

**Phoenix Learning & Care Ltd**  
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**Oakwood Court College**  
7/9 Oak Park Villas, Dawlish, EX7 0DE  
5/7 St James Rd, Torpoint, PL11 2BJ



## **Policy Number 4**

# **LEARNER PROTECTION AND SAFEGUARDING POLICY**

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## **Learner Protection and Safeguarding Policy 2017**

**Governor Lead:** TBA

**Nominated Lead Member of Staff:** Jared Kenny

**Status & Review Cycle:** Annual

**Next Review Date:** August 2018

### **Safeguarding Statement**

Oakwood College recognise our moral and statutory responsibility to safeguard and promote the welfare of all Students. We endeavour to provide a safe and welcoming environment where Learners are respected and valued. We are alert to the signs of abuse and neglect and follow our procedures to ensure that Learners receive effective support, protection and justice. Learner protection forms part of the College's safeguarding responsibilities.

### **Key Personnel**

**The Designated Safeguarding Lead (DSL) is:** Jared Kenny

Contact details: email: jakenny@plcl.org.uk Telephone: 0788 5879561

**The deputy DSL(s) is/are:** Ray Charran

Contact details: email: rcharran@plcl.org.uk Telephone: 01271 379006

**The nominated Learner protection governor is:** TBA

Contact details: email: TBA Telephone: TBA

**The Principal is:** Kelly Rowlands

Contact details: email: krowlands@plcl.org.uk Telephone: 07517 758965

**The Chair of Governors is:** TBA

Contact details: email: TBA@plcl.org.uk Telephone: TBA

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**Terminology**

**Safeguarding** and promoting the welfare of Learners is defined as:

- protecting Learners from maltreatment;
- preventing impairment of Learners health or development;
- ensuring that Learners grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all Learners to have the best outcomes.

**Learner Protection** is a part of safeguarding and promoting welfare. It refers to the activity that is undertaken to protect specific Learners who are suffering, or are likely to suffer, significant harm.

**Staff** refers to all those working for or on behalf of the College, full or part time, temporary or permanent, in either a paid or voluntary capacity.

**Learner** includes everyone under the age of 18.

**Parents** refers to birth parents and other adults who are in a parenting role, for example step-parents, foster carers and adoptive parents.

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## **1. Introduction**

### **1 Safeguarding legislation and guidance**

The following safeguarding legislation and guidance has been considered when drafting this policy:

- Section 175 of the Education Act 2002 (maintained Colleges only)
- Section 157 of the Education Act 2002 (Independent Colleges only, including academies and CTCs)
- The Education (Independent Colleges Standards) (England) Regulations 2003 (Independent Colleges only, including academies and CTCs)
- The Safeguarding Vulnerable Groups Act 2006
- The Teacher Standards 2012
- Working Together to Safeguarding Children 2015
- Keeping Children Safe in Education 2016
- HM Gov Information Sharing 2015
- What to do if you're worried a Child is being abused 2015

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## 2. Policy Principles

- 2.1. The welfare of the Learner is paramount
- 2.2. All Learners regardless of age, gender, culture, language, race, ability, sexual identity or religion have equal rights to protection, safeguarding and opportunities.
- 2.3. We recognise that all adults, including temporary staff<sup>1</sup>, volunteers and governors, have a full and active part to play in protecting our Students from harm and have an equal responsibility to act on any suspicion or disclosure that may suggest a Learner is at risk of harm;
- 2.4. All staff believe that our College should provide a caring, positive, safe and stimulating environment that promotes the social, physical and moral development of the individual Learner.
- 2.5. Students and staff involved in Learner protection issues will receive appropriate support and supervision.

## 3. Policy Aims

- 3.1. To demonstrate the College's commitment with regard to safeguarding and Learner protection to Students, parents and other partners.
- 3.2. To support the Learner's development in ways that will foster security, confidence and independence.
- 3.3. To provide an environment in which Learners and young people feel safe, secure, valued and respected, and feel confident to, and know how to approach adults if they are in difficulties, believing they will be effectively listened to.
- 3.4. To raise the awareness of all teaching and non-teaching staff of the need to safeguard Learners and of their responsibilities in identifying and reporting possible cases of abuse.

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<sup>1</sup> Wherever the word "staff" is used, it covers ALL staff on site, including ancillary supply and self-employed staff, contractors, volunteers working with Learners etc, and governors

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- 3.5. To provide a systematic means of monitoring Learners known or thought to be at risk of harm, and ensure we, the College, contribute to assessments of need and support packages for those Learners.
- 3.6. To emphasise the need for good levels of communication between all members of staff.
- 3.7. To develop a structured procedure within the College which will be followed by all members of the College community in cases of suspected abuse.
- 3.8. To develop and promote effective working relationships with other agencies, especially the Police and MASH.
- 3.9. To ensure that all staff working within our College who have substantial access to Learners have been checked as to their suitability, including verification of their identity, qualifications, and a satisfactory DBS check (according to guidance)<sup>2</sup>, and a single central record is kept for audit.

## 4. Values

### 4.1. Supporting Learners

- 4.1.1. We recognise that a Learner who is abused or witnesses violence may feel helpless and humiliated, may blame themselves, and find it difficult to develop and maintain a sense of self-worth.
- 4.1.2. We recognise that the College may provide the only stability in the lives of Learners who have been abused or who are at risk of harm.
- 4.1.3. We accept that research shows that the behaviour of a Learner in these circumstances may range from that which is perceived to be normal to aggressive or withdrawn.
- 4.1.4. Our College will support all Learners by:
  - 4.1.4.1. Encouraging self-esteem and self-assertiveness, through the curriculum as well as our relationships, whilst not condoning aggression or bullying.

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<sup>2</sup> Guidance regarding DBS checks recently updated by the Protection of Freedoms Act 2012

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- 4.1.4.2. Promoting a caring, safe and positive environment within the College.
- 4.1.4.3. Responding sympathetically to any requests for time out to deal with distress and anxiety.
- 4.1.4.4. Offering details of helplines, counselling or other avenues of external support.
- 4.1.4.5. Liaising and working together with all other support services and those agencies involved in the safeguarding of Learners.
- 4.1.4.6. Notifying MASH as soon as there is a significant concern.
- 4.1.4.7. Providing continuing support to a Learner about whom there have been concerns who leaves the College by ensuring that appropriate information is copied under confidential cover to the Learner's new setting and ensuring the College medical records are forwarded as a matter of priority.

4.1.5. Learners are taught to understand and manage risk through our person, social, health and economic (PHSE) education and Relationship and Sex Education and through all aspects of College life. This includes online safety;

**4.2. Prevention / Protection**

4.2.1. We recognise that the College plays a significant part in the prevention of harm to our Learners by providing Learners with good lines of communication with trusted adults, supportive friends and an ethos of protection.

4.2.2. The College community will therefore:

- 4.2.2.1. Work to establish and maintain an ethos where Learners feel secure, are encouraged to talk and are always listened to.
- 4.2.2.2. Include regular consultation with Learners (e.g. through safety questionnaires, participation in anti-bullying week, asking Learners to report whether they have had happy/sad lunchtimes/playtimes)
- 4.2.2.3. Ensure that all Learners know there is an adult in the College whom they can approach if they are worried or in difficulty.
- 4.2.2.4. Include safeguarding across the curriculum, including PSE, opportunities which equip Learners with the skills they need to stay safe from harm and to know to whom they should turn for help. In particular this will include anti-bullying work, online-safety, road safety, pedestrian and cycle training.

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- 4.2.2.5. Ensure all staff are aware of College guidance for their use of mobile technology and have discussed safeguarding issues around the use of mobile technologies and their associated risks.

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## 5. Safe College, Safe Staff

### 5.1. We will ensure that;

- 5.1.1. all staff receive information about the College's safeguarding arrangements, the College's safeguarding statement, Colleague code of conduct, Learner Code of Conduct, Learner protection policy, the role and names of the Designated Safeguarding Lead and their deputy(ies), and Keeping Children Safe in Education part 1 and annex A on induction;
- 5.1.2. all staff receive safeguarding and Learner protection training at induction in line with advice from Devon Safeguarding Children's Board which is regularly updated and receive safeguarding and Learner protection updates (for example, via email, e-bulletins and staff meetings), as required, but at least annually;
- 5.1.3. all members of staff are trained in and receive regular updates in online safety and reporting concerns;
- 5.1.4. all staff and governors have regular Learner protection awareness training, updated by the DSL as appropriate, to maintain their understanding of the signs and indicators of abuse;
- 5.1.5. The Learner protection policy is made available via the College website or other means and that parents/carers are made aware of this policy and their entitlement to have a copy via the website. All parents/carers are made aware of the responsibilities of staff members with regard to Learner protection procedures through the publication of the Learner Protection Policy and reference to it in the College's handbook.
- 5.1.6. the College provides a coordinated offer of Early Help when additional needs of Learners are identified and contributes to early help arrangements and inter-agency working and plans;
- 5.1.7. Our Recruitment and Volunteers policies will seek to ensure the suitability of adults working with Learners on College sites at any time;
- 5.1.8. Community users organising activities for Learners are aware of the College's Learner Protection Policy, guidelines and procedures;
- 5.1.9. The name of the designated members of staff for Learner protection, the Designated Safeguarding Lead and deputy(ies), are clearly advertised in the

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College with a statement explaining the College's role in referring and monitoring cases of suspected abuse;

- 5.1.10. All staff will be given a copy of Part 1 and Annex A of Keeping Learners Safe in Education 2016 and will sign to say they have read and understood it. This applies to the Governing Body in relation to part 2 of the same guidance.

## **6. Roles and Responsibilities**

### **6.1. All members of The Governing Body understand and fulfil their responsibilities, namely to ensure that;**

- 6.1.1. there is a Learner Protection and Safeguarding policy together with a staff behaviour policy (code of conduct);
- 6.1.2. Learner protection, safeguarding, recruitment and managing allegations policies and procedures, including the Colleague Code of Conduct and Student Code of Conduct, are consistent with Devon Safeguarding Childrens Board and statutory requirements, are reviewed annually and that the Learner Protection policy is publically available on the College website or by other means;
- 6.1.3. ensures that all staff including temporary staff and volunteers are provided with the College's Learner protection policy and Colleague Code of Conduct;
- 6.1.4. all staff have read Keeping Children Safe in Education (2016) part 1 and Annex A and that mechanisms are in place to assist staff in understanding and discharging their roles and responsibilities as set out in the guidance.
- 6.1.5. the College operates a safer recruitment procedure that includes statutory checks on staff suitability to work with Learners and disqualification by association regulations and by ensuring that there is at least one person on every recruitment panel who has completed safer recruitment training;
- 6.1.6. the College has procedures for dealing with allegations of abuse against staff (including the Principal), volunteers and against other Learners and that a referral is made to the DBS if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have had they not resigned.
- 6.1.7. a member of the Governing Body, (the safeguarding officer and Chair), are nominated to liaise with the LA on Learner Protection issues and in the event of an allegation of abuse made against the Principal
- 6.1.8. a member of the senior leadership team has been appointed as the Designated Safeguarding Lead (DSL) by the Governing Body who will take lead responsibility

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for safeguarding and Learner protection and that the role is explicit in the role holder's job description;

- 6.1.9. on appointment, the DSL and deputy(ies) undertake interagency training (DSCB Modules 1&2) and also undertake DSL 'New to Role' and 'Update' training every two years;
- 6.1.10. all other staff have safeguarding training updated as appropriate;
- 6.1.11. at least one member of the governing body has completed safer recruitment training to be repeated every five years.
- 6.1.12. Learners are taught about safeguarding (including online safety) as part of a broad and balanced curriculum covering relevant issues through personal social health and economic education (PSHE) and/or for maintained Colleges through relationship and sex education (RSE);
- 6.1.13. appropriate safeguarding responses are in place for Learners who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect including sexual abuse or exploitation and to help prevent the risks of their going missing in future;
- 6.1.14. appropriate online filtering and monitoring systems are in place;
- 6.1.15. enhanced DBS checks (without barred list checks, unless the governor is also a volunteer at the College) are in place for all Governors;
- 6.1.16. any weaknesses in Learner Protection are remedied immediately;

**6.2. The Principal will ensure that;**

- 6.2.1. the Learner Protection and Safeguarding Policy and procedures are implemented and followed by all staff;
- 6.2.2. sufficient time, training, support, resources, including cover arrangements where necessary, is allocated to the DSL and deputy(ies) DSL(s) to carry out their roles effectively, including the assessment of Students and attendance at strategy discussions and other necessary meetings;
- 6.2.3. where there is a safeguarding concern that the Learner's wishes and feelings are taken into account when determining what action to take and what services to provide;
- 6.2.4. systems are in place for Learners to express their views and give feedback which operate with the best interest of the Learner at heart;

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- 6.2.5. all staff feel able to raise concerns about poor or unsafe practice and that such concerns are handled sensitively and in accordance with the whistle-blowing procedures;
- 6.2.6. that Students are provided with opportunities throughout the curriculum to learn about safeguarding, including keeping themselves safe online;
- 6.2.7. they liaise with the Local Authority Designated Officer (LADO), before taking any action and on an ongoing basis, where an allegation is made against a member of staff or volunteer;
- 6.2.8. anyone who has harmed or may pose a risk to a Learner is referred to the Disclosure and Barring Service.

**6.3. The Designated Safeguarding Lead;**

- 6.3.1. holds ultimate responsibility for safeguarding and Learner protection in the College;
- 6.3.2. acts as a source of support and expertise in carrying out safeguarding duties for the whole College community;
- 6.3.3. Encourages a culture of listening to Learners and taking account of their wishes and feelings;
- 6.3.4. is appropriately trained with updates every two years and will refresh their knowledge and skills at regular intervals but at least annually;
- 6.3.5. Will refer a Learner if there are concerns about possible abuse, to the Learners Services Local Referral, Intervention and Assessment Service Team<sup>3</sup>, and act as a focal point for staff to discuss concerns. Referrals should be made in writing, following a telephone call using the Multi Agency Referral Form (MARF)<sup>4</sup>;
- 6.3.6. Will keep detailed, accurate records, either written or using appropriate online software, of all concerns about a Learner even if there is no need to make an immediate referral;
- 6.3.7. Will ensure that all such records are kept confidential, stored securely and are separate from Student records, until the Learner's 25<sup>th</sup> birthday;

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<sup>3</sup> All new referrals go to the *Referral, Intervention and Assessment Service* for each area operating 8.00am to 6.00pm. DSLs may consult with an Assistant Team Manager by telephoning the Area Team. In an emergency out of hours, referrals can be made to the Emergency Duty Team on 01483 517898.

<sup>4</sup> On line forms will be e-mailed from the Learners's Services Area Team

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- 6.3.8. Will ensure that an indication of the existence of the additional file in 6.3.7 above is marked on the Student records;
- 6.3.9. Will ensure that when a Student leaves the College, their Learner protection file is passed to the new College (separately from the main Student and ensuring secure transit) and that confirmation of receipt is obtained;
- 6.3.10. Will ensure that a copy of the CP file is retained until such a time that the new College acknowledges receipt of the original file. The copy should then be shredded;
- 6.3.11. will liaise with the Local Authority and work with other agencies and professionals in line with Working Together to Safeguard Children;
- 6.3.12. Has a working knowledge of DSCB procedures;

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- 6.3.13. Will ensure that either they, or another staff member, attend case conferences, core groups, or other multi-agency planning meetings, contribute to assessments, and provide a report where required which has been shared with the parents;
- 6.3.14. Will ensure that any Student currently with a Learner protection plan who is absent in the educational setting without explanation for two days is referred to their key worker's MASH Team;
- 6.3.15. Will ensure that all staff sign to say they have read, understood and agree to work within the College's Learner protection policy, staff behaviour policy (code of conduct) and Keeping Learners Safe in Education Part 1 and annex A and ensure that the policies are used appropriately;
- 6.3.16. Will organise Learner protection and safeguarding induction, regularly updated training and a minimum of annual updates (including online safety) for all College staff, keep a record of attendance and address any absences;
- 6.3.17. Will contribute to and provide, with the Principal and Chair of Governors, the "Audit of Statutory Duties and Associated Responsibilities" to be submitted annually to the Education Safeguarding Team at Devon County Council;
- 6.3.18. Has an understanding of locally agreed processes for providing early help and intervention and will support members of staff where Early Help is appropriate;
- 6.3.19. Will ensure that the name of the designated members of staff for Learner Protection, the Designated Safeguarding Lead and deputies, are clearly advertised in the College, with a statement explaining the College's role in referring and monitoring cases of suspected abuse.

**6.4. The Deputy Designated Safeguarding Lead(s)**

- 6.4.1. Is/are trained to the same standard as the Designated Safeguarding Lead and, in the absence of the DSL, carries out those functions necessary to ensure the ongoing safety and protection of Students. In the event of the long-term absence of the DSL the deputy will assume all of the functions above.

**6.5. All College Staff**

- 6.5.1. Understand that it is everyone's responsibility to safeguard and promote the welfare of Learners and that they have a role to play in identifying concerns, sharing information and taking prompt action;
- 6.5.2. Consider, at all times, what is in the best interests of the Learner;

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- 6.5.3. know how to respond to a Student who discloses abuse through delivery of 'Working together to Safeguard Children', and 'What to do if you suspect a Child is being Abused' (2015);
- 6.5.4. Will refer any safeguarding or Learner protection concerns to the DSL or if necessary where the Learner is at immediate risk to the police or MASH;
- 6.5.5. Are aware of the Early Help<sup>5</sup> process and understand their role within it including identifying emerging problems for Learners who may benefit from an offer of Early Help, liaising with the DSL in the first instance and supporting other agencies and professionals in an early help assessment through information sharing. In some cases staff may act as the Lead Professional in Early Help Cases.
- 6.5.6. Will provide a safe environment in which Learners can learn;

## **7. Confidentiality**

- 7.1. Oakwood College recognises that in order to effectively meet a Learner's needs, safeguard their welfare and protect them from harm the College must contribute to inter-agency working in line with Working Together to Safeguard Children (2015) and share information between professionals and agencies where there are concerns.
- 7.2. All staff must be aware that they have a professional responsibility to share information with other agencies in order to safeguard Learners and that the Data Protection Act 1998 is not a barrier to sharing information where the failure to do so would place a Learner at risk of harm.
- 7.3. All staff must be aware that they cannot promise a Learner to keep secrets which might compromise the Learner's safety or wellbeing.
- 7.4. However, we also recognise that all matters relating to Learner protection are personal to Learners and families. Therefore, in this respect they are confidential and the Principal or DSLs will only disclose information about a Learner to other members of staff on a need to know basis.

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<sup>5</sup> Detailed information on early help can be found in Chapter 1 of *Working together to safeguard Learners*

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7.5. We will always undertake to share our intention to refer a Learner to MASH with their parents /carers unless to do so could put the Learner at greater risk of harm, or impede a criminal investigation. If in doubt, we will consult with an Assistant Team Manager at the Learners Services Area Team on this point.

## **8. Learner Protection Procedures**

8.1. Abuse and neglect are forms of maltreatment of a Learner. Somebody may abuse or neglect a Learner by inflicting harm or by failing to act to prevent harm. Learners may be abused in the family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults or by another Learner or Learners.

8.2. Further information about the four categories of abuse; physical, emotional, sexual and neglect, and indicators that a Learner may be being abused can be found in appendices 1 and 2.

8.3. Any Learner in any family in any College could become a victim of abuse. Staff should always maintain an attitude of “It could happen here”.

8.4. There are also a number of specific safeguarding concerns that we recognise our Students may experience;

8.4.1. Learner missing from education (see para 21)

8.4.2. Learner missing from home or care

8.4.3. Learner sexual exploitation (CSE) (see para 14 and Appendix 3)

8.4.4. bullying including cyberbullying (see para 10)

8.4.5. domestic abuse (see para 13 and Appendix 5)

8.4.6. drugs

8.4.7. fabricated or induced illness

8.4.8. faith abuse

8.4.9. female genital mutilation (FGM) (see para 15 and Appendix 4)

8.4.10. forced marriage (see para 16)

8.4.11. gangs and youth violence

8.4.12. gender-based violence/violence against women and girls (VAWG)

8.4.13. mental health

8.4.14. private fostering

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- 8.4.15. radicalisation (see para 12 and Appendix 6)
- 8.4.16. youth produced sexual imagery (sexting) (see para 24)
- 8.4.17. teenage relationship abuse (see para 24)
- 8.4.18. trafficking
- 8.4.19. peer on peer abuse (see para 24)

8.5. Staff are aware that behaviours linked to drug taking, alcohol abuse, truanting and sexting put Learners in danger and that safeguarding issues can manifest themselves via peer on peer abuse.

8.6. We also recognise that abuse, neglect and safeguarding issues are complex and are rarely standalone events that can be covered by one definition or label. Staff are aware that in most cases multiple issues will overlap one another.

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## **8.7. If staff are concerned about a Learner's welfare**

- 8.7.1. If staff notice any indicators of abuse/neglect or signs that a Learner may be experiencing a safeguarding issue they should record these concerns on an Expression of concern Form [Colleges may have their own version of this form] and pass it to the DSL. They may also discuss their concerns in person with the DSL but the details of the concern should be recorded in writing.
- 8.7.2. There will be occasions when staff may suspect that a Student may be at risk, but have no 'real' evidence. The Student's behaviour may have changed, their artwork could be bizarre, they may write stories or poetry that reveal confusion or distress, or physical or inconclusive signs may have been noticed.
- 8.7.3. Oakwood College recognise that the signs may be due to a variety of factors, for example, a parent has moved out, a pet has died, a grandparent is very ill or an accident has occurred. However, they may also indicate a Learner is being abused or is in need of safeguarding.
- 8.7.4. In these circumstances staff will try to give the Learner the opportunity to talk. It is fine for staff to ask the Student if they are OK or if they can help in any way.
- 8.7.5. Following an initial conversation with the Student, if the member of staff remains concerned they should discuss their concerns with the DSL and put them in writing.
- 8.7.6. If the Student does begin to reveal that they are being harmed, staff should follow the advice below regarding a Student making a disclosure.

## **8.8. If a Student discloses to a member of staff**

- 8.8.1. We recognise that it takes a lot of courage for a Learner to disclose they are being abused. They may feel ashamed, guilty or scared, their abuser may have threatened that something will happen if they tell, they may have lost all trust in adults or believe that what has happened is their fault. Sometimes they may not be aware that what is happening is abuse.
- 8.8.2. A Learner who makes a disclosure may have to tell their story on a number of subsequent occasions to the police and/or social workers. Therefore, it is vital that their first experience of talking to a trusted adult is a positive one.

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8.8.3. During their conversation with the Student staff will;

- 8.8.3.1. Listen to what the Learner has to say and allow them to speak freely
  - 8.8.3.2. Remain calm and not overact or act shocked or disgusted – the Student may stop talking if they feel they are upsetting the listener
  - 8.8.3.3. Reassure the Learner that it is not their fault and that they have done the right thing in telling someone
  - 8.8.3.4. Not be afraid of silences – staff must remember how difficult it is for the Student and allow them time to talk
  - 8.8.3.5. Take what the Learner is disclosing seriously
  - 8.8.3.6. Ask open questions and avoid asking leading questions
  - 8.8.3.7. Avoid jumping to conclusions, speculation or make accusations
  - 8.8.3.8. Not automatically offer any physical touch as comfort. It may be anything but comforting to a Learner who is being abused.
  - 8.8.3.9. Avoid admonishing the Learner for not disclosing sooner. Saying things such as ‘I do wish you had told me about it when it started’ may be the staff member’s way of being supportive but may be interpreted by the Learner to mean they have done something wrong.
  - 8.8.3.10. Tell the Learner what will happen next.
- 8.8.4. If a Student talks to any member of staff about any risks to their safety or wellbeing the staff member will let the Learner know that they will have to pass the information on – staff are not allowed to keep secrets.
- 8.8.5. The member of staff should write up their conversation as soon as possible on the Expression of Concern Form<sup>8</sup> in the Learner’s own words. Staff should make this a matter of priority. The record should be signed and dated, the member of staff’s name should be printed and it should also detail where the disclosure was made and who else was present. The record should be handed to the DSL.

**8.9. Notifying Parents**

- 8.9.1. The College will normally seek to discuss any concerns about a Student with their parents. This must be handled sensitively and the DSL will make contact with the parent in the event of a concern, suspicion or disclosure.

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- 8.9.2. However, if the College believes that notifying parents could increase the risk to the Learner or exacerbate the problem, advice will first be sought from Learners MASH.
- 8.9.3. Where there are concerns about forced marriage or honour based violence parents should not be informed a referral is being made as to do so may place the Learner at a significantly increased risk.

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## **8.10. Making a referral**

- 8.10.1. Concerns about a Learner or a disclosure should be discussed with the DSL who will help decide whether a referral to Learners MASH, early help or other support is appropriate in accordance with Devon Safeguarding Learners Board Threshold Tool
- 8.10.2. If a referral is needed then the DSL should make it. However, anyone can make a referral and if for any reason a staff member thinks a referral is appropriate and one hasn't been made they can and should consider making a referral themselves.
- 8.10.3. The Learner (subject to their age and understanding) and the parents will be told that a referral is being made, unless to do so would increase the risk to the Learner.
- 8.10.4. If after a referral the Learner's situation does not appear to be improving the designated safeguarding lead (or the person that made the referral) should press for re-consideration to ensure their concerns have been addressed, and most importantly the Learner's situation improves.
- 8.10.5. If a Learner is in immediate danger or is at risk of harm a referral should be made to Learners MASH and/or the police immediately. Anybody can make a referral.
- 8.10.6. Where referrals are not made by the DSL, the DSL should be informed as soon as possible.

## **8.11. Supporting Staff**

- 8.11.1. We recognise that staff working in the College who have become involved with a Learner who has suffered harm, or appears to be likely to suffer harm may find the situation stressful and upsetting.
- 8.11.2. We will support such staff by providing an opportunity to talk through their anxieties with the DSLs and to seek further support as appropriate.

## **9. Learners who are particularly vulnerable**

- 9.1. Oakwood College recognises that some Learners are more vulnerable to abuse and neglect and that additional barriers exist when recognising abuse for some Learners.

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9.2. We understand that this increase in risk is due more to societal attitudes and assumptions or Learner protection procedures which fail to acknowledge Learners diverse circumstances, rather than the individual Learner's personality, impairment or circumstances.

9.3. In some cases possible indicators of abuse such as a Learner's mood, behaviour or injury might be assumed to relate to the Learner's impairment or disability rather than giving a cause for concern. Or a focus may be on the Learner's disability, special educational needs or situation without consideration of the full picture. In other cases, such as bullying, the Learner may be disproportionately impacted by the behaviour without outwardly showing any signs that they are experiencing it.

9.4. Some Learners may also find it harder to disclose abuse due to communication barriers, lack of access to a trusted adult or not being aware that what they are experiencing is abuse.

9.5. To ensure that all of our Students receive equal protection we will give special consideration to Learners who are;

9.5.1. Disabled or have special educational needs

9.5.2. Young carers

9.5.3. Affected by parental substance misuse, domestic abuse or parental mental health needs

9.5.4. Asylum seekers

9.5.5. Living away from home

9.5.6. Vulnerable to being bullied or engaged in bullying

9.5.7. Already viewed as a 'problem'

9.5.8. Living in temporary accommodation

9.5.9. Live transient lifestyles

9.5.10. Living in chaotic and unsupportive home situations

9.5.11. Vulnerable to discrimination on the grounds of race, ethnicity, religion, disability or sexuality

9.5.12. At risk of sexual exploitation

9.5.13. Do not have English as a first language

9.5.14. At risk of female genital mutilation

9.5.15. At risk of forced marriage

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9.5.16. At risk of being drawn into extremism.

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## **10. Anti-Bullying/Cyberbullying**

- 10.2. Our College policy on anti-bullying is set out in a separate document and acknowledges that to allow or condone bullying may lead to consideration under Learner protection procedures. This includes all forms e.g. cyber, racist, homophobic and gender related bullying. We keep a record of known bullying incidents which is shared with and analysed by the governing body. All staff are aware that Learners with SEND and / or differences/perceived differences are more susceptible to being bullied / victims of Learner abuse.
- 10.3. If the bullying is particularly serious, or the anti-bullying procedures are seen to be ineffective, the Principal and the DSL will consider implementing Learner protection procedures.
- 10.4. The subject of bullying is addressed at regular intervals in PHSE education.

## **11. Racist Incidents**

- 11.1. Our policy on racist incidents is set out separately, and acknowledges that repeated racist incidents or a single serious incident may lead to consideration under Learner protection procedures. We keep a record of racist incidents and report them to the Local Authority.

## **12. Radicalisation and Extremism**

- 12.1. The Prevent Duty for England and Wales (2015) under section 26 of the Counter-Terrorism and Security Act 2015 places a duty on education and other Childrens services to have due regard to the need to prevent people from being drawn into terrorism.
- 12.2. Extremism is defined as ‘as ‘vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs’. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.

- 12.3. Some Learners are at risk of being radicalised; adopting beliefs and engaging in activities which are harmful, criminal or dangerous.
- 12.4. Oakwood College is clear that exploitation of vulnerable Learners and radicalisation should be viewed as a safeguarding concern and follows the Department for Education guidance for Colleges and Education providers on preventing Learners from being drawn into terrorism<sup>6</sup>.
- 12.5. Oakwood College seeks to protect Learners and young people against the messages of all violent extremism including, but not restricted to, those linked to Islamist ideology, or to Far Right / Neo Nazi / White Supremacist ideology, Irish Nationalist and Loyalist paramilitary groups, and extremist Animal Rights movements.
- 12.6. College staff receive training to help identify early signs of radicalisation and extremism. Indicators of vulnerability to radicalisation are in detailed in Appendix 6.
- 12.7. Opportunities are provided in the curriculum to enable Students to discuss issues of religion, ethnicity and culture and the College follows the DfE advice Promoting Fundamental British Values as part of SMSC (spiritual, moral, social and cultural education) in Colleges (2014)<sup>7</sup>.
- 12.8. The College governors, the Head Teacher and the Designated Safeguarding Lead (DSL) will assess the level of risk within the College and put actions in place to reduce that risk. Risk assessment may include, the use of College premises by external agencies, anti-bullying policy and other issues specific to the College's profile, community and philosophy.
- 12.9. When any member of staff has concerns that a Student may be at risk of radicalisation or involvement in terrorism, they should speak with the DSL. They should then follow normal safeguarding procedures. If the matter is urgent then Devon Police must be contacted by dialling 999. In non-urgent cases where police advice is sought then dial 101. The Department of Education has also set up a dedicated telephone helpline for staff and governors to raise concerns around Prevent (020 7340 7264).

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<sup>6</sup> <https://www.gov.uk/government/publications/protecting-Learners-from-radicalisation-the-prevent-duty>

<sup>7</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/380595/SMSC\\_Guidance\\_Maintained\\_Colleges.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380595/SMSC_Guidance_Maintained_Colleges.pdf)

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## **13.Domestic Abuse**

- 13.1. Domestic abuse represents one quarter of all violent crime. It is actual or threatened physical, emotional, psychological or sexual abuse. It involves the use of power and control by one person over another. It occurs regardless of race, ethnicity, gender, class, sexuality, age, religion, mental or physical ability. Domestic abuse can also involve other types of abuse.
- 13.2. We use the term domestic abuse to reflect that a number of abusive and controlling behaviours are involved beyond violence.
- 13.3. Slapping, punching, kicking, bruising, rape, ridicule, constant criticism, threats, manipulation, sleep deprivation, social isolation, and other controlling behaviours all count as abuse.
- 13.4. Living in a home where domestic abuse takes place is harmful to Learners and can have a serious impact on their behaviour, wellbeing and understanding of healthy, positive relationships. Learners who witness domestic abuse are at risk of significant harm and staff are alert to the signs and symptoms of a Learner suffering or witnessing domestic abuse (See Appendix 5).

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## 14. Learner Sexual Exploitation (CSE)

- 14.1. Learner sexual exploitation is a form of Learner sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a Learner or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Learner sexual exploitation does not always involve physical contact, it can also occur through the use of technology. More information and the indicators of CSE is set out in appendix 3. CSE can happen online and offline and all staff should be aware of the link between online safety and vulnerability to CSE.
- 14.2. Any concerns that a Learner is being or is at risk of being sexually exploited should be passed without delay to the DSL. Oakwood College is aware there is a clear link between regular College absence/truancy and CSE. Staff should consider a Learner to be at potential CSE risk in the case of regular College absence/truancy and make reasonable enquiries with the Learner and parents to assess this risk.
- 14.3. The DSL will use the Devon Safeguarding Learners Board CSE Screening Tool<sup>8</sup> on all occasions when there is a concern that a Learner is being or is at risk of being sexually exploited or where indicators have been observed that are consistent with a Learner who is being or who is at risk of being sexually exploited.
- 14.4. In all cases if the tool identified any level of concern the DSL should contact their local MACSE and email the completed CSE Screening Tool along with a MASH enquiry form. If a Learner is in immediate danger the police should be called on 999.
- 14.5. Oakwood College is aware that a Learner often is not able to recognise the coercive nature of the abuse and does not see themselves as a victim. As a consequence the Learner may resent what they perceive as interference by staff. However, staff must act on their concerns as they would for any other type of abuse.

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<sup>8</sup> [www.devonsafeguardingLearners.org/CSE](http://www.devonsafeguardingLearners.org/CSE)

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- 14.6. Oakwood College includes the risks of sexual exploitation in the PHSE and SRE curriculum. Students will be informed of the grooming process and how to protect themselves from people who may potentially be intent on causing harm. They will be supported in terms of recognising and assessing risk in relation to CSE, including online, and knowing how and where to get help.

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## 15. Female Genital Mutilation (FGM)

- 15.1. Female Genital Mutilation (FGM) is illegal in England and Wales under the FGM Act (2003). It is a form of Learner abuse and violence against women. A mandatory reporting duty requires teachers to report 'known' cases of FGM in under 18s, which are identified in the course of their professional work, to the police<sup>9</sup>.
- 15.2. The duty applies to all persons in Oakwood College who is employed or engaged to carry out 'teaching work' in the College, whether or not they have qualified teacher status. The duty applies to the individual who becomes aware of the case to make a report. It should not be transferred to the Designated Safeguarding Lead, however the DSL should be informed.
- 15.3. If a teacher is informed by a girl under 18 that an act of FGM has been carried out on her or a teacher observes physical signs which appear to show that an act of FGM has been carried out on a girl under 18 and they have no reason to believe the act was necessary for the girl's physical or mental health or for purposes connected with labour or birth, the teacher should personally make a report to the police force in which the girl resides by calling 101. The report should be made by the close of the next working day.
- 15.4. College staff are trained to be aware of risk indicators of FGM which are set out in Appendix 4. Concerns about FGM outside of the mandatory reporting duty should be reported as per Oakwood College's Learner protection procedures. Staff should be particularly alert to suspicions or concerns expressed by female Students about going on a long holiday during the summer vacation period. There should also be consideration of potential risk to other girls in the family and practicing community.
- 15.5. Where there is a risk to life or likelihood of serious immediate harm the teacher should report the case immediately to the police, including dialling 999 if appropriate.
- 15.6. There are no circumstances in which a teacher or other member of staff should examine a girl.

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<sup>9</sup> <https://www.gov.uk/government/publications/mandatory-reporting-of-female-genital-mutilation-procedural-information>

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## **16. Forced Marriage**

- 16.1. A forced marriage is a marriage in which one or both people do not (or in cases of people with learning disabilities cannot) consent to the marriage but are coerced into it. Coercion may include physical, psychological, financial, sexual and emotional pressure. It may also involve physical or sexual violence and abuse.
- 16.2. Forced marriage is an appalling and indefensible practice and is recognised in the UK as a form of violence against women and men, domestic/Learner abuse and a serious abuse of human rights. Since June 2014 forcing someone to marry has become a criminal offence in England and Wales under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 16.3. A forced marriage is not the same as an arranged marriage which is common in several cultures. The families of both spouses take a leading role in arranging the marriage but the choice of whether or not to accept the arrangement remains with the prospective spouses.
- 16.4. College staff should never attempt to intervene directly as a College or through a third party. Contact should be made with MASH

## **17. Honour-based Violence**

- 17.1. Honour based violence (HBV) can be described as a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code.
- 17.2. Honour based violence might be committed against people who;
  - 17.2.1. become involved with a boyfriend or girlfriend from a different culture or religion;
  - 17.2.2. want to get out of an arranged marriage;
  - 17.2.3. want to get out of a forced marriage;
  - 17.2.4. wear clothes or take part in activities that might not be considered traditional within a particular culture.

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- 17.3. It is a violation of human rights and may be a form of domestic and/or sexual abuse. There is no, and cannot be, honour or justification for abusing the human rights of others.

**18. One Chance Rule**

- 18.1. All staff are aware of the 'One Chance' Rule' in relation to forced marriage, FGM and HBV. Staff recognise they may only have one chance' to speak to a Student who is a potential victim and have just one chance to save a life.
- 18.2. Oakwood College are aware that if the victim is not offered support following disclosure that the 'One Chance' opportunity may be lost. Therefore, all staff are aware of their responsibilities and obligations when they become aware of potential forced marriage, FGM and HBV cases.

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## 19. Private Fostering Arrangements

- 19.1. A private fostering arrangement occurs when someone other than a parent or close relative cares for a Learner for a period of 28 days or more, with the agreement of the Learner's parents. It applies to Learners under the age of 16 or 18 if the Learner is disabled. Learners looked after by the local authority or who are placed in residential Colleges, Learners homes or hospitals are not considered to be privately fostered.
- 19.2. Private fostering occurs in all cultures, including British culture and Learners may be privately fostered at any age.
- 19.3. Oakwood College recognises that most privately fostered Learners remain safe and well but are aware that safeguarding concerns have been raised in some cases. Therefore, all staff are alert to possible safeguarding issues, including the possibility that the Learner has been trafficked into the country.
- 19.4. By law, a parent, private foster carer or other persons involved in making a private fostering arrangement must notify Learners services as soon as possible. However, where a member of staff becomes aware that a Student may be in a private fostering arrangement they will raise this with the DSL and the DSL will notify MASH of the circumstances.

## 20. Looked After Learners

- 20.1. The most common reason for Learners becoming looked after is as a result of abuse and neglect. Oakwood College ensures that staff have the necessary skills and understanding to keep looked after Learners safe. Appropriate staff have information about a Learner's looked after legal status and care arrangements, including the level of authority delegated to the carer by the authority looking after the Learner and contact arrangements with birth parents or those with parental responsibility.
- 20.2. The designated teacher for looked after Learners and the DSL have details of the Learner's social worker and the name and contact details of the Devon County Council's virtual College head for Learners in care.

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20.3. The designated teacher for looked after Learner works with the virtual College head to discuss how Student Premium Plus funding can be best used to support the progress of looked after Learners in the College and meet the needs in the Learner's personal education plan.

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## 21. Learners Missing Education

- 21.1. Attendance, absence and exclusions are closely monitored. A Learner going missing from education is a potential indicator of abuse and neglect, including sexual abuse and sexual exploitation.
- 21.2. The DSL will monitor unauthorised absences and take appropriate action including notifying the local authority particularly where Learners go missing on repeat occasions and/or are missing for periods during the College day in conjunction with 'Learners Missing Education: Statutory Guidance for Local Authorities'<sup>10</sup>.
- 21.3. Staff must be alert to signs of Learners at risk of travelling to conflict zones, female genital mutilation and forced marriage.

## 22. Online Safety

- 22.1. Our Students increasingly use electronic equipment on a daily basis to access the internet and share content and images via social media sites such as facebook, twitter, instagram, snapchat and oovoo.
- 22.2. Unfortunately, some adults and other Learners use these technologies to harm Learners. The harm might range from sending hurtful or abusive texts or emails, to grooming and enticing Learners to engage in sexual behaviour such as webcam photography or face-to-face meetings. Students may also be distressed or harmed by accessing inappropriate material such as pornographic websites or those which promote extremist behaviour, criminal activity, suicide or eating disorders
- 22.3. OAKWOOD College has an online safety policy which explains how we try to keep Students safe in College and how we respond to online safety incidents (See flowchart, Appendix 7).
- 22.4. Students are taught about online safety throughout the curriculum and all staff receive online safety training which is regularly updated.

## 23. Peer on Peer Abuse

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<sup>10</sup> <https://www.gov.uk/government/publications/Learners-missing-education>

23.1. In most instances, the conduct of Students towards each other will be covered by our behaviour policy. However, some allegations may be of such a serious nature that they may raise safeguarding concerns. Oakwood College recognise that Learners are capable of abusing their peers. It will not be passed off as ‘banter’ or ‘part of growing up’. The forms of peer on peer abuse are outlined below.

23.1.1. Domestic abuse – an incident or pattern of actual or threatened acts of physical, sexual, financial and/or emotional abuse, perpetrated by an adolescent against a current or former dating partner regardless of gender or sexuality.

23.1.2. Learner Sexual Exploitation – Learners under the age of 18 may be sexually abused in the context of exploitative relationships, contexts and situations by peers who are also under 18.

23.1.3. Harmful Sexual Behaviour – Learners and young people presenting with sexual behaviours that are outside of developmentally ‘normative’ parameters and harmful to themselves and others (For more information, please see Appendix 2).

23.1.4. Serious Youth Violence – Any offence of most serious violence or weapon enabled crime, where the victim is aged 1-19’ i.e. murder, manslaughter, rape, wounding with intent and causing grievous bodily harm. ‘Youth violence’ is defined in the same way, but also includes assault with injury offences.

23.2. The term peer-on-peer abuse can refer to all of these definitions and a Learner may experience one or multiple facets of abuse at any one time. Therefore, our response will cut across these definitions and capture the complex web of their experiences.

23.3. There are also different gender issues that can be prevalent when dealing with peer on peer abuse (i.e. girls being sexually touched/assaulted or boys being subjected to initiation/hazing type violence).

23.4. Oakwood College aims to reduce the likelihood of peer on peer abuse through;

23.4.1. the established ethos of respect, friendship, courtesy and kindness;

23.4.2. high expectations of behaviour;

23.4.3. clear consequences for unacceptable behaviour;

23.4.4. providing a developmentally appropriate PSHE curriculum which develops Students’ understanding of healthy relationships, acceptable behaviour, consent and keeping themselves safe;

23.4.5. systems for any Student to raise concerns with staff, knowing that they will be listened to, valued and believed;

23.4.6. robust risk assessments and providing targeted work for Students identified as being a potential risk to other Students and those identified as being at risk.

23.5. Research indicates that young people rarely disclose peer on peer abuse and that if they do, it is likely to be to their friends. Therefore, OAKWOOD College will also educate Students in how to support their friends if they are concerned about them, that they should talk to a trusted adult in the College and what services they can contact for further advice.

23.6. Any concerns, disclosures or allegations of peer on peer abuse in any form should be referred to the DSL using OAKWOOD College's Learner protection procedures as set out in this policy. Where a concern regarding peer on peer abuse has been disclosed to the DSL(s), advice and guidance will be sought from MASH and where it is clear a crime has been committed or there is a risk of crime being committed the Police will be contacted.

23.7. Working with external agencies the College will respond to the unacceptable behaviour. If a Student's behaviour negatively impacts on the safety and welfare of other Students then safeguards will be put in place to promote the well-being of the Students affected and the victim and perpetrator will be provided with support.

## **24. Youth produced sexual imagery (sexting) <sup>11</sup>**

24.1. The practice of Learners sharing images and videos via text message, email, social media or mobile messaging apps has become commonplace. However, this online technology has also given Learners the opportunity to produce and distribute sexual imagery in the form of photos and videos. Such imagery involving anyone under the age of 18 is illegal.

24.2. Youth produced sexual imagery refers to both images and videos where;

24.2.1. A person under the age of 18 creates and shares sexual imagery of themselves with a peer under the age of 18.

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<sup>11</sup> Youth refers to anyone under the age of 18.

- 24.2.2. A person under the age of 18 shares sexual imagery created by another person under the age of 18 with a peer under the age of 18 or an adult.
- 24.2.3. A person under the age of 18 is in possession of sexual imagery created by another person under the age of 18.
- 24.3. All incidents of this nature should be treated as a safeguarding concern and in line with the UKCCIS guidance 'Sexting in Colleges and colleges: responding to incidents and safeguarding young people'<sup>12</sup>.
- 24.4. Cases where sexual imagery of people under 18 has been shared by adults and where sexual imagery of a person of any age has been shared by an adult to a Learner is Learner sexual abuse and should be responded to accordingly.
- 24.5. If a member of staff becomes aware of an incident involving youth produced sexual imagery they should follow the Learner protection procedures and refer to the DSL as soon as possible. The member of staff should confiscate the device involved and set it to flight mode or, if this is not possible, turn it off. Staff should not view, copy or print the youth produced sexual imagery.
- 24.6. The DSL should hold an initial review meeting with appropriate College staff and subsequent interviews with the Learners involved (if appropriate). Parents should be informed at an early stage and involved in the process unless there is reason to believe that involving parents would put the Learner at risk of harm. At any point in the process if there is concern a young person has been harmed or is at risk of harm a referral should be made to MASH or the Police as appropriate.
- 24.7. Immediate referral at the initial review stage should be made to MASH/Police if;
- 24.7.1. The incident involves an adult;
- 24.7.2. There is good reason to believe that a young person has been coerced, blackmailed or groomed or if there are concerns about their capacity to consent (for example, owing to special education needs);
- 24.7.3. What you know about the imagery suggests the content depicts sexual acts which are unusual for the Learner's development stage or are violent;

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<sup>12</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/545997/Sexting\\_in\\_Colleges\\_and\\_colleges\\_UKCCIS\\_\\_4\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/545997/Sexting_in_Colleges_and_colleges_UKCCIS__4_.pdf)

- 24.7.4. The imagery involves sexual acts;
  - 24.7.5. The imagery involves anyone aged 12 or under;
  - 24.7.6. There is reason to believe a Learner is at immediate risk of harm owing to the sharing of the imagery, for example the Learner is presenting as suicidal or self-harming.
- 24.8. If none of the above apply then the DSL will use their professional judgement to assess the risk to Students involved and may decide, with input from the Principal, to respond to the incident without escalation to MASH or the police.
- 24.9. In applying judgement the DSL will consider if;
- 24.9.1. there is a significant age difference between the sender/receiver;
  - 24.9.2. there is any coercion or encouragement beyond the sender/receiver;
  - 24.9.3. the imagery was shared and received with the knowledge of the Learner in the imagery;
  - 24.9.4. the Learner is more vulnerable than usual i.e. at risk;
  - 24.9.5. there is a significant impact on the Learners involved;
  - 24.9.6. the image is of a severe or extreme nature;
  - 24.9.7. the Learner involved understands consent;
  - 24.9.8. the situation is isolated or if the image been more widely distributed;
  - 24.9.9. there other circumstances relating to either the sender or recipient that may add cause for concern i.e. difficult home circumstances;
  - 24.9.10. the Learners have been involved in incidents relating to youth produced imagery before.
- 24.10. If any of these circumstances are present the situation will be escalated according to our Learner protection procedures, including reporting to the police or MASH. Otherwise, the situation will be managed within the College.
- 24.11. The DSL will record all incidents of youth produced sexual imagery, including both the actions taken, actions not taken, reasons for doing so and the resolution in line with safeguarding recording procedures.

## 25. Allegations against staff

- 25.1. All College staff should take care not to place themselves in a vulnerable position with a Learner. It is always advisable for interviews or work with individual Learners or parents to be conducted in view of other adults.
- 25.2. Guidance about conduct and safe practice, including safe use of mobile phones by staff and volunteers will be given at induction<sup>13</sup>
- 25.3. We understand that a Student may make an allegation against a member of staff or staff may have concerns about another staff member.
- 25.4. If such an allegation is made, or information is received which suggests that a person may be unsuitable to work with Learners, the member of staff receiving the allegation or aware of the information, will immediately inform the Principal<sup>14</sup>.
- 25.5. The Principal will discuss the content of the allegation with the Local Authority Designated Officer (LADO)<sup>15</sup> at the earliest opportunity and before taking any further action.
- 25.6. If the allegation made to a member of staff concerns the Principal, the person receiving the allegation will immediately inform Phoenix's Director of Education who will consult the LADO as in 23.6 above, without notifying the Principal first.
- 25.7. The College will follow the Devon procedures for managing allegations against staff, procedures set out in Keeping Learners Safe in Education and the College's Managing Allegations policy and procedures.

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<sup>13</sup> Refer to "Guidance for Safe Working Practice for the Protection of Learners and Staff in Education Settings" available on the DfE website.

<sup>14</sup> or Chair of Governors in the event of an allegation against the Principal

<sup>15</sup> Duty LADO telephone 01392 384964 or email [ladosecure-mailbox@devon.gcsx.gov.uk](mailto:ladosecure-mailbox@devon.gcsx.gov.uk) for a notification form.

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- 25.8. Suspension of the member of staff, excluding the Principal, against whom an allegation has been made, needs careful consideration, and the Principal will seek the advice of the LADO and an HR Consultant in making this decision.
- 25.9. In the event of an allegation against the Principal, the decision to suspend will be made by the Director of Education with advice as in 23.9 above.
- 25.10. Allegations regarding the proprietor of an independent College will be referred to the Local Authority Designated Officer
- 25.11. Staff, parents and governors are reminded that publication of material that may lead to the identification of a teacher who is the subject of an allegation is prohibited by law. Publication includes verbal conversations or writing including content placed on social media sites.

**26. Whistle-blowing**

- 26.1. We recognise that Learners cannot be expected to raise concerns in an environment where staff fail to do so.
- 26.2. All staff should be aware of their duty to raise concerns, where they exist, about the management of Learner protection, which may include the attitude or actions of colleagues, poor or unsafe practice and potential failures in the College’s safeguarding arrangements. If it becomes necessary to consult outside the College, they should speak in the first instance, to the Area Education Officer/LADO following the Whistleblowing Policy.
- 26.3. The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding Learner protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- 26.4. Whistle-blowing re the Principal should be made to the Chair of the Governing Body whose contact details are readily available to staff.

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## 27. Physical Intervention

- 27.1. We acknowledge that staff must only ever use physical intervention as a last resort, when a Learner is endangering him/herself or others, and that at all times it must be the minimal force necessary to prevent injury to another person.
- 27.2. Such events should be recorded and signed by a witness.
- 27.3. Staff who are likely to need to use physical intervention will be appropriately trained in the Positive interventions techniques.
- 27.4. We understand that physical intervention of a nature which causes injury or distress to a Learner may be considered under Learner protection or disciplinary procedures.
- 27.5. We recognise that touch is appropriate in the context of working with Learners, and all staff have been given 'Safe Practice' guidance to ensure they are clear about their professional boundary.<sup>16</sup>

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<sup>16</sup> *Guidance on Safer Working Practices is available on the DfE website*

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## **28. Confidentiality and sharing information**

- 28.1. All staff will understand that Learner protection issues warrant a high level of confidentiality, not only out of respect for the Student and staff involved but also to ensure that information being released into the public domain does not compromise evidence.
- 28.2. Staff should only discuss concerns with the DSL, Principal/principal or chair of governors (depending on who is the subject of the concern). That person will then decide who else needs to have the information and they will disseminate it on a 'need-to-know' basis.
- 28.3. However, following a number of cases where senior leaders in College had failed to act upon concerns raised by staff, Keeping Learners Safe in Education (2016) emphasises that any member of staff can contact Learners social care if they are concerned about a Learner.
- 28.4. Learner protection information will be stored and handled in line with the Data Protection Act 1998 and HM Government Information sharing and Advice for practitioners providing safeguarding services to Learners, young people, parents and carers, March 2016
- 28.5. Information sharing is guided by the following principles. The information is:
- necessary and proportionate
  - relevant
  - adequate
  - accurate
  - timely
  - secure

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**29. This policy also links to our policies on:**

College Behaviour (Management)	Oakwood policy 2
Positive Reinforcement and Behaviour Management	Oakwood policy 3
Colleague Code of Conduct	Group policy 527
Whistleblowing and making Protected Disclosures	Group policy 532
Counter-bullying	Oakwood policy 10
Health & Safety	Group policy 548
Managing Allegations against Colleagues and Volunteers	Oakwood policy 31
SOP Day Learner Attendance Punctuality and Retention	Oakwood policy 53
24 hour Curriculum	Oakwood policy 9
Post Physical Education and Hygiene	Oakwood policy 18
Administration of medicines	Group policy 515
Internet use and e-safety	Group policy 555
Risk Taking and Risk Assessment	Group policy 558
Management of Outdoor education, visits and offsite activities	Oakwood policy 36
Recruitment and Selection (inc safer recruitment and the employment of ex-offenders)	Group policy 542
Learner Sexual Exploitation	Oakwood policy 16
Supporting Personal Care Needs	Oakwood policy 29
Prevent Radicalisation	Group policy 550
Working with Learners Who Have Suffered Abuse	Oakwood policy 23
Physical Contact with learners	Oakwood policy 27

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## Appendix 1

### Recognising signs of Learner abuse

#### Categories of Abuse:

- Physical Abuse
- Emotional Abuse (including Domestic Abuse)
- Sexual Abuse (including Learner sexual exploitation)
- Neglect

#### Signs of Abuse in Learners:

The following non-specific signs may indicate something is wrong:

- Significant change in behaviour
- Extreme anger or sadness
- Aggressive and attention-seeking behaviour
- Suspicious bruises with unsatisfactory explanations
- Lack of self-esteem
- Self-injury
- Depression
- Age inappropriate sexual behaviour
- Learner Sexual Exploitation.

#### Risk Indicators

The factors described in this section are frequently found in cases of Learner abuse. Their presence is not proof that abuse has occurred, but:

- Must be regarded as indicators of the possibility of significant harm

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- Justifies the need for careful assessment and discussion with designated / named / lead person, manager, (or in the absence of all those individuals, an experienced colleague)
- May require consultation with and / or referral to Learners Services

The absence of such indicators does not mean that abuse or neglect has not occurred.

In an abusive relationship the Learner may:

- Appear frightened of the parent/s
- Act in a way that is inappropriate to her/his age and development (though full account needs to be taken of different patterns of development and different ethnic groups)

The parent or carer may:

- Persistently avoid Learner health promotion services and treatment of the Learner's episodic illnesses
- Have unrealistic expectations of the Learner
- Frequently complain about/to the Learner and may fail to provide attention or praise (high criticism/low warmth environment)
- Be absent or misusing substances
- Persistently refuse to allow access on home visits
- Be involved in domestic abuse

Staff should be aware of the potential risk to Learners when individuals, previously known or suspected to have abused Learners, move into the household.

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## Recognising Physical Abuse

The following are often regarded as indicators of concern:

- An explanation which is inconsistent with an injury
- Several different explanations provided for an injury
- Unexplained delay in seeking treatment
- The parents/carers are uninterested or undisturbed by an accident or injury
- Parents are absent without good reason when their Learner is presented for treatment
- Repeated presentation of minor injuries (which may represent a “cry for help” and if ignored could lead to a more serious injury)
- Family use of different doctors and A&E departments
- Reluctance to give information or mention previous injuries

## Bruising

Learners can have accidental bruising, but the following must be considered as non accidental unless there is evidence or an adequate explanation provided:

- Any bruising to a pre-crawling or pre-walking baby
- Bruising in or around the mouth, particularly in small babies which may indicate force feeding
- Two simultaneous bruised eyes, without bruising to the forehead, (rarely accidental, though a single bruised eye can be accidental or abusive)
- Repeated or multiple bruising on the head or on sites unlikely to be injured accidentally
- Variation in colour possibly indicating injuries caused at different times
- The outline of an object used e.g. belt marks, hand prints or a hair brush
- Bruising or tears around, or behind, the earlobe/s indicating injury by pulling or twisting
- Bruising around the face
- Grasp marks on small Learners
- Bruising on the arms, buttocks and thighs may be an indicator of sexual abuse

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**Bite Marks**

Bite marks can leave clear impressions of the teeth. Human bite marks are oval or crescent shaped. Those over 3 cm in diameter are more likely to have been caused by an adult or older Learner.

A medical opinion should be sought where there is any doubt over the origin of the bite.

**Burns and Scalds**

It can be difficult to distinguish between accidental and non-accidental burns and scalds, and will always require experienced medical opinion. Any burn with a clear outline may be suspicious e.g.:

- Circular burns from cigarettes (but may be friction burns if along the bony protuberance of the spine)
- Linear burns from hot metal rods or electrical fire elements
- Burns of uniform depth over a large area
- Scalds that have a line indicating immersion or poured liquid (a Learner getting into hot water is his/her own accord will struggle to get out and cause splash marks)
- Old scars indicating previous burns/scalds which did not have appropriate treatment or adequate explanation

Scalds to the buttocks of a small Learner, particularly in the absence of burns to the feet, are indicative of dipping into a hot liquid or bath.

**Fractures**

Fractures may cause pain, swelling and discolouration over a bone or joint.

Non-mobile Learners rarely sustain fractures.

There are grounds for concern if:

- The history provided is vague, non-existent or inconsistent with the fracture type
- There are associated old fractures

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- Medical attention is sought after a period of delay when the fracture has caused symptoms such as swelling, pain or loss of movement
- There is an unexplained fracture in the first year of life

**Scars**

A large number of scars or scars of different sizes or ages, or on different parts of the body, may suggest abuse.

**Recognising Emotional Abuse**

Emotional abuse may be difficult to recognise, as the signs are usually behavioural rather than physical. The manifestations of emotional abuse might also indicate the presence of other kinds of abuse.

The indicators of emotional abuse are often also associated with other forms of abuse.

The following may be indicators of emotional abuse:

- Developmental delay
- Abnormal attachment between a Learner and parent/carer e.g. anxious, indiscriminate or not attachment
- Indiscriminate attachment or failure to attach
- Aggressive behaviour towards others
- Scape-goated within the family
- Frozen watchfulness, particularly in pre-College Learners
- Low self-esteem and lack of confidence
- Withdrawn or seen as a “loner” – difficulty relating to others

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**Recognising Signs of Sexual Abuse**

Boys and girls of all ages may be sexually abused and are frequently scared to say anything due to guilt and/or fear. This is particularly difficult for a Learner to talk about and full account should be taken of the cultural sensitivities of any individual Learner/family.

Recognition can be difficult, unless the Learner discloses and is believed. There may be no physical signs and indications are likely to be emotional/behavioural.

Some behavioural indicators associated with this form of abuse are:

- Inappropriate sexualised conduct
- Sexually explicit behaviour, play or conversation, inappropriate to the Learner's age
- Continual and inappropriate or excessive masturbation
- Self-harm (including eating disorder), self mutilation and suicide attempts
- Involvement in prostitution or indiscriminate choice of sexual partners
- An anxious unwillingness to remove clothes e.g. for sports events (but this may be related to cultural norms or physical difficulties)

Some physical indicators associated with this form of abuse are:

- Pain or itching of genital area
- Blood on underclothes
- Pregnancy in a younger girl where the identity of the father is not disclosed
- Physical symptoms such as injuries to the genital or anal area, bruising to buttocks, abdomen and thighs, sexually transmitted disease, presence of semen on vagina, anus, external genitalia or clothing

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**Recognising Neglect**

Evidence of neglect is built up over a period of time and can cover different aspects of parenting.

Indicators include:

- Failure by parents or carers to meet the basic essential needs e.g. adequate food, clothes, warmth, hygiene and medical care
- A Learner seen to be listless, apathetic and unresponsive with no apparent medical cause
- Failure of Learner to grow within normal expected pattern, with accompanying weight loss
- Learner thrives away from home environment
- Learner frequently absent from College
- Learner left with adults who are intoxicated or violent
- Learner abandoned or left alone for excessive periods

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## Appendix 2

### Sexual Abuse by Young People

The boundary between what is abusive and what is part of normal Learnerhood or youthful experimentation can be blurred. The determination of whether behaviour is developmental, inappropriate or abusive will hinge around the related concepts of true consent, power imbalance and exploitation. This may include Learners and young people who exhibit a range of sexually problematic behaviour such as indecent exposure, obscene telephone calls, fetishism, bestiality and sexual abuse against adults, peers or Learners.

**Developmental Sexual Activity** encompasses those actions that are to be expected from Learners and young people as they move from infancy through to an adult understanding of their physical, emotional and behavioural relationships with each other. Such sexual activity is essentially information gathering and experience testing. It is characterised by mutuality and of the seeking of consent.

**Inappropriate Sexual Behaviour** can be inappropriate socially, in appropriate to development, or both. In considering whether behaviour fits into this category, it is important to consider what negative effects it has on any of the parties involved and what concerns it raises about a Learner or young person. It should be recognised that some actions may be motivated by information seeking, but still cause significant upset, confusion, worry, physical damage, etc. It may also be that the behaviour is “acting out” which may derive from other sexual situations to which the Learner or young person has been exposed. If an act appears to have been inappropriate, there may still be a need for some form of behaviour management or intervention. For some Learners, educative inputs may be enough to address the behaviour.

Abusive sexual activity included any behaviour involving coercion, threats, aggression together with secrecy, or where one participant relies on an unequal power base. In order to more fully determine the nature of the incident the following factors should be given consideration. The presence of exploitation in terms of:

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- ❖ **Equality** – consider differentials of physical, cognitive and emotional development, power and control and authority, passive and assertive tendencies
- ❖ **Consent** – agreement including all the following:
  - Understanding that is proposed based on age, maturity, development level, functioning and experience
  - Knowledge of society’s standards for what is being proposed
  - Awareness of potential consequences and alternatives
  - Assumption that agreements or disagreements will be respected equally
  - Voluntary decision
  - Mental competence
- ❖ **Coercion** – the young perpetrator who abuses may use techniques like bribing, manipulation and emotional threats of secondary gains and losses that is loss of love, friendship, etc. Some may use physical force, brutality or the threat of these regardless of victim resistance.

In evaluating sexual behaviour of Learners and young people, the above information should be used only as a guide. Further information and advice is available in the Devon multi-agency protocol “Working with Sexually Active Young People” available at [www.devon.gov.uk/safeguarding](http://www.devon.gov.uk/safeguarding), by choosing Safeguarding Learners – Protocols and Guidance for Professionals. Assessment, Consultation and Therapy (ACT) 01306 745310 can also assist professionals in identifying sexual behaviour of concern in Learners and adolescents.

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## Appendix 3

### Learner Sexual Exploitation

The following list of indicators is not exhaustive or definitive but it does highlight common signs which can assist professionals in identifying Learners or young people who may be victims of sexual exploitation.

Signs include:

- going missing from home or College
- regular College absence/truanting
- underage sexual activity
- inappropriate sexual or sexualised behaviour
- sexually risky behaviour, 'swapping' sex
- repeat sexually transmitted infections
- in girls, repeat pregnancy, abortions, miscarriage
- receiving unexplained gifts or gifts from unknown sources
- having multiple mobile phones and worrying about losing contact via mobile
- online safety concerns such as youth produced sexual imagery or being coerced into sharing explicit images.
- having unaffordable new things (clothes, mobile) or expensive habits (alcohol, drugs)
- changes in the way they dress
- going to hotels or other unusual locations to meet friends
- seen at known places of concern
- moving around the country, appearing in new towns or cities, not knowing where they are
- getting in/out of different cars driven by unknown adults
- having older boyfriends or girlfriends
- contact with known perpetrators
- involved in abusive relationships, intimidated and fearful of certain people or situations

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- hanging out with groups of older people, or anti-social groups, or with other vulnerable peers
- associating with other young people involved in sexual exploitation
- recruiting other young people to exploitative situations
- truancy, exclusion, disengagement with College, opting out of education altogether
- unexplained changes in behaviour or personality (chaotic, aggressive, sexual)
- mood swings, volatile behaviour, emotional distress
- self-harming, suicidal thoughts, suicide attempts, overdosing, eating disorders
- drug or alcohol misuse
- getting involved in crime
- police involvement, police records
- involved in gangs, gang fights, gang membership
- injuries from physical assault, physical restraint, sexual assault.

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## **Appendix 4**

### **Female Genital Mutilation (FGM)**

It is essential that staff are aware of FGM practices and the need to look for signs, symptoms and other indicators of FGM.

Female Genital Mutilation (FGM) is illegal in England and Wales under the FGM Act 2003 (“the 2003 Act”). It is a form of Learner abuse and violence against women. FGM comprises all procedures involving partial or total removal of the external female genitalia for non-medical reasons.

Section 5B of the 2003 Act<sup>1</sup> introduces a mandatory reporting duty which requires regulated health and social care professionals and teachers in England and Wales to report ‘known’ cases of FGM in under 18s which they identify in the course of their professional work to the police. The duty came into force on 31 October 2015.

#### **What is FGM?**

It involves procedures that intentionally alter/injure the female genital organs for non-medical reasons.

#### **4 types of procedure:**

Type 1 Clitoridectomy – partial/total removal of clitoris

Type 2 Excision – partial/total removal of clitoris and labia minora

Type 3 Infibulation entrance to vagina is narrowed by repositioning the inner/outer labia

Type 4 all other procedures that may include: pricking, piercing, incising, cauterising and scraping the genital area.

Why is it carried out?

Belief that:

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- FGM brings status/respect to the girl – social acceptance for marriage
- Preserves a girl's virginity
- Part of being a woman / rite of passage
- Upholds family honour
- Cleanses and purifies the girl
- Gives a sense of belonging to the community
- Fulfils a religious requirement
- Perpetuates a custom/tradition
- Helps girls be clean / hygienic
- Is cosmetically desirable
- Mistakenly believed to make Learnerbirth easier

**Is FGM legal?**

FGM is internationally recognised as a violation of human rights of girls and women. It is **illegal** in most countries including the UK.

**Circumstances and occurrences that may point to FGM happening are:**

- Learner talking about getting ready for a special ceremony
- Family taking a long trip abroad
- Learner's family being from one of the 'at risk' communities for FGM (Kenya, Somalia, Sudan, Sierra Leon, Egypt, Nigeria, Eritrea as well as non-African communities including Yemeni, Afghani, Kurdistan, Indonesia and Pakistan)
- Knowledge that the Learner's sibling has undergone FGM
- Learner talks about going abroad to be 'cut' or to prepare for marriage

Signs that may indicate a Learner has undergone FGM:

- Prolonged absence from College and other activities

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- Behaviour change on return from a holiday abroad, such as being withdrawn and appearing subdued
- Bladder or menstrual problems
- Finding it difficult to sit still and looking uncomfortable
- Complaining about pain between the legs
- Mentioning something somebody did to them that they are not allowed to talk about
- Secretive behaviour, including isolating themselves from the group
- Reluctance to take part in physical activity
- Repeated urinal tract infection
- Disclosure

**The 'One Chance' rule**

As with Forced Marriage there is the 'One Chance' rule. It is essential that settings /Colleges/colleges take action **without delay** and make a referral to Learners services.

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## **Appendix 5**

### **Domestic Abuse**

How does it affect Learners?

Learners can be traumatised by seeing and hearing violence and abuse. They may also be directly targeted by the abuser or take on a protective role and get caught in the middle. In the long term this can lead to mental health issues such as depression, self harm and anxiety.

### **What are the signs to look out for?**

Learners affected by domestic abuse reflect their distress in a variety of ways. They may change their usual behaviour and become withdrawn, tired, start to wet the bed and have behavioural difficulties. They may not want to leave their house or may become reluctant to return. Others will excel, using their time in your care as a way to escape from their home life. None of these signs are exclusive to domestic abuse so when you are considering changes in behaviours and concerns about a Learner, think about whether domestic abuse may be a factor.

### **What should I do if I suspect a family is affected by domestic abuse?**

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## Appendix 6

### INDICATORS OF VULNERABILITY TO RADICALISATION

1. Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism leading to terrorism.
2. Extremism is defined by the Government in the Prevent Strategy as:  
*Vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.*
3. Extremism is defined by the Crown Prosecution Service as:  
The demonstration of unacceptable behaviour by using any means or medium to express views which:
  - Encourage, justify or glorify terrorist violence in furtherance of particular beliefs;
  - Seek to provoke others to terrorist acts;
  - Encourage other serious criminal activity or seek to provoke others to serious criminal acts; or
  - Foster hatred which might lead to inter-community violence in the UK.
4. There is no such thing as a “typical extremist”: those who become involved in extremist actions come from a range of backgrounds and experiences, and most individuals, even those who hold radical views, do not become involved in violent extremist activity.
5. Students may become susceptible to radicalisation through a range of social, personal and environmental factors - it is known that violent extremists exploit vulnerabilities in individuals to drive a wedge between them and their families and communities. It is vital that College staff are able to recognise those vulnerabilities.
6. Indicators of vulnerability include:
  - Identity Crisis – the student / Student is distanced from their cultural / religious heritage and experiences discomfort about their place in society;

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- Personal Crisis – the student / Student may be experiencing family tensions; a sense of isolation; and low self-esteem; they may have dissociated from their existing friendship group and become involved with a new and different group of friends; they may be searching for answers to questions about identity, faith and belonging;
- Personal Circumstances – migration; local community tensions; and events affecting the student / Student’s country or region of origin may contribute to a sense of grievance that is triggered by personal experience of racism or discrimination or aspects of Government policy;
- Unmet Aspirations – the student / Student may have perceptions of injustice; a feeling of failure; rejection of civic life;
- Experiences of Criminality – which may include involvement with criminal groups, imprisonment, and poor resettlement / reintegration;
- Special Educational Need – students / Students may experience difficulties with social interaction, empathy with others, understanding the consequences of their actions and awareness of the motivations of others.

7. However, this list is not exhaustive, nor does it mean that all young people experiencing the above are at risk of radicalisation for the purposes of violent extremism.

8. More critical risk factors could include:

- Being in contact with extremist recruiters;
- Accessing violent extremist websites, especially those with a social networking element;
- Possessing or accessing violent extremist literature;
- Using extremist narratives and a global ideology to explain personal disadvantage;
- Justifying the use of violence to solve societal issues;
- Joining or seeking to join extremist organisations; and
- Significant changes to appearance and / or behaviour;
- Experiencing a high level of social isolation resulting in issues of identity crisis and / or personal crisis.

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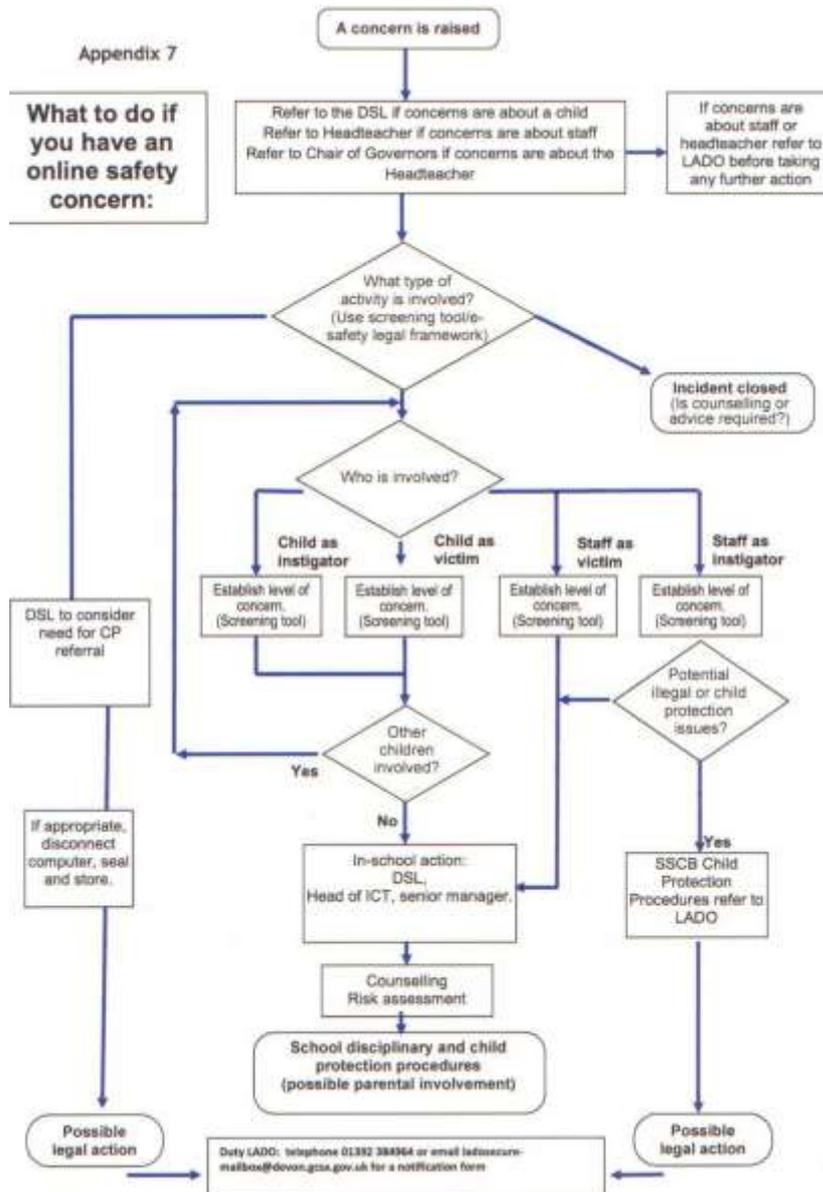
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## Appendix 7



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## **Appendix 8**

**Further advice on Learner protection is available from:**

**NSPCC:** <http://www.nspcc.org.uk/>

**Learnerline:** <http://www.Learnerline.org.uk/pages/home.aspx>

**CEOPSThinkuknow:** <https://www.thinkuknow.co.uk/>

**Anti-Bullying Alliance:** <http://anti-bullyingalliance.org.uk/>

**Beat Bullying:** <http://www.beatbullying.org/>

**Learnernet International –making the internet a great and safe place for Learners. Includes resources for professionals and parents** <http://www.Learnernet.com/>

**Thinkuknow (includes resources for professionals and parents)**  
<https://www.thinkuknow.co.uk/>

**Safer Internet Centre** <http://www.saferinternet.org.uk/>

**Transgender** <http://www.mermaidsuk.org.uk/>

<http://www.mermaidsuk.org.uk/assets/media/East%20Sussex%20Colleges%20transgender%20toolkit.pdf>

<https://uktrans.info/70-topic-overviews/328-resources-for-Colleges>

<https://www.intercomtrust.org.uk/item/55-Colleges-transgender-guidance-july-2015>

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Fax: 01392 448951

Enquiry Form available at:

[www.devon.gov.uk/mash-enquiryform.doc](http://www.devon.gov.uk/mash-enquiryform.doc)

Post: **Multi-Agency Safeguarding Hub, P.O. Box 723, Exeter EX1 9QS**

**Emergency Duty Team** – out of hours

**0845 6000 388**

**Police** – non emergency – 101

**For all LADO enquiries** Exeter (01392) 384964 Or

**<http://www.devon.gov.uk/lado>**

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Manager Mid & East : Ian Flett

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Manager Northern: Sarah Simpson 07854304512

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Ver 1.02/Aug 2017

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