries, obtain consent to provide the College and/or regulatory body with statements and evidence for disciplinary purposes.
- If the Police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the Police should pass all relevant information to the College without delay.
- If the person is convicted, the Police should inform the College and the LADO straight away so that appropriate action can be taken.

Un-concluded Employment Procedures

- In some cases, the employment relationship with an individual may end before the conclusions of a case. Every effort should be made to reach a conclusion in all cases even if:
 - The individual refuses to co-operate, having been given a full opportunity to answer the allegation and make representations;
 - It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete. Settlement (previously known as compromise) agreements must never be used to resolve cases where allegations of safeguarding are made (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). A settlement agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer.

Record Keeping

- The College will keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record will include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.
- The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non-convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children.
- Details of allegations that are found to be malicious should be removed from personnel records. (*Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges*, DfE September 2016.)

APPENDIX 3

Information for Parents/Carers

Child Protection: Safeguarding Students – Information for Parents/Carers

Our College feels it is of the utmost importance to have effective systems for protecting students and safeguarding their welfare, throughout all the activities which the College undertakes both on and off-site. This means that staff, trainee teachers and volunteers must be alert to possible concerns about every student, and to report these in accordance with the Safeguarding/Child Protection procedures of the College. The College has a Safeguarding and Child Protection policy on the website; parents/carers may request a copy of this.

It is important for parents/carers to be aware that:

- The College has a member of the Senior Leadership Team, Ben Stevenson, with specific responsibility for Safeguarding and Child Protection; the Designated Safeguarding Lead. The DSL has a deputy, Alex Crawford, to support him.
- Staff and volunteers in the College have a duty to report concerns about a student, whether this means the student may be in need of additional support or help of some kind or whether it is thought that a student may have been abused or be at risk of abuse, this includes on-line abuse and the danger of the student becoming radicalised or subject to child sexual exploitation.
- There are four categories of abuse: physical, sexual, emotional, neglect.
- In some cases, the College is obliged to refer students to Cumbria Children's Social Care staff, for students to be assessed for their needs or if an investigation into possible abuse is required. In many cases there will already have been discussions between College staff and the parents/carers of the student, and the situation and concerns will not be a surprise to the parents/carers. However, parents/carers may not be told that the College has referred their child to Cumbria Children's Social Care if it is thought that this might put the child at risk.
- Cumbria Children's Social Care aims to carry out its enquiries in a sensitive fashion. It has to gather information and generally it can be open with parents/carers about the steps being taken.
- If you think your child may have been abused, you can contact the Cumbria Children's Social Care office or the Local Authority's Designated Officer (LADO) direct. If you think the abuse may have happened in College, contact the Principal or the DSL. If you think your child has been hurt, arrange to visit your doctor. Comfort and reassure your child.
- If College staff need to express concerns about a child or refer a child to Cumbria Children's Social Care, it is understood that this can cause distress or anger for the child's parents/carers. It is important that all parties – parents/carers and College staff – try to discuss these matters as calmly and sensibly as possible.

For parents'/carers' enquiries please contact: principal@energycoastutc.co.uk

APPENDIX 4 CHILD PROTECTION - CASE INCIDENT FORM

Child's Name

Class

Date of Incident

How Suspicions/Evidence of Possible Abuse Obtained

Nature of Possible Abuse

Evidence of abuse

Child's Explanation of Possible Abuse

Name of Member of Staff

Signature

CHILD

PROTECTION – BASIC CASE DETAILS FORM

Full Name of Child _____

Case Status _____

On At Risk Register _____

Key Worker _____

Telephone number _____

Child's Home Address

Telephone number

Mother/Guardian/Carer

Marital status _____

Occupation _____

Work Address

Telephone Number

Father/Guardian/Carer

Marital Status _____

Occupation _____

Work Address

Telephone number

Other children in Household

Name of GP/Consultant

Name of EWO

Is s/he involved?

Are Children's Social Care Involved?

Name of Social Worker

Other Agencies Involved

APPENDIX 5 CHILD PROTECTION – CASE ACTION FORM

Child's Name _____

Date of Incident _____

Assessment of the Child's Explanation

Other Evidence? Child's Pattern/Level of Attendance, Appearance, Attitude

Action Plan

Agreed with Member of Staff Reporting Concerns YES/NO

Action Taken

Action taken and Outcome Feedback to Staff Reporting Concerns YES/NO

If action is to refer case to Children's Social Care, have Parents/Carers been informed of referral? YES/NO

Signature of Designated Person _____

Date

APPENDIX 6



Cumbria Local Safeguarding Children Board

Information Sharing Protocol

Version 1.4 (June 2015)

Reviewed: January 2016

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Introduction

Information sharing is key to the Government's goal of improving outcomes for all children. It is essential to enable early intervention and preventative work for safeguarding children and for wider public protection. Staff who have contact with children must understand what to do and the most effective ways of sharing information. This is particularly relevant if a child and/or family require a service or if staff believes a child is in need, including children at risk of suffering harm. Legal advice should be obtained where staff after reading these procedures remain unsure about sharing information.

Good Practice Note:

Whilst it is good practice to share with families your intention to make a referral to Cumbria Safeguarding Hub about their child's welfare, it is not a prerequisite.

- In some circumstances you should not inform the family about the referral. For example where evidence of abuse is likely to be removed or where a child will be placed at increased risk when parents have this knowledge.
- Cumbria Safeguarding Hub will accept a referral about a child regardless of whether consent has been given if the child is considered to be at risk.
- Cumbria Safeguarding Hub will firstly assess the child to see if the child is in need (Section 17, Children Act 2004) of a service and or is in need of protection (Section 47, Children Act 2004).
- Information must be collected from agencies who know the child for these decisions to be made and consent is not required for this activity. These are statutory requirements under the Children Act and thus covered by the Data Protection Act 1998, Schedules 2 and 3.
- Consent is needed for a service to be offered. So where a child is clearly a “child in need” of a service then the first action for the Hub must be to obtain consent, unless of course it has been obtained earlier in the process.
- When a child is assessed as in need of protection then consent to share information between agencies remains desirable but is not essential. The safety of the child is paramount.

Principles for Action

Information sharing is vital to safeguarding and promoting the welfare of children and young people. A key factor in many serious case reviews has been a failure to record information, to share it, to understand its significance and then take appropriate action.

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Government Guidance, Every Child Matters, “Information Sharing: Guidance for practitioners and managers”, (2008) highlights:

SEVEN GOLDEN RULES FOR INFORMATION SHARING

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.
2. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice if you are in any doubt, without disclosing the identity of the person where possible.
4. Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
6. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

Sharing Information: Questions for staff to ask?

Is there a clear and legitimate purpose for sharing information?

Under Section 11 of the Children Act 2004 key people and bodies have the duty to make arrangements which ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children. This extends to the member agencies of the LSCB and the services they commission. Information sharing is fundamental for complying with this statutory regulation.

Information sharing for statutory and non-statutory services must comply with laws relating to confidentiality, data protection and human rights.

Consent is not required from the subject of the information when an agency is required by law to share information or when a court makes an order for certain information or case files to be made available to the court. Such situations do not arise often but when they do practitioners must share information. A court order may be challenged by your organisation but all other situations must be complied with by practitioners.

Does the information enable a living person to be identified?

Information which has been made anonymous can be shared. However, information which identifies an individual, or could identify a person living when considered with other information is personal information and is subject to data protection. There are issues of confidentiality in relation to deceased individual's records: for more information see Information Commissioners website (<http://ico.org.uk/>).

Is the information confidential?

Not all information is confidential. Confidential information is data of some sensitivity which is not already lawfully in the public domain or readily available from another public source and has been shared in a relationship where the person giving the information understood that it would not be shared with others.

Information which is not confidential may generally be shared where necessary for the legitimate purposes of statutory and preventative work.

Confidence is only breached where the sharing of confidential information is not authorised by the person who provided it or to whom it relates. If the information was

provided on the understanding that it would be shared with a limited range of people or for limited purposes then sharing in accordance with that understanding will not be a breach of confidence. Similarly, there will not be a breach of confidence where there is explicit consent to the sharing.

Information can be lawfully shared, even if this has not been authorised, if this can be justified in the public's interest. For example, to protect a child or someone else from harm or to promote the welfare of a child to prevent crime and disorder.

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Who do you owe confidentiality to?

The duty of confidentiality is owed to the individual to whom the information relates and to the person who has provided the information on the understanding it is to be kept confidential.

Do you have consent to share?

As a matter of good practice practitioners should inform children, young people and families about their service's policy on how information will be shared and seek their consent. If there is significant change in the way the information is to be used, or a change in the relationship between the agency and the individual, consent should be sought again. It must be remembered that individuals have a right to withdraw or limit consent at any time.

Informed consent means that the person giving consent needs to understand why information would be shared, who will see their information, what it will be used for and the implications of sharing that information. Cumbria LSCB seeks to promote a climate of openness and honesty with children and families where, in the main, informed consent is obtained at the start of intervention in children's lives and gained again where circumstances alter, for example where an agency wishes to make a referral of a child with additional needs or a child in need to another agency.

Whose consent should be sought?

A child, who is able to understand and make their own decisions, is able to give or refuse consent to share information. Every case should be assessed to gauge a child's understanding of consent explaining the information to the child in a way which

is suitable for the child's age and likely understanding and through using their preferred method of communication.

Seeking consent can at times pose difficult dilemmas. The principle should always be one of openness with both parents and children. Practitioners, wherever possible should seek to gain the consent of parents and children. Under the Mental Capacity Act 2005, adults (but also young people over the age of 16) are presumed to have capacity to give or withhold their consent to sharing of confidential information, unless there is evidence to the contrary.

Capacity to give consent is a “functional test” and is not dependant on age.

Generally children aged over 12 may be expected to have sufficient understanding.

However, younger children may also have enough understanding while some older children will not. When assessing children for “sufficient understanding” practitioners should consider whether the child has a reasonable understanding of what information might be shared, the main reason(s) for sharing it and the implications of sharing or not sharing the information. Practitioners should address whether a child can:

- “appreciate and consider the alternative courses of action open to them;
- weigh up one aspect of the situation against another;

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- express a clear personal view on the matter, as distinct from repeating what someone else thinks they should do; and

- be reasonably consistent in their view on the matter, are they constantly changing their mind?” Information Sharing: Guidance for Practitioners and

Managers, (2008)

Where a child cannot consent one person with parental responsibility should be asked to consent on behalf of the child. In these circumstances it remains important that practitioners seek the child's views as far as possible. When seeking parental consent, practitioners should ensure proper consideration is given to whose consent to seek. For example where parents are separated consent should be sought from the parent with whom the child resides.

Where a child is able to give informed consent the practitioner must consider their consent or refusal even where a parent disagrees. In such circumstances the practitioner must encourage the child to discuss the issue with their parents and agree how this will be managed. Practitioners must not withhold any service on the condition that parents are informed.

Specific guidance from Association of Directors of Children's Services is available regarding undertaking Age Assessments of unaccompanied children seeking asylum: http://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf

When consent should not be sought

Wherever possible practitioners should seek consent to share information at their first contact whenever they are concerned about a child with additional needs, a child in need or a child in need of protection. There may however be some circumstances where they should not seek consent initially but even so should obtain consent when it is appropriate to do so. For example if doing so would:

- "place a person (the individual, family member, yourself or a third party) at increased risk of significant harm if a child, or serious harm if an adult; or
- prejudice the prevention, detection or prosecution of a serious crime; or
- lead to an unjustified delay in making enquiries about allegations of significant harm to a child, or serious harm to an adult" Information Sharing: Guidance for Practitioners and Managers, (2008)

Can I share information when I cannot obtain consent or consent is refused? Where information is confidential and consent is refused, that should be respected unless in the practitioner's professional judgment on the facts of the case, there is justification for sharing information.

Where consent cannot be obtained to share information or consent is refused or where seeking it may undermine the prevention, detection, or prosecution of a crime the practitioner must judge from the facts whether there is enough public interest. A concern in relation to protecting a child from significant harm, promoting the welfare

of children, protecting adults from serious harm or preventing crime and disorder are all well within public interest.

Sharing confidential information without consent will normally be justified in the public interest:

- When there is evidence or reasonable cause to believe that a child is suffering, or is at risk of suffering, significant harm;
- When there is evidence or reasonable cause to believe that an adult is suffering, or is at risk of suffering, serious harm;
- To prevent significant harm to a child or serious harm to an adult, including through the prevention, detection and prosecution of serious crime. Practitioners must decide whether sharing information is a necessary and proportionate response to the need to protect the child in question. The decision making process must weigh up what might happen if the information is shared against what might happen if it is not shared. It is important to note that a lack of information sharing is a consistent theme within Serious Case Reviews. No professional should assume that someone else will pass on information which they think may be critical to keeping a child safe

If a professional has concerns about a child's welfare and believes they are suffering or likely to suffer harm, then they should share the information with Cumbria Safeguarding Hub.

What information may be shared?

It is necessary to show proportionality when information is shared i.e. that a fair balance has been struck between the individual rights of the person and the relevant justification.

Confidentiality of the information exchanged

Unless s/he is already known, a telephone call received from professional seeking information must be verified before information is divulged, by calling her/his agency back via the switchboard number.

Transmission of personal and sensitive information by fax should only happen when absolutely necessary. The number/address to which it is being sent should be checked

very carefully (preferably by a colleague) and reassurance provided and recorded about the security of its handling by the other agency staff.

When sending a fax, a cover sheet should be used which contains a confidentiality statement, e.g. 'This fax is confidential and is intended only for the person to whom it is addressed'.

When sending out e-mails, faxes, or correspondence containing confidential information practitioners should follow their agency policies and procedures.

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Sharing information appropriately and securely

When a practitioner has made the decision to share information s/he must

ensure information shared is necessary for the purpose for which it is being shared;

understand the limits of any consent given, especially if the information has been provided by a third party;

distinguish fact from opinion;

share the information only with the person or people who need to know;

check that the information is accurate and up -to-date;

share the information in a secure way;

establish whether the recipient intends to pass it on to other people, and ensure the recipient understands the limits of any consent that has been given;

ensure that the person to which the information relates (or the person who provided the information) is informed that you are sharing information where it is safe to do so

Disclosure of Information about an Offender/Suspected Offender

This applies to Cumbria Safeguarding Hub when disclosure to third parties of an offender/suspected offender's previous history is being considered.

The general presumption is that information should not normally be disclosed, except if one of the following applies:

Consent has been obtained from the offender/suspected offender/a alleged

offender;

There is a statutory requirement or other duty;

There is a duty to the public.

Generally the risk assessment for disclosure of information on convicted abusers will be led by the Police and Probation Service. However Children's Services Social Care may also need to consider the risk of those alleged abusers who:

- Have been charged with an offence and the outcome of the case is pending;
- Were not prosecuted because the required standard of proof did not allow for a criminal case to be pursued;
- Were not prosecuted but the case was 'left on file';
- Were acquitted;
- Where there may be potential consequences in the context of law and order.

The absence of a conviction for child abuse in a criminal court does not prevent a Local Authority from informing parents or carers of the potential risk posed by someone who is honestly believed, on reasonable grounds, to have abused other children.

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There is however an expectation that full consideration will be given to factors which will indicate whether there is a pressing need to share the information (often referred to as the 'pressing needs test').

Pressing Needs Test re Offender/Suspected Offender

Considerations to be made in deciding whether there is a pressing need to share information about an offender/suspected offender include:

- Disclosure should only be made if there is a pressing need;
- Disclosure should be the exception rather than the rule;
- Each case must be considered on its own merits – a blanket approach is not permissible;
- Disclosure can have grave consequences so there must be real and cogent evidence of a pressing need for disclosure;
- The balance between the public interest in the need to protect children and the right of an individual to a private life; The person's previous history and current risk assessment if available;
- The level and quality of likely access to children;

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- The degree of risk posed by the person if disclosure is not made;
- Any other factor in the individual case that is thought to be relevant.

Where possible, these matters should be considered on a multi-agency basis. Legal advice should be sought where doubt exists as to the lawfulness of disclosure. In view of the possibility of legal challenge by an offender, potential/suspected offender or future victim, all agencies must, in addition to seeking any legal advice required, maintain a written audit trail of events, actions, discussions, decisions and the reasons for them.

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Information Sharing Glossary

Term	Definition
Anonymised information	Information from which a person cannot be identified, either from that information alone or from that information combined with other information already held by the recipient.
Confidential information	Information not normally in the public domain or readily available from another source, it should have a degree of sensitivity and value and be subject to a duty of confidence.
Consent	Agreement freely given to an action based on knowledge and understanding of what is involved and its likely consequences. All consent must be informed. The person to whom the information relates should understand why particular information needs to be shared, who will use it and how, and what might happen as a result of sharing or not sharing the information.
Explicit consent	Consent given orally or in writing.
Lead information officer	A senior manager in each agency, responsible for decisions relating to information sharing within the agency, who can determine controversial issues.
Personal data	Information about any identified or identifiable living individual and includes their name, address and telephone number as well as any reports or records.
Proportionality	The key factor in deciding whether or not to share confidential information without consent is proportionality: i.e. is the information professionals wish to, or are asked to share, a balanced response to the need to safeguard a child or another person, or to prevent or detect a serious crime.
Public interest	The interests of the community as a whole, or a group within the community or individuals.
Public interest test	The process a professional should use to decide whether to share confidential information without consent. It requires consideration of the competing public interests e.g. the public interest in protecting children, promoting their welfare or preventing crime and disorder and the public interest in maintaining public confidence in the confidentiality of public services, and to balance the risks of not sharing against the risk of sharing.
Secondary disclosure	Disclosure by the person to whom data has been disclosed to another agency or person e.g. if a GP provides data to a school and the school passes it to LA Children's Services Social Care.

Supporting legislation/ Guidance Data Protection Act 1998 Data Protection Act 1998

Children's Act 2004 (sections 11,17 & 47) Children Act 2004

Working Together 2015 <https://www.gov.uk/government/publications/workingtogether-tosafeguard-children--2>

Mental Capacity Act 2005 Mental Capacity Act 2005

Children and Families Act 2014 Children and Families Act 2014

Information sharing: advice for practitioners providing safeguarding services (March 2015)

Information Commissioner Data Protection and Freedom of Information advice - ICO

NSPCC Information Sharing and Confidentiality for Practitioners – Things to know and issues to consider

The ADCS Asylum Task Forces has worked with the Home Office to provide a set of jointly agreed 'good practice documents'.

<http://adcs.org.uk/safeguarding/article/age-assessment-information-sharing-forunaccompaniedasylum-seeking-childre>