# Safeguarding & Child Protection Policy

| Date of last review | May 2024 |
|---|---|
| Review period | 1 year |
| Date of next review | August 2024 |
| Policy owner | Designated Safeguarding Lead |

# Contents

# 1. Purpose and scope of this policy

The Learning Institute recognises that "*Children who need help and protection deserve high quality and effective support. This requires individuals, agencies, and organisations to be clear about their own and each other's roles and responsibilities, and how they work together.*"[1]

The Learning Institute takes its responsibility to safeguard our students, their carers and families, and our tutors very seriously, and to that end, this policy outlines the information staff and tutors need to know, and the processes that need to be followed in order to safeguard effectively and respond to child protection concerns, in a child-centred, multi-agency model.

The Learning Institute utilises the definition of safeguarding published in the government guidance 'Working Together to Safeguard Children' (2023), which defines safeguarding as:
- providing help and support to meet the needs of children as soon as problems emerge
- protecting children from maltreatment, whether that is within or outside the home, including online
- 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
- promoting the upbringing of children with their birth parents, or otherwise their family network[2] through a kinship care arrangement, whenever possible and where this is in the best interests of the children
- taking action to enable all children to have the best outcomes in line with the outcomes set out in the Children's Social Care National Framework[3].

Safeguarding principles apply to all our students, all the time, and informs our code of conduct and practices. Child protection is part of our safeguarding process. It focuses on protecting individual children identified as suffering, or likely to suffer, significant harm. This includes child protection procedures which detail how to respond to concerns about a child.

## 1.1 Who is this policy for?

This policy is for staff and tutors working for The Learning Institute, and any volunteers that have involvement with the work we do. It applies to all the students we work with, which can include young adults up to 25, due to the special educational needs and disability (SEND) support remit and services for looked after children after they turn 18. Therefore this policy covers two groups of students:
- **children**
  - anyone under the age of 18.

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[1] Working Together to Safeguard Children (2023)
[2] A family network can be a blood-relative, or a non-related connected person, such as a family friend or

neighbour.

[3] [Children's Social Care National Framework](#)

## 1.2 The needs profile of our students

The Learning Institute is committed to improving the academic outcomes of three identified vulnerable groups of students: those who are or were previously looked after - including unaccompanied asylum seeking children (UASC), those with SEND and/or those requiring alternative provision.

The needs and experiences of these student groups can raise additional safeguarding risks, and present challenges to identifying concerns[5]. This can include:
- children moving home and schools, often frequently, making it difficult to develop a long term picture of the child's history, needs and behaviour
- information about the child getting lost through multiple moves or changes in local authorities responsible for their care and needs
- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's additional needs, disability or experiences without further exploration
- being more prone to peer group isolation than other children
- the potential for looked after children and children with SEND being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs
- communication barriers (including English being an additional language) and difficulties in overcoming these barriers
- previous experiences and attachment disorders can make forming relationships with adults and trusting them extremely difficult, so they may be less likely to disclose abuse
- the potential for children to have experienced the traumas of exploitation, county lines, trafficking and/or modern slavery

All staff, tutors and volunteers need to have an awareness of these additional risks when working for and with our students. They should understand that the presentation of abuse and/or risks, or the means of disclosure, may be very different to that of their non-looked after peers or those without additional needs.

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[4] More information on services for looked after children after they turn 18 can be found at https://childlawadvice.org.uk/information-pages/services-for-children-leaving-care/.
[5] Both student groups are highlighted as "children potentially at greater risk of harm" in paragraphs 170-205 of Keeping Children Safe in Education (2023).

### 1.3 How do we fulfil our safeguarding and child protection duty?

The Learning Institute will fulfil its safeguarding and child protection duty by:
- Appointing a suitably trained Designated Safeguarding Lead (DSL to take responsibility for the safeguarding requirements within the organisation. (Details of who holds these positions can be found in Appendix A)
- Ensuring a comprehensive Safeguarding and Child Protection Policy is produced, disseminated to, and understood by all staff, volunteers and tutors within The Learning Institute. This policy will be reviewed annually.
- Adhering to safer recruitment practices to ensure all staff, volunteers and tutors are safe to work with our students.
- Ensuring all staff, volunteers and tutors are aware of the signs and symptoms of abuse, are aware of other safeguarding risks, and know how to report any concerns.
- Promoting safe practice through a Code of Conduct for staff, volunteers and tutors.
- Sharing learning and good practice regarding safeguarding to staff, volunteers, tutors, parents/carers and students, and ensuring staff undertake regular safeguarding training.
- Ensuring all safeguarding concerns are reported to the DSL, who will keep secure records of these concerns and the actions taken in response to them.
- Sharing information about concerns with referrers and any additional agencies who need to know, involving carers/parents and students appropriately.

# 2. Roles and responsibilities of staff and tutors

The Learning Institute recognises that safeguarding is **everyone's** responsibility. All stakeholders, staff and tutors need to work together, both internally and with external professionals and services, to ensure our students are safe, supported, and protected from harm. The DSL or local authority may have other information regarding a student or their family circumstances of which other staff or tutors may not be aware. Your observation or information may take on a greater significance within the wider context of knowledge of a student, so always play your part in our safeguarding duty by adhering to your responsibilities below.

### 2.1 The Learning Institute Staff

The Learning Institute staff need to:
- have read the Safeguarding and Child Protection policy, including any annual updates

- complete enhanced safeguarding training
- adhere to the Code of Conduct outlined in the Employee Handbook
- Support tutors in fulfilling their responsibilities, including ensuring that all concerns are reported via our reporting processes (see section 4)
- undertake safeguarding training at least every 12 months and complete Prevent training

## 2.2 Tutors

Tutors need to:
- have read the Safeguarding and Child Protection policy, including any annual updates
- adhere to the Code of Conduct outlined in the Tutor Handbook
- ensure they are familiar with the processes for reporting safeguarding and child protection concerns (see section 4), and report concerns via this process
- undertake safeguarding training at least every 12 months and complete Prevent training
- Have read at least part 1 of the latest version of [Keeping Children Safe in Education (KCSIE)](#)

## 2.3 The Designated Safeguarding Lead (DSL)

The DSL takes the lead responsibility for safeguarding (including child protection concerns), incorporating supporting other staff and tutors, information sharing with other agencies, developing policies, and staff training. The DSL is the named person who responds to allegations against members of staff and tutors. The DSL at The Learning Institute is **Deega Sufi.** The responsibilities of the DSL include:

- provide support and advice to all members of staff and tutors regarding safeguarding and child protection concerns.
- develop and update the Safeguarding and Child Protection policy, ensuring that staff and tutors are aware of all updates.
- refer suspected abuse and neglect to referrers, and then Local Authority Children's Services if necessary.
- report allegations made against members of staff or tutors to the Local Authority Designated Officer (LADO) (this will be the local authority where the staff member works).
- ensure that all staff receive appropriate Child Protection and Safeguarding training, which is recorded in the 'The Learning Institute Training Record'.
- attend training appropriate for their role at least every two years.

- ensure that cover is provided for the role when absent from work.

- ensure that a student's child protection file is stored securely in accordance with GDPR and away from other files relating to the child or young person.
- cooperate with any requests for information from the local authority or other agencies in compliance with the Children Act 2004.

# 3. Identifying abuse and additional risks

Everyone should be aware of the potential risks faced by our students, and the possible signs and effects of the four classifications of abuse widely used by children's services.

The main risks and forms of harm faced by our students could include[6]:
- Abuse; emotional, physical, sexual and neglect
- Carer/parent risks; lack of care, mental illness, substance misuse, learning disabilities
- Child on child abuse; including, but not limited to, bullying (cyberbullying, prejudice-based and discriminatory bullying), intimate partner relationship abuse, sexual harrassment and sexual violence[7], physical abuse, consensual and non-consensual sharing of nude and semi-nude content, forced sexual activity, upskirting and initiating/hazing violence and rituals.
- Domestic abuse[8]
- Extremism and radicalisation
- Fabricated or induced illness
- Gangs and serious youth violence
- Homelessness
- Information and communication technology (ICT) based forms of abuse, including abusive, harassing, and misogynistic/misandrist messages, the non-consensual sharing of indecent images, $extortion, and the sharing of abusive images and pornography
- Mental illness
- Missing from care and home
- Missing from education/school[9]
- Pregnancy
- Private fostering
- Self-harming and suicidal risks
- Sexual and criminal exploitation (including grooming)
- So called 'honour'-based abuse (including Female Genital Mutilation/Cutting (FGM/C)[10]

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[6] Further information on most of these risk areas can be found in Part 1 and Annex B of KCSIE (2023).
[7] See part 5 of KCSIE (2023) for more details.
[8] The Domestic Abuse Act 2021 came into law in April 2021, and provides the most robust statutory framework of the impact of domestic abuse on children and families. More information can be found on p. 146 of KCSIE (2023).
[9] See updated information in paragraph 175 and p. 144 of KCSIE 2023
[10] Tostan provides a helpful overview of why we are updating our terminology to FGC.

and Forced Marriage[11])
- Spirit possession or witchcraft
- Substance misuse
- Trafficked and exploited children, including victims of modern slavery
- Young carer responsibilities

As well as having an awareness of potential risks, staff, volunteers and tutors need to have an awareness of the signs/indicators of the following categories of abuse:

| Neglect | Physical Abuse |
|---|---|
| **Definition:** 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 involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate caregivers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.<br><br>**Signs/Indicators**<br>● Dirty skin, body smells, unwashed, uncombed hair and untreated lice.<br>● Under nourishment.<br>● Clothing that is dirty, too big or small, or inappropriate for weather conditions.<br>● Frequently left unsupervised or alone.<br>● Frequent diarrhoea.<br>● Frequent tiredness.<br>● Untreated illnesses, infected cuts or physical complaints which the carer does not respond to.<br>● Frequently hungry.<br>● Stealing or gorging food, overeating food. | **Definition:** Actual or likely physical injury to a child, or failure to prevent physical injury (or suffering) to a child, including deliberate poisoning, suffocation and fabricated or induced illness.<br><br>**Signs/Indicators**<br>● Any injuries not consistent with the explanation given for them.<br>● Injuries which have to receive medical attention.<br>● Injuries which have not received medical attention (but should have).<br>● Injuries that occur to places on the body not normally exposed to accidents.<br>● Reluctance to change for, or participate in, games or swimming.<br>● Bruises, bites, burns, fractures etc. which do not have an accidental explanation.<br>● Child gives inconsistent accounts for the causes of injuries. |
| **Emotional Abuse** | **Sexual Abuse** |

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[11] Further information is available from the Home Office's [forced marriage resource pack](#).

**Definition:** Actual or likely severe adverse effect on the emotional and behavioural development of a child caused by persistent or severe emotional ill treatment or rejection. 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.
All abuse involves some emotional ill-treatment. This category is used where it is the main or sole use of abuse.

**Signs/Indicators**
- Changes or regression in mood or behaviour, particularly where a child withdraws or becomes clingy. Also depression, aggression and extreme anxiety
- Highly aggressive or cool to others
- Nervousness, frozen watchfulness, persistent tiredness
- Obsessions or phobias
- Sleep or speech disorders
- Negative statements about self
- Extreme shyness or passivity
- Sudden under-achievement or lack of concentration
- Inappropriate relationships with peers or adults
- Attention seeking behaviour
- Running away, stealing, and lying

**Definition:** Forcing or enticing a child or young person to take part in sexual activities. This may involve physical contact (penetrative and non-penetrative) and non-contact e.g. watching or producing sexual images, encouraging sexualised behaviour, grooming and exploitation. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse can be perpetrated by adults and children of all genders.

**Signs/Indicators**
- Any allegations made by a child concerning sexual abuse
- A child with excessive preoccupation with sexual matters and detailed knowledge of adult sexual behaviour, or who engages in age-inappropriate sexual play
- Sexual activity through words, play or drawing
- Repeated urinary infections or unexplained abdominal/'tummy' pains
- Child who is sexually proactive or seductive with adult
- Inappropriate relationships with peers and/or adults
- Severe sleep disturbances with fears, phobias, vivid dreams or nightmares
- Eating disorders
- Evidence of grooming by individuals or groups of adults

A child may be abused or neglected by somebody through the inflicting of harm or by failing to act to prevent harm. Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others e.g. domestic abuse or the exploitation and assault of peers. 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. Children may be abused by an adult or adults or by another child or children.

Staff and tutors need to be aware of when actions or circumstances infringe on a student's human and legal rights. Being subjected to harassment, violence and/or abuse, including that of a sexual nature, may breach a student's human rights, depending on the nature of the conduct and the circumstances. The Human Rights Act (1998) contains the articles and protocols of the European Convention on Human Rights, which apply to all the individuals we work with. These include:
- Article 3: the right to freedom from inhuman and degrading treatment (an absolute right)
- Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity
- Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination
- Protocol 1, Article 2: protects the right to education

In addition, the Equality Act (2010) protects students from discrimination and ill treatment according to the protected characteristics of their sex, race, disability, religion or belief, gender reassignment, pregnancy and maternity, or sexual orientation. In the context of safeguarding, we need to be aware where experience in these areas may mean a student is at increased risk or disadvantage, and where we may have to make reasonable adjustments or take positive actions to address particular disadvantages. Keeping Children Safe in Education 2023 (paragraphs 203-205) highlights that students who are LGBT (Lesbian, Gay, Bisexual, Transgender) (or perceived to be) can face increased vulnerabilities and be a target for abuse. Having a trusted adult and safe space, in which students can speak openly and share their concerns, is vital in supporting these students.

## 3.1 Online Safety

New technologies, digital mediums and digital content provide many benefits and opportunities for learning, but also pose opportunities for risks. These risks can be summarised in to:
- **Content**
  - exposure to inappropriate content, including online pornography, extremist material, substance abuse
  - lifestyle websites promoting harmful behaviours (e.g. pro-anorexia)
  - hate content
  - content validation: how to check authenticity and accuracy of online content
  - (A helpful overview of dealing with concerning digital content can be found in these documents.)
- **Contact**
  - grooming (sexual exploitation, radicalisation etc.)

- ○ online bullying in all forms
- ○ social and commercial identity theft, including passwords
- ○ security breach of the ICT infrastructure
- **Conduct**
  - ○ aggression, hateful behaviour and cyber bullying
  - ○ sexting (sending and receiving of personally intimate images) also referred to as SGII (self-generated indecent images)
  - ○ revenge porn (the sharing of private, sexual material of another person without their consent with the purpose of causing embarrassment or distress)
  - ○ creating falsified content (e.g. falsified images, deep fakes etc)
  - ○ privacy issues, including disclosure of personal information
  - ○ digital footprint and online reputation
  - ○ health and well-being (amount of time spent online)
  - ○ copyright (little care or consideration for intellectual property and ownership – such as music and film)
- **Commerce**
  - ○ online gambling
  - ○ inappropriate advertising
  - ○ phishing
  - ○ financial scams

There are many helpful sources of online safety information including the NSPCC, CEOP and IWF. Furthermore, staff and tutors can contact the Professional Online Safety Helpline (0344 381 4772, helpline@saferinternet.org.uk) if they have any questions or concerns about online safety issues.

Any concerns regarding digital content, contact or conduct should be reported through the reporting procedures in section 4.

## 3.2 Online Tuition

Tutoring online can enable tuition to take place with greater flexibility and convenience (for both student and tutor) and may be a preferred means of working for some students. This method of working does pose additional risks, and therefore needs specific consideration before tutors work online.

When tutoring online, there are a number of good practice considerations that tutors should adhere to:
- Continue to follow all aspects of the 'Code of Conduct' in the Tutor Handbook, including 'dress and appearance', 'social contact and the use of technology', and 'photography, videos and use of devices'.
- If the student is under 18, all communication should go through the carer/parent or

member of staff.
- Tuition should only take place at the session time agreed with the carer/parent(s). Carer/parent(s) should always be aware of when tuition is taking place, and they are responsible for supervising the session. It is good practice to encourage the carer/parent(s) to 'check-in' at the start and end of the tuition session on the online platform.
- The setting in which tutors conduct online tuition should be suitable for that purpose. There shouldn't be anything of a personal or inappropriate nature viewable in the background, and it should be free from interruption, and should not be observed by other members of the tutor's household. Similarly, if tutors intend to use a screen share function, ensure that there is no personal or inappropriate material (including desktop files, browser tabs or other active windows) viewable to the student. They should only be able to view material relevant to the lesson.
- Tutors should leave their camera on throughout the session, and encourage (but don't insist) the student does the same. Tutors must not personally record any parts of the session or take screenshots.

Tutors providing online tuition for The Learning Institute will do so using an organisationally managed licensed Google accounts. This allows tutors to provide uninterrupted tuition sessions of any required session length, and allows access to all the interactive features that enrich online tuition. It also ensures the consistent use of security features and settings across online tuition that help ensure it is a safe and secure medium for students to access tuition.

Tutor accounts senables all online tuition sessions to be recorded, providing a high level of safeguarding oversight. Session recordings are stored securely for 30 days, then securely deleted, unless a concern has been raised in that time that warrants the recording being kept. The recording will then be kept for as long as is required for any investigative purposes.

If any carers/parents or referrers wish to request a different arrangement re. online tuition recording, this will be discussed on a case by case basis, and any arrangements confirmed by the referrer in writing.

# 4. Reporting Procedures

As highlighted earlier in this policy, all staff and tutors have a responsibility to safeguard students. No single professional can have a full picture of a student's needs and circumstances, so if students and their carers/families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

Reporting concerns you may have about a student is a fundamental part of your safeguarding duty. **Your duty is to report/refer, not investigate.** Concerns may come from a disclosure from a student, disclosure from another child or adult, or from your own observation. Anyone who has a concern about a child's welfare should follow the reporting processes outlined below.

## 4.1 Dealing with a disclosure

If you receive a disclosure from a student or an adult, please consider these helpful guidelines:

- **Keep calm and avoid reactions of shock.** Know that you are equipped to deal with this by nature of being a trusted adult and a professional. Be mindful of your facial

expressions and body language conveying your calm reaction.

- **Listen carefully.** Never push for information or ask leading questions. Let them speak without interruption if they want to. If the student changes their mind about speaking to you, accept their decision and let them know you are always ready to listen.
- **Show acceptance of what you are being told**, even if the information seems unlikely. Do not express disbelief.
- **Never promise confidentiality.** Let them know that you have a professional responsibility to ensure they, and others, are kept safe, which can mean getting the right support. Reassure them you will only tell people you think will be able to help them, and you will tell them when you do that.
- **Assure them they are not to blame, it's not their fault, and they have done the right thing**. They may have been bribed or threatened that they or others will be harmed if they tell anyone.
- **Don't investigate/validate what is being said.** It is not your responsibility to investigate or prove the information being given. Don't use leading questions or probe, but seek to draw the conversation to a satisfactory close when appropriate.
- **Don't talk to the alleged abuser**. Your responsibility is to report the information in an accurate and timely manner through the processes outlined in this policy.
- **Explain what you will do next**; that you will report the concern to someone who will be able to help.
- **Report the disclosure accurately and promptly** (see section 4.2 below).

## 4.2 Reporting process

As noted above, reporting concerns is the most fundamental aspect of your safeguarding duty. Concerns should be reported as soon as possible to the DSL, and certainly as soon as the tuition session finishes.

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[12] Further information on Early Help can be found in Chapter 3, Section 1 of Working Together to Safeguard Children.

[13] Further information on child in need classification can be found on p. 53 of Working Together to Safeguard Children.

[14] Further information on child protection definitions can be found on the NSPCC website.

You'll also be asked to identify/classify the area(s) of risk associated with the concern.[15] You can select more than one option, as often concerns straddle more than one area.

Classifying the level and type(s) of risks strengthens our safeguarding processes, and allows us to better analyse and respond to the types of concerns we are receiving. These responses may include; specific safeguarding information contained in the Tutor Community Monthly Updates, trend analysis passed on to referrers, providing information/signposting to carers/parents, and training provided to tutors as part of the Tutor Community Events.

When reporting safeguarding concerns, please remember:
- Reports should be written in the first person (i.e. use "I", "my").
- Reports need to be factual and accurate. Record exactly what the student said (including any slang or terms they used), not your interpretations or assumptions. (The reports you make can be used as evidence in court, so ensure they are comprehensive and accurate.)
- The date, time, location and context of the disclosure are recorded. It can be helpful to make a note of the student's presentation (appearance, body language, mannerisms etc.).
- Try to keep any original notes you or the student made at the time and pass them on to the DSL.
- You can contact the DSL or DDSLs using the information in Appendix A for any advice and guidance you may have in responding to a disclosure/concern or completing the report. If the DSL or Deputy DSL is not available, or it is outside of office hours, you can call the NSPCC helpline on **0808 800 5000** (Mon-Fri, 8am-10pm or 9am-6pm at the weekends).

If The Learning Institute staff need to submit a concern about a student, this is done through the Tuition Session/Management capability on the intranet. Select the student from the drop down menu, then the relevant tuition for that student. There is a button there to Report a Safeguarding Concern (very similar to the Tutor Portal process detailed above).

## 4.3 What happens after a concern is reported?

The Support team will be alerted of Level 1 and 2 concerns, and the DSL is alerted to Level 1, 2 and 3 concerns. The proceeding actions will then be followed:
- Inform the referrer immediately of the concern that has been raised. If it is assessed that the child is in immediate danger, the DSL will contact the relevant local authority children's services, or the police in an emergency.
- Create a Child Protection Log for each individual case and ensure this is stored securely away from other records held on the student and updated regularly with their actions and

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[15] As mentioned in section 3 of this policy, further information on most of these risk areas can be found in Part 1 and Annex B of KCSIE (2023).

any relevant progress.

- Contact the tutor or staff member to check on their welfare, and let them know that the concerns have been reported to the appropriate authority.
- Provide to the relevant authority any report or record of disclosure provided by the tutor or member of staff.
- Work closely and collaboratively with all professionals involved in the investigation to keep the student safe.
- Attend any social care or multi-professional meeting when invited and provide updated information about the student/staff member or tutor.
- Inform a tutor or staff member when their presence is required at a meeting
- Attend any subsequent child protection review conferences.
- Ensure the CEO are briefed throughout any child protection investigations.
- Only share information with other Senior Managers when there is a clear need for them to be informed, and with consideration of confidentiality for the student or staff member involved.

# 5. Allegations/concerns against tutors and staff and Whistleblowing

Concerns about the safeguarding conduct of a member of staff or tutor, including allegations of abuse, can be made by children and young people and they can be made by other concerned adults. This should be reported to the DSL immediately. If the concerns or allegations relate to the DSL, this should be reported to the CEO only. If the concerns relate to the CEO, this should be reported to the DSL. This applies to all cases in which it is alleged that a current member of staff or tutor has:

- behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

It should be noted that the allegations may relate to the personal or professional life of the member of staff or tutor, and applies regardless of whether the alleged abuse took place during tuition. Allegations against a tutor who is no longer teaching, and historical allegations of abuse, will be referred to the police.

The DSL, or CEO, then assumes the role of case manager. Any allegation made against a member of staff or volunteer should be dealt with fairly, quickly and consistently, in a way that effectively balances the protection and welfare of the student, and supporting the person who is

the subject of the allegation.

## 5.1 Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the case manager will take the following steps:

- Immediately discuss the allegation with the Local Authority Designated Officer (LADO) (within the local authority of where the adult works). It is not practical to provide a list of every LADO in the country, so this information is best found online. This is to consider the nature, content and context of the allegation (i.e. establish practical details about the time, dates(s) and location of the alleged abuse and the names of potential witnesses).

  On no account should the case manager seek to interview the student(s), or the person(s) against whom the allegation has been made. The Learning Institute must keep a written record of these details and this should be signed and dated by the case manager. If the LADO is unavailable, then the MASH team of the relevant local authority should be contacted directly (all children's services contact information can be found at https://www.gov.uk/report-child-abuse-to-local-council).

- In consultation with the LADO, agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. This may be undertaken within a Multi-Agency Allegation Against Staff and Volunteers (ASV) meeting. This will be convened by the LADO and should include a representative of the organisation.

  (The case manager may, on occasion, consider it necessary to involve the police before consulting the LADO e.g. if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police).

- Where appropriate, carefully consider whether suspension of the individual from contact with students is necessary. Advice will be sought from the LADO, police and/or children's social care services. Suspension should be considered when:
  - There is cause to suspect a child is at risk of significant harm or,
  - The allegation warrants investigation by the police or,
  - The allegation is so serious that it might be grounds for dismissal.

- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.

- If immediate suspension is considered necessary, agree and record the rationale for this

with the LADO. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day.

● If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the LADO what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.

● If it is decided that further action is needed, take steps as agreed with the LADO to initiate the appropriate action and/or liaise with the police and/or children's social care services as appropriate. This includes the need to:
  ○ Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and consider what other support is appropriate.
  ○ Inform the parents or carers of the child(ren) involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against staff or tutors (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a tutor will be advised to seek legal advice.
  ○ Carers/parents of the child(ren) involved should be informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).
  ○ Make a referral to the Disclosure and Barring Service (DBS) where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

If the organisation is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from tutoring, pending the findings of the investigation by the Teaching Regulation Agency.

## 5.2 Allegation Investigation Outcomes

The case manager, in consultation with the LADO, will decide whether the allegation is:

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

- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made

Any disciplinary investigation should be carried out once the child protection investigation has been completed. All allegations, regardless of the outcome, will be reviewed for lessons learnt, and the need for any subsequent organisational improvements. Further guidance about managing allegations against staff and tutors can be found in part four of Keeping Children Safe in Education (2023).

## 5.3 Low Level Concerns

In accordance with part four, section two of Keeping Children Safe in Education 2023, concerns that do not meet the threshold for the allegations process above (referred to as low level concerns), will be recorded and managed by The Learning Institute. The purpose of this is to encourage an open and transparent culture that encourages us to identify concerning, problematic or inappropriate behaviour early, minimise the risk of abuse, ensure that adults working with the organisation are clear about professional boundaries and act in accordance with our staff and tutor codes of conduct, and identify any amendments required in guidance, procedures and/or training.

Low level concerns can include behaviour that is inconsistent with the aforementioned codes of conduct (both in and outside of work), and reported concerns that do not meet the threshold of notifying the LADO. Such behaviour can exist on a wide spectrum, that might include (but is not limited to):

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language.

Anyone who wishes to report low level concerns about a tutor or staff member should do so in writing to the DSL using the contact details in Appendix A. This report should include the details of the concern, the context of the concern, and whether the reportee wishes to remain anonymous. It is expected that the DSL will speak with the reportee to gather as much information as possible, as well as the individual who is the subject of the concern, and any relevant witnesses where applicable. The DSL will then record these concerns on the Low Level Concerns Sheet, stored alongside our SCR, ensuring they also record what subsequent action is taken in response to the concern, and the rationale for making such decisions.

Low level concerns will be reviewed within the monthly safeguarding meeting, to see whether any patterns can be identified in relation to individuals involved, or the nature of the concerns. Suitable responses to any identified patterns will then be agreed and actioned to minimise the likelihood of such concerns occurring in the future.

The records of any low level concerns will be kept for as long as the individual concerned works with/for The Learning Institute.

## 5.4 Whistleblowing[16]

Whistleblowing is the act of raising concerns about wrongdoing, illegal activity or negligence in the workplace. Actions that would give grounds for whistleblowing include:

- a criminal offence
- not obeying the law
- endangering of an individual's health and safety or welfare
- damage to the environment
- improper unauthorised use of public funds or other funds
- a miscarriage of justice has occurred, or is likely to occur
- maladministration, misconduct or malpractice
- actions that pose a risk of harm to children or adults at risk
- covering up of wrongdoing

Whistleblowing relates to concerns with a public interest, that is, the concern affects others (see the Public Interest Disclosure Act 1998). If staff have a personal grievance, this should be reported to their manager.

Whistleblowers are protected by law from victimisation, harassment, unfair treatment and unfair dismissal. If a whistleblower is mistreated by a colleague as a result of whistleblowing, the colleague will face disciplinary action. Confidentiality is assured at the point of making a protected disclosure and will be maintained during investigations and hearings, other than when there is a need for disclosure of identity due to cross examination of the staff member as a witness in any subsequent procedure. Confidentiality will be maintained as far as is possible within the whistleblowing process.

### 5.4.1 How to raise concerns/whistleblow

Concerns should initially be raised in writing to a line manager, setting out the background and history of the concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If the employee does not feel able to put

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[16] Further information on whistleblowing can be found at https://www.gov.uk/whistleblowing

their concerns in writing, they should arrange to meet with the Partnerships Director.

If the employee's concern relates to their line manager or Partnerships Director, they should raise their concerns in writing to the CEO.

### 5.4.2 What response can be expected?

The action taken by The Learning Institute depends on the nature of the concern. The matters raised may:
- be investigated by the line manager
- be investigated by the Partnerships Director, either in conjunction with other employees or separately
- be investigated internally by an appropriately skilled and experienced individual, knowledgeable in the area concerned
- form the subject of an independent enquiry if required

In order to protect individuals, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or allegations against a professional or discrimination) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received the individual with whom the employee raised the matter will write to the employee:
- acknowledging the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling the employee whether any initial enquiries have been made, and ● telling the employee whether further investigations will take place, and if not, the reasons why.

The amount of contact between the individual(s) considering the issues and the employee who made the protected disclosure will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee in a discreet manner. When any meeting is arranged, the staff member may be accompanied by a union or workplace representative. The meeting can be off site, if requested.

If an employee makes an allegation, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, an employee makes malicious or vexatious allegations, disciplinary action may be taken against them. In determining whether an employee has acted maliciously and/or vexatious the investigator will consider whether the employee was motivated to make the allegation(s) simply out of a desire to pursue a personal vendetta or grudge.

This process is intended to provide staff with an avenue to raise concerns within The Learning Institute. We hope anyone invoking this procedure will be satisfied with the response given. If not, the employee should indicate this to the CEO. Should staff or volunteers feel unable to raise concerns within The Learning Institute, or feel concerns they have raised have not been addressed, they can contact the NSPCC whistleblowing helpline on 0800 028 0285 (08:00-20:00, Mon-Fri) or email help@nspcc.org.uk.

# 6. Safer Recruitment

The Learning Institute recognises its responsibility to ensure that staff, volunteers and tutors do not pose a risk to students, and all necessary safety and suitability checks have been carried out. Therefore we have produced a comprehensive Safer Recruitment policy.

Safer recruitment is vital in guaranteeing the suitability of adults that come in to contact with students in order to ensure student safety, so by way of an overview, our safer recruitment processes aim to:

1. Deter potential abusers by setting high standards of practice and recruitment.
2. Reject inappropriate candidates at the application and interview stages.
3. Prevent abuses to children and young people by developing robust policies and agreeing on safe practice.

All staff and tutors are recruited in accordance with the safer recruitment practices outlined in Keeping Children Safe in Education 2023. By way of an overview, The Learning Institute ensures:

- any available roles are accurately advertised, and makes clear the expectations of the checks involved. These checks include:
  - an identity check
  - an enhanced DBS check/certificate for tutors and a Basic check for office based staff (with renewal undertaken not less than every 1 year. For staff and tutors registered with the DBS Update Service, an update check will be performed not less than every 1 year. Where an update check reveals a change of information, a new enhanced DBS check will be required)
  - a barred list check
  - a check of professional qualifications
  - a check to establish the person's right to work in the United Kingdom
  - further checks on people who have lived or worked outside the UK
  - a prohibition from teaching check (where relevant to the role)
  - a section 128 check (where relevant to the role and responsibilities)

- an online check

- all appointments are subject to two satisfactory references.
- staff conducting interviews have received safer recruitment training.

Newly appointed staff will have initial training in Child Protection as part of their induction programme. They will be given the The Learning Institute Safeguarding and Child Protection Policy, and must familiarise themselves with the child protection procedures as part of their induction programme. Newly recruited tutors are given a copy of the Tutor Handbook and the The Learning Institute Safeguarding and Child Protection Policy.

# Appendix A - Key Contacts and Information

**Designated Safeguarding Lead:** Deega Sufi: 02034880982 (info@learning-instutute.co.uk)

**NSPCC Child Protection Helpline:** 0808 800 5000
**NSPCC Whistleblowing Helpline:** 0800 028 0285

**Professional Online Safety Helpline:** 0344 381 4772, helpline@saferinternet.org.uk
**Department for Education Prevent Helpline:** 020 7340 7264
**Anti-Terrorist Hotline:** 0800 789 321

**Childline:** 0800 1111