



Safeguarding and Child Protection Policy and Procedure

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1 Safeguarding in Cognita Tutoring

1.1 Our aims and responsibilities

Our commitment is to safeguard and promote the welfare, physical and mental health, and safety of our pupils by creating and maintaining an open, safe, caring and supportive atmosphere. This includes:

- Ensuring that systems and procedures are in place to protect pupils; and
- Acting in the best interests of the child.

All tutors who work for Cognita Tutoring have the following responsibilities:

- Contribute to providing a safe environment in which all children can learn and flourish;
- Know what to do if a child tells you that he or she is being abused or neglected;
- Know what to do if they are concerned about the behaviour or conduct of an adult involved in the child's life;
- Manage the requirement to maintain an appropriate level of confidentiality;
- Refer any safeguarding concern about children or adults to the Cognita Tutoring DSL
- Be aware of the process for making a referral to Children's Social Care, if needed, and understand the role you might be expected to play in statutory assessments.
- Be aware of the process for making a referral to the Police, if needed, and understand the role you may be expected to play in any criminal investigation

1.2 Definition of safeguarding

Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

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

In Cognita Tutoring, safeguarding is everyone's responsibility

Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child. No single professional can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

1.3 Who this policy applies to

This policy applies to all pupils undertaking Cognita Tutoring, and all tutors working for Cognita Tutoring. All references in this document to "tutors" should be interpreted as relating to the aforementioned, unless otherwise stated.

1.4 Inter-agency working

Cognita Tutoring is committed to inter-agency working in order to secure the best levels of safeguarding for all of its pupils. Cognita Tutoring contributes to inter-agency working in accordance with statutory guidance. Cognita Tutoring works with Social Care, the Police, health services and other services to promote the welfare of children and protect them from harm. Cognita Tutoring will also work within the requirements of their Safeguarding Partners and their Child Death Review partners as needed. The Cognita Tutoring DSL may also be required to work with the school DSL of any child to whom concerns are raised. This could be schools within Cognita, or those outside of Cognita, should the child be on roll there.

1.5 Definitions and terminology

‘Children’ includes everyone under the age of 18

‘DSL’ refers to the Designated Safeguarding Lead

‘Designated Officer’ refers to the person appointed by the local authority to deal with allegations against adults (often referred to as the LADO)

‘KCSIE’ refers to the statutory guidance Keeping Children Safe in Education

1.6 Related documentation

This policy should be read in relation to the most recent version of the following documents:

- The Education (Independent Cognita Tutoring Standards) Regulations 2014
- KCSIE (next revision due Sep 2021)
- Working Together to Safeguard Children (July 2020)
- Prevent Duty Guidance: for England and Wales (July 2015)
- Disqualification under the Childcare Act (July 2018)
- What do to if you are worried a child is being abused – Advice for practitioners (departmental advice) (March 2015)
- Early Years Foundation Stage Framework (2021)

Any references to national guidance made within this document are in relation to the versions listed above. Cognita Tutoring will always refer to the above statutory guidance as the benchmark for all safeguarding practice and decision making.

1.7 Safer recruitment

Cognita Tutoring prioritises embedding a culture of safer recruitment as part of our strategy for preventing harm to children. Statutory procedures for checking the suitability of tutors (see Safer Recruitment Policy).

1.8 Policy review

Cognita Tutoring carries out an annual review of this policy. This includes an evaluation of the extent to which these policies have been effectively implemented throughout Cognita Tutoring. Cognita Tutoring will remedy any deficiencies or weaknesses in child protection arrangements without delay and without waiting for the next policy review date, should any be necessary. This policy review will draw on feedback from tutors, is published to all tutors, and placed on the Cognita Tutoring website.

1.9 Information sharing

Information sharing is vital in identifying and tackling all forms of abuse and neglect. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children. The Data Protection Act (2018) and GDPR do not prevent the sharing of information for the purposes of keeping children safe. Cognita Tutoring tutors should, therefore, be proactive in sharing information as early

as possible with the DSL to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's Social Care. This includes the sharing of information without parental consent where there is good reason to do so, i.e. the risk of harm to the child will be increased.

2 Key safeguarding facts

The safety and wellbeing of our pupils is our number one priority

Safeguarding and promoting the welfare of children is everyone's responsibility

We operate within a culture of openness and recognise and accept that abuse can happen in any organisation

We are a 'sharing organisation'
All concerns should be reported

All concerns about a child (including signs of abuse and neglect) must be reported immediately to the DSL

An allegation about another adult in Cognita Tutoring should be referred to the DSL

An allegation about the DSL should be referred to the CEO

Any concern or 'nagging doubt' about an adult or child should be shared with the DSL

This policy must be read alongside
'Keeping Children Safe in Education' – DFE Statutory Guidance

3 Key people and contacts

Cognita Tutoring (proprietor) contacts	
Director of Operations and Transformation	Ian Thistlewood ian.thistlewood@cognita.com
Designated Safeguarding Lead (DSL)	Alison Barnett Regional Safeguarding Lead- Europe (Schools) alison.barnett@cognita.com 07717806988
Cognita Tutoring (proprietor) board member with responsibility for safeguarding	The Cognita Board Member with responsibility for safeguarding is Chris Jansen, Chief Executive chrisj@cognita.com
Cognita Tutoring Customer Support	hello@cognitatutoring.com

National Contacts	
NSPCC 24/7 Helpline	Tel: 0808 800 5000 Email: help@nspcc.org.uk
NSPCC Text line	88858
NSPCC Child Line	Tel: 0800 1111
NSPCC FGM helpline	Tel: 0800 028 3550 Email: fgmhelp@nspcc.org.uk
NSPCC Whistleblowing helpline	Tel: 0800 028 0285 (8am – 8pm) Email: help@nspcc.org.uk
DfE Prevent helpline for Cognita Tutoring & parents	Tel: 020 7340 7264 (non-emergency) Email: counter.extremism@education.gsi.gov.uk
The Lucy Faithfull Foundation (LFF)	Tel: 0800 1000 900 Email: help@stopitnow.org.uk www.parentsprotect.co.uk
National Bullying Helpline	Tel: 0845 22 55 787
UK Safer Internet Centre helpline for Cognita Tutoring Tutors	Tel: 0844 381 4772 Email: helpline@saferinternet.org.uk
Internet Watch Foundation hotline for reporting criminal content	www.iwf.org.uk
Educate Against Hate	http://educateagainsthate.com

4 Types of abuse

The term 'abuse' is often used as an umbrella term. All tutors should be aware of indicators of abuse and neglect so that they are able to identify cases of children who may be in need

of help or protection. Abuse and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.

Abuse			
Physical abuse	Emotional abuse	Sexual abuse	Neglect

4.1 Abuse

Abuse is a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. They may be abused by an adult or adults or by another child or children.

4.2 Physical abuse

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

Signs of physical abuse can include:

- *injuries to parts of the body where accidents are unlikely, such as thighs, back, abdomen;*
- *respiratory problems from drowning, suffocation or poisoning;*
- *untreated or inadequately treated injuries;*
- *bruising which looks like hand or finger marks or caused by an implement;*
- *cigarette burns, human bites; or*
- *scarring, scalds and burns.*

4.3 Emotional abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

4.4 Domestic abuse

Emotional abuse often occurs when the child sees or hears domestic abuse occurring in the home. The cross-government definition of domestic violence and abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; and emotional. Exposure to domestic abuse and/or violence can have a serious, long lasting emotional psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

Signs of emotional abuse tend to be behavioural rather than physical (see below).

4.5 Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex), or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education.

Signs of sexual abuse displayed by children may include:

- *Pregnancy*
- *sexually transmitted infection/diseases;*
- *pain/itching/bleeding/bruising/discharge to the genital area/anus/mouth;*
- *urinary infections;*
- *difficulty walking or sitting or standing;*
- *persistent sore throats; or*
- *stomach ache.*

4.6 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy, for example, as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Signs of possible neglect include:

- *the child seems underweight or is very small for their age, or their weight deteriorates;*
- *the child seems very overweight for their age;*
- *they are poorly clothed, with inadequate protection from the weather;*
- *they are often absent from Cognita Tutoring for no apparent reason; or persistently arrive late: or*
- *they are regularly left alone, or in charge of younger brothers or sisters.*

4.7 Peer on peer abuse

All tutors must be alert to possible indicators of safeguarding concerns which may indicate peer on peer abuse. This is most likely to include, but may not be limited to:

- [bullying](#) (including [cyberbullying](#));
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment;
- sharing of nudes/semi nudes imagery/videos));
- initiation/hazing type violence and rituals; and
- 'upskirting'

See separate section of this document on peer on peer abuse.

4.8 Honour Based Abuse (HBA) (including Female Genital Mutilation (FGM), Forced Marriage (FM) and breast flattening)

HBA includes all incidents or crimes which have been committed to protect or defend the honour of the community and/or the family, and commonly involve practices such as FGM, forced marriage and/or breast flattening. Abuse often involves a wider network of family or community pressure and therefore it is important to be aware of this dynamic and consider risk factors when deciding on action. If tutors have a concern that a child/their parent may be at risk of Honour Based Abuse, they should alert their DSL immediately.

FGM

FGM is abuse that encompasses all procedures involved in the partial or total removal of female external genitalia and is illegal in the UK. Whilst all tutors should speak to the DSL with regards to any concerns about FGM, there is a specific legal duty on teachers under the FGM Act (2003) to report FGM. If a teacher, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, it is mandatory that the tutor (if registered teacher) **must** report this to the Police using the telephone number 101.

Forced Marriage

Forcing a person into marriage is a crime in England and Wales. FM is one entered into without the full and free consent of one or both parties and where violence, threats or any form of coercion is used to cause a person to enter into a marriage. The FM Unit provides more guidance, which can be found [here](#). Multi-Agency guidelines can be found [here](#).

Breast Flattening

Breast flattening, also known as breast ironing, is the pounding and massaging of a pubescent girl's breasts, using hard or heated objects, to try to make them stop developing or disappear. It is typically carried out by the girl's mother, who will say she is trying to protect the girl from sexual harassment and rape to prevent early pregnancy that would tarnish the family name, or to allow the girl to pursue education, rather than be forced into [early marriage](#).

See Annex A of KCSIE for further details.

4.9 Behavioural signs of abuse and neglect

If a child is being abused, their behaviour may change in a number of ways. For example, they may:

- behave aggressively or be disruptive, act out, demand attention and require more discipline than other children;
- become angry or disinterested and/or show little creativity;
- seem frightened of certain adults;
- become sad, withdrawn or depressed;
- have trouble sleeping;
- become sexually active at a young age;
- exhibit inappropriate sexual knowledge for their age or sexualised behaviour in their play with other children;
- refuse to change for gym or participate in physical activities;
- develop eating disorders;
- self-harm and/or express suicidal ideation;
- refuse to attend Cognita Tutoring or run away from home;
- lack confidence or have low self-esteem; or
- use drugs or alcohol as a coping strategy

4.10 Emotional Wellbeing and Mental Health

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that tutors are aware of how these children's experiences, can impact on their mental health, behaviour and education.

All tutors should also be aware that deteriorating emotional wellbeing and escalation of mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect, bullying/cyberbullying or exploitation. Please note, however, only appropriately trained health professionals should attempt to make a diagnosis of a mental health problem.

Tutors, however, are well placed to observe children during their tutoring session, and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. If tutors have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following this policy and speaking to the DSL.

The Department of Education has published advice and guidance on [Preventing and Tackling Bullying](#). In addition, Public Health England has produced a range of resources to support teachers to promote positive health, wellbeing and resilience among young people including its guidance, Promoting Children and Young People's Emotional Health and Wellbeing. Its resources include social media, forming positive relationships, smoking and alcohol. See [Rise Above](#) for links to all materials and lesson plans.

Additional vulnerabilities

Whilst all children should be protected, it is important that tutors recognise that some groups of children are potentially at greater risk of harm (including online harm). For example, this vulnerable group includes, but is not limited to: those children with SEND (see below), young carers, those with a parent in prison, those identifying as LGBTQ+, and those living in homes characterised by domestic abuse and/or parental acrimony.

4.11 Children with Special Educational Needs and/or Disabilities

Children with special educational needs (SEN) and/or disabilities are statistically more vulnerable to child abuse, including peer on peer abuse. Additional barriers can exist when recognising abuse and neglect in this group of children. These include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- assumptions that children with SEN and disabilities can be disproportionately impacted by things like bullying without outwardly showing any signs; and
- communication barriers and difficulties in overcoming these challenges.

4.12 Signs of abuse or neglect manifested by the parents or other responsible adult

- places unrealistic expectations on the child, i.e. demands a level of academic or physical performance of which they are not capable;
- offers conflicting or unconvincing explanation of any injuries to the child;
- delays seeking medical treatment for the child's mental/physical health
- appears indifferent to, is emotionally unavailable, or overtly rejects, the child;
- denies existence of or blames the child for the child's behaviours at home or during Cognita Tutoring sessions;
- sees and describes the child as entirely worthless, burdensome or in another negative light;
- refuses offers of support to meet the child's needs;

- refuses to consent to referrals to external agencies to meet their child's needs/does not engage as expected

4.13 Grooming

Grooming is the process by which an individual prepares a child, significant adults and the environment for abuse of this child. Children and young people can be groomed online or in the real world, by a stranger or by someone they know. Groomers may be of any gender identity or sexual orientation. They could be of any age, including another young person. Many children and young people do not understand that they have been groomed, or that what has happened is abuse. The signs that a child is being groomed are not always obvious. Groomers will also go to great lengths not to be identified.

Children may:

- be very secretive, including about what they are doing online;
- have older boyfriends or girlfriends;
- go to unusual places to meet friends;
- have new things such as clothes or mobile phones that they can't or won't explain;
- have access to drugs and alcohol;
- go missing from home or fail to attend a Cognita Tutoring session;
- display behavioural changes;
- have sexual health issues; or
- present as suicidal, self/harming, feeling depressed, unworthy.

In older children, signs of grooming can easily be mistaken for 'normal' teenage behaviour, but you may notice unexplained changes in behaviour or personality, or inappropriate sexual behaviour for their age. See the [NSPCC website](#) for further information about grooming.

4.14 Signs of grooming and/or online abuse

A child may be experiencing abuse online if they:

- spend lots, much more, or much less time online, texting, gaming or using social media;
- are withdrawn, upset or outraged after using the internet or texting;
- are secretive about who they're talking to and what they're doing online or on their mobile phone; and/or
- have lots of new phone numbers, texts or e-mail addresses on their mobile phone, laptop or tablet.
- have more than one phone

4.15 Signs of grooming manifested by sex offenders

It is important to remember that not all sex offenders will exhibit the signs listed below and if an individual exhibits some or all of these signs, it does not mean that they are a sex offender:

- Overly affectionate behaviour with a child;
- Affording special attention or preferential treatment to a child;
- Excessive time spent alone with a child outside of the classroom/Cognita Tutoring;
- Frequently spending time with a child in private or isolated areas;
- Making friends with a child's parents and visiting their home;
- Acting as a particular child's confidante;
- Giving small gifts, money, toys, cards, letters to a child;
- Using texts, telephone calls, e-mails or social networking sites to inappropriately communicate with a child; and/or
- Flirtatious behaviour or making suggestive remarks or comments of a sexual nature around a child.

4.16 Modus operandi of institutional grooming

- Target vulnerable victim: Perpetrators target victims who are vulnerable, isolated, insecure and/or have greater emotional needs.
- Gain victim's trust: Offenders may allow a child to do something (e.g. eat ice cream, stay up late, view pornography) which is not normally permitted by the child's parents or the Cognita Tutoring in order to foster secrecy.
- Gain the trust of others: Institutional offenders are often popular with children and parents, successfully grooming not only the victim but also other members of the victim's family and the community at large.
- Filling a need/becoming more important to the child: This can involve giving gifts, rewards, additional help or advice, favouritism, special attention and/or opportunities for special trips or outings.
- Isolating the child: The perpetrator may encourage dependency and subtly undermine the victim's other relationships with friends or family members.
- Sexualising the relationship: This can involve playful touches, tickling and hugs. It may involve adult jokes and innuendo or talking as if adults, for example about marital problems or conflicts.
- Maintaining control and secrecy: Offenders may use their professional position to make a child believe that they have no choice but to submit to the offender.

4.17 Signs of grooming for radicalisation

Schools are subject to a duty under section 26 of the Counter Terrorism and Security Act (2015), in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the Prevent [duty](#). For more information, please see the Preventing Extremism and Radicalisation Policy and Annex A of KCSIE.

Whilst Cognita Tutoring is not a school, tutors should be aware of the need to raise any concerns about children displaying indicators that they may be drawn into terrorism. As with other safeguarding risks, tutors should be alert to changes in children's behaviour, which could indicate that they may be in need of help or protection. Tutors should use their judgement in identifying children who might be at risk of radicalisation and act proportionately which may result in the DSL making a Prevent referral.

There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology or radicalisation, but there are a number of signs that together increase their risk of being groomed in this way. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media or the internet) and settings (such as within the home).

Signs of vulnerability include:

- Under/over achievement;
- Being in possession of extremist literature;
- Poverty;
- Social exclusion;
- Traumatic events;
- Global or national events;
- Religious conversion;
- Change in behaviour;
- Exploitation of some form
- Extremist influences;

- Conflict with family over lifestyle;
- Confused identity;
- Victim or witness to race or hate crimes; and
- Rejection by peers, family, social groups.
- Having SEND

4.18 Child Criminal Exploitation and Serious Violence

CCE is where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. CCE does not always involve physical contact; it can also occur through the use of technology. CCE can include children being forced to work in cannabis factories, forced to shoplift or pickpocket, or to threaten other young people. CCE also involves children and young people being coerced into moving drugs or money across the country; this is commonly referred to as County Lines.

County Lines usually occurs through engaging children into gangs and using them to carry money or drugs from urban areas to suburban and rural areas, market and seaside towns. Further information on the signs of a child's involvement in county lines is available in guidance published by the Home Office [here](#).

All tutors should be aware of indicators which may signal that children are at risk from, or are involved with, serious violent crime. These can include, but are not limited to: increased absence from Cognita Tutoring sessions; a reported change in friendships or relationships with older individuals or groups; a significant decline in performance; signs of self-harm or a significant change in wellbeing; or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs. More information can be found in KCSIE (2021), in the Home Office's '[Preventing youth violence and gang involvement](#)' and its '[Criminal exploitation of children and vulnerable adults: county lines guidance](#)'.

4.19 Contextual Safeguarding

Contextual Safeguarding is an approach to understanding, and responding to, young people's experiences of significant harm beyond their families. It recognises that the different relationships that young people form in their neighbourhoods *and online*, can feature violence and abuse. Parents and carers have little influence over these contexts, and young people's experiences of extra-familial abuse can undermine parent-child relationships.

The contextual safeguarding approach says that children's social care practitioners, child protection systems and wider safeguarding partnerships need to engage with individuals and sectors who do have influence over/within extra-familial contexts, and recognise that assessment of, and intervention with, these spaces are a critical part of safeguarding practices. Contextual Safeguarding, therefore, expands the objectives of child protection systems in recognition that young people are vulnerable to abuse beyond their front doors. This also includes the risk of abuse occurring in or outside of Cognita Tutoring sessions.

4.20 Child Sexual Exploitation (CSE)

CSE is a form of abuse and occurs where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual activity. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources. In some cases, the abuse will be in exchange for something

the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator.

The abuse can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time and range from opportunistic to complex organised abuse. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual and it should be noted exploitation as well as being physical can be facilitated and/or take place online.

CSE can affect any child or young person (male or female) under the age of 18 years, including 16-and 17-year olds, who can legally consent to have sex. It can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity and may occur without the child or young person's immediate knowledge (e.g. through others copying videos or images they have created and posted on social media).

The above CCE indicators can also be indicators of CSE, as can:

- children who have older boyfriends or girlfriends; and
- children who suffer from sexually transmitted infections or become pregnant.

For more information, see [Child Sexual Exploitation: Guide for Practitioners](#)

4.21 Children Missing in Education

All tutors should be aware that children going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and can also be a sign of child criminal exploitation including involvement in County Lines. It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future. Tutors should be aware of what processes to follow should a child or young person not attend their tutoring session.

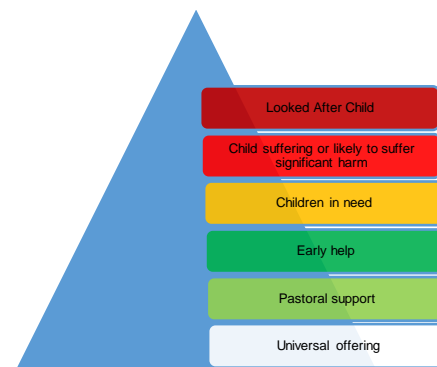
4.22 Children with family members in prison

Cognita Tutoring should be aware if they are tutoring any children or young people whose parent or close family member is in prison. Approximately 200,000 children in England and Wales have a parent sent to prison each year. These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health. [NICCO](#) provides information designed to support professionals working with offenders and their children, to help mitigate negative consequences for those children.

5 Stages of child protection

Cognita Tutoring will always work cooperatively with external agencies, including the local authority and the Police.

The diagram opposite outlines the hierarchy of these approaches.



Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children's Social Care (and, if appropriate, the Police) is made immediately by the DSL, who should follow the local authority's referral process. If the DSL is not available then there should be no delay in the Cognita Tutoring tutor making a direct referral or seeking advice.

5.1 Early Help

If early help is appropriate, based on a Cognita Tutoring tutor's report the DSL, the latter will approach the child's main school DSL who will lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. Tutors may be required to support other agencies and professionals in an early help assessment by providing information. Any such cases should be kept under constant review by the child's main school DSL and consideration given to a referral to Children's Social Care for assessment for statutory services, if the child's situation does not appear to be improving or is getting worse.

Any child may benefit from early help, but all Cognita Tutoring tutors should be particularly alert to the potential need for early help for a child who:

- is disabled and has specific additional needs;
- has special educational needs (whether or not they have a statutory education, health and care plan);
- is a young carer;
- is showing signs of being drawn into anti-social or criminal behaviour, including gang involvement and association with organised crime groups;
- is frequently missing/goes missing from care or from home;
- is misusing drugs or alcohol themselves;
- is at risk of modern slavery, trafficking or exploitation;
- is in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health problems or domestic abuse;
- has returned home to their family from care;
- is showing early signs of abuse and/or neglect;
- is at risk of being radicalised or exploited;
- is a privately fostered child; and/or
- has already identified as being LGBTQ+ or is beginning to identify as LGBTQ+.

5.2 Children who have a Social Worker

Children may need a Social Worker due to safeguarding or welfare needs. Children may need this help due to abuse, neglect and complex family circumstances. A child's experiences of adversity and trauma can leave them vulnerable to further harm, as well as educationally disadvantaged in facing barriers to attendance, learning, behaviour and mental health.

5.3 Children in Need

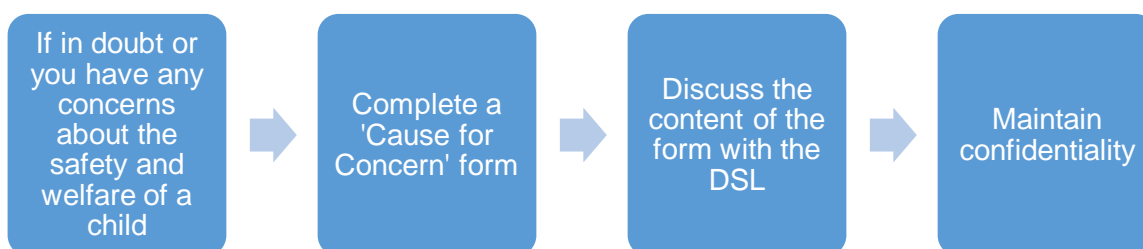
A Child in Need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. A child who is deemed to be a Child in Need will have been assessed by Children's Social Care under section 17 of the Children Act 1989.

5.4 Children suffering or likely to suffer significant harm

Local authorities, with the help of other organisations as appropriate, have a duty to make enquires under section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child's welfare and must be initiated where there are concerns about maltreatment, including all forms of abuse and neglect, female genital mutilation or other so-called honour based violence, and extra-familial threats like radicalisation and sexual exploitation. Should an investigation occur, then the Cognita Tutoring tutor's involvement and any action may be determined on the advice given by the investigating agency.

5.5 What to do if you have a concern about a child

5.5.1 This should be read alongside KCSIE (statutory guidance) – Part One and Annex A.



Safeguarding and promoting the welfare of children is everyone's responsibility (KCSIE 2021). All tutors should know what to do when a child discloses abuse to them, they have concerns about a child's welfare, or when children raise concerns about another pupil/adult to them.

If a child tells tutor that they know about or have been a victim of abuse or neglect, the tutor should:

- Listen carefully and allow the child to speak freely and remain calm. Do not interrupt the child or be afraid of silences.
- Provide reassuring nods and words such as, "I am so sorry this has happened", "You are doing the right thing in talking to me". Avoid saying things like, "I wish you had told me about this earlier" or "I cannot believe what I am hearing". Questioning of the child about what they are saying should not be extensive, as partner agencies will lead any investigation. Limit questioning to the minimum necessary for clarification using *What, When, How and Where*, but avoid leading questions such as, "Has this happened to your siblings?" Do *not* use questions beginning with *Why* as this can apportion feelings of guilt within a child.
- If the child discloses abuse, it is appropriate to ask whether any other adults were present and observed the abuse, and ask what did they do.

- At an appropriate time, tell the child that the matter will be referred in confidence, always using language that is appropriate to the age and stage of development of the child, allowing for their individual need.
- Tell the child what will happen next- that you have to let someone else in Cognita Tutoring know (the DSL- they may be familiar with this term from their school).
- Tutors should be aware that the first approach/disclosure from a child may not be the only incident that has happened. It is appropriate therefore, to ask the child whether something like this has ever happened to them before.

5.5.2 Recording

Tutors should make a written record of the conversation with the child as soon as possible, using a 'Cause for Concern Form'. Tutors should use the specific words that the child used (e.g. if referring to parts of their body), indicating these by using "speech marks/inverted commas".

5.5.2.1 Taking photos

If a child discloses physical abuse, self-harms or attempts to take their life, tutors should **never** take photos of children's injuries.

5.5.3 Making referrals to statutory agencies

If a child is thought to be at risk of harm

When a child is thought to be at risk of harm or is likely to be at risk of harm (see above), a referral should be made **immediately** to Children's Social Care or the Police if a criminal act is thought to have occurred. Whilst this is usually the role of the DSL, any tutors can make a referral to Children's Social Care or the Police and there should be no delay. *The Cognita Tutoring does not require parental consent for referrals to be made to statutory agencies.* Consent to do this must **not** be obtained from the parents if to gain consent would put the child's safety at risk or to do so could jeopardise any investigation by partner agencies (WTSC 2020). See above re ensuring that a context is gathered prior to making any referral to external agencies.

If a child has unmet needs

When a child is not considered at risk of harm, but makes a statement during a tutoring session that could suggest that they still have unmet needs, the tutor should complete a 'Cause for Concern' form and send this to the DSL, who will liaise with the child's main school DSL. It is best practice that these concerns should be discussed with the parents by the tutor if the former is present.

Confidentiality

Tutors should never guarantee confidentiality to pupils or adults wishing to tell them about something serious, as this may ultimately not be in the best interests of the child. They should guarantee that they will not tell anyone who does not have a clear need to know and that they will pass on information in confidence only to the people who must be told in order to ensure their safety.

5.6 Passing on safeguarding information which arises during a Cognita Tutoring session

Information sharing is vital in identifying and tackling all forms of abuse.

When a child makes a disclosure or statement suggesting that they have an unmet need during a Cognita Tutoring session, it is the responsibility of the DSL to ensure that this information is passed to the child or young person's main school. Sharing of this information should be done with parent's knowledge, unless to do so would heighten any risk to the child or younger person (if this is the case, then Social Care should be involved).

The DSL will arrange a telephone call with the DSL or Headteacher in the child's school, and following the conversation, they will arrange for the secure transfer of any documentation.

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

6 Whistleblowing

All adults have a responsibility to report any concerns about poor or unsafe practice, including in relation to the care and protection of a pupil or pupils. If a tutor believes that best practice in this area is not being adhered to within Cognita Tutoring, or that practice may put a pupil or pupils at risk, they should:

Report any concern to the DSL

If the concern relates to the DSL, they should:

Report the concern to the Head of Operations & Transformation

Any whistleblowing concern can also be raised directly with the:

hello@cognitatutoring.com

[Please see the 'key people and contacts' page in this document for the contact details of the above people within Cognita.]

Concerns raised under this Whistleblowing Policy are distinct from concerns or allegations about an adult's suitability to work with or have access to children.

No tutor will suffer a detriment or be disciplined for raising a genuine concern about unsafe practice, if they do so in good faith and follow the whistleblowing procedures.

Where an adult feels unable to raise a concern about poor safeguarding practice within Cognita Tutoring through the above options, and/or where they feel that their concern is not being addressed, they can raise their concern externally using either of the routes below:

- Government guidance can be found [here](#).
- The [NSPCC whistleblowing helpline](#) is available for adults who do not feel able to raise concerns regarding child protection failures internally. Tutors can call: 0800 028 0285 – lines are available from 8:00am to 8:00pm, Monday to Friday, or email: help@nspcc.org.uk

7 The role of the Designated Safeguarding Lead

The Designated Safeguarding Lead (DSL) is responsible for leading safeguarding in Cognita Tutoring (including online safety). The DSL must be a member of the Cognita Tutoring central team.

7.1 Deputy DSL

Cognita Tutoring can appoint any number of Deputy DSLs. Their role is to support the DSL in their safeguarding role. Whilst the *activities* of the DSL can be delegated to DDSLs, the ultimate lead responsibility for child protection must remain with the DSL, and this lead responsibility must not be delegated. The Deputy DSLs are trained to the same level as the DSL and their duties of the Deputy DSLs are reflected explicitly in their job descriptions.

7.2 Inter-agency working

The DSL and Deputy DSLs liaise with the local authority and work in partnership with other agencies in the best interests of children. New Safeguarding Partners and Child Death Review partner arrangements are now in place (the local authority; a clinical commissioning group for an area within the local authority; and the chief officer of police for an area (any part of which falls) within the local authority area). The DSL and any deputies should liaise with the three Safeguarding Partners and work with other agencies in line with Working Together to Safeguard Children, including the main school's of children receiving Cognita Tutoring.

'[NPCC - When to call the police](#)' should help the DSL and DDSLs understand when they should consider calling the police and what to expect when they do.

7.3 Support for DSL

The DSL will be given the time, funding, training, resources and support to provide advice and support to other tutors on child welfare and child protection matters, to take part in Strategy Discussions and inter-agency meetings, and/or to support other tutors to do so, and to contribute to the assessment of children.

There are 4 key elements to the DSL role. They will:

- Manage referrals
- Work with others
- Train tutors in relation to safeguarding
- Raise awareness of safeguarding within the Cognita Tutoring tutors group

7.4 Manage referrals

The DSL is expected to:

- refer cases of suspected abuse to the local authority children's social care as required; and/or
- support tutors who make referrals to local authority children's social care
- refer cases to the Channel programme where there is a radicalisation concern as required, in collaboration with the Cognita Tutoring Prevent Lead and/or support tutors who make referrals to the Channel programme;
- refer cases where a person is dismissed or has left due to risk/harm to a child to the Disclosure and Barring Service as required (in collaboration with HR team); and
- refer cases where a crime may have been committed to the Police as required.
- Refer children to external mental health agencies/signpost parents when there are concerns about a child's emotional wellbeing and/or mental health, in collaboration with the Cognita Tutoring Wellbeing Lead.

7.5 Work with others

The DSL is expected to:

- act as a point of contact with the three Safeguarding Partners;
- liaise with the child's main school DSL to inform him or her of issues, especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations;
- as required, liaise with the "case manager" (in relation to allegations against adults) and the Designated Officer(s) at the local authority for child protection concerns in cases which concern a tutors member;
- liaise with tutors on matters of safety and safeguarding (including online and digital safety) and when deciding whether to make a referral by liaising with relevant agencies; and
- act as a source of support, advice and expertise for all tutors

7.6 Training

The DSL (and any deputies) should undergo training to provide them with the knowledge and skills required to carry out their role, including inter-agency working. This training must be updated **at least every two years**. The DSL should undertake Prevent Awareness training. The DSL must undertake Online Safety training on an annual basis. In addition to the formal training set out above, the DSLs knowledge and skills should be refreshed via informal updates (this might be via e-bulletins, meeting other DSLs, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, and at least annually, to allow them to understand and keep up with any developments relevant to their role so they:

- understand the assessment process for providing early help and statutory intervention, including local criteria for action, local authority children's social care referral arrangements and thresholds documents;
- have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so;
- ensure each tutor has access to, and understands the Cognita Tutoring's safeguarding and child protection policy and procedures
- are alert to the specific needs of those subject to a children in need plan, those subject to child protection plans, those who are 'looked after or who have been previously looked after', those with special educational needs, and young carers;
- learn how to maintain high aspirations for vulnerable children, promoting their educational outcomes by knowing the welfare, safeguarding and child protection issues experienced by them and the potential impact on their attendance, engagement and achievement
- understand how to support tutors to feel confident to provide additional academic support/reasonable adjustments for vulnerable children who need or have needed a social worker, recognising the lasting impact on educational outcomes, even when statutory agencies have ceased involvement
- understand relevant data protection legislation and regulations, especially the Data Protection Act 2018 and the General Data Protection Regulation
- understand the importance of information sharing, both within Cognita Tutoring, the child's main school, other agencies, organisations and practitioners
- are able to keep detailed, accurate, secure written records of concerns and referrals;
- understand and support Cognita Tutoring with regards to the requirements of the Prevent duty and are able to provide advice and support to tutors on protecting children from the risk of radicalisation;
- are able to understand the unique risks associated with online safety and be confident that they have the relevant knowledge and up to date capability required to keep children safe whilst they are online at Cognita Tutoring;
- can recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online;

- obtain access to resources and attend any relevant or refresher training courses; and
- encourage a culture of listening to children, having an understanding their views and taking account of their wishes and feelings, among all tutors, in any measures the Cognita Tutoring may put in place to protect them.

7.7 Raise awareness

The DSL should:

- ensure the Cognita Tutoring's safeguarding and child protection policies are known, understood and used appropriately by tutors;
- ensure that online safety training is provided as part of regular tutors updates
- ensure the Cognita Tutoring's Safeguarding and Child Protection Policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with the proprietor regarding this;
- ensure that Cognita Tutoring's Safeguarding and Child Protection Policy is available publicly and parents are aware of the fact that referrals to children's social care or the police about suspected abuse or neglect may be made and the role of the Cognita Tutoring in this
- help promote educational outcomes by sharing the information about the welfare, safeguarding and child protection issues that children, including children with a social worker, are experiencing, or have experienced, with the DSL in the child's main school. Their role could include ensuring that Cognita Tutoring tutors, know who these children are, understand their academic progress and attainment and maintain a culture of high aspirations for this cohort; supporting teaching tutors to identify the challenges that children in this group might face and the additional academic support and adjustments that they could make to best support these children.

7.8 Availability

The DSL (or a deputy) will always be available (during Cognita Tutoring hours) for tutors to discuss any safeguarding concerns. Whilst generally speaking the DSL (or deputy) will normally be available in person, Cognita Tutoring's central team will define what "available" means and whether in exceptional circumstances availability via phone and/or Microsoft Teams.

8 Responsibilities of the proprietor

Cognita is the proprietor of the Cognita Tutoring. As proprietor, Cognita will comply with all duties under legislation and will always take into account statutory guidance, ensuring that all policies, procedures and training are effective and comply with the law at the time.

It is the responsibility of the proprietor to:

- Ensure that all tutors read at least Part One of KCSIE;
- Ensure that tutors working with children will also read KCSIE Annex A;
- Ensure that all tutors follow the requirements of this Safeguarding and Child Protection Policy and Procedure;
- Ensure that mechanisms are in place to assist tutors to understand and discharge their role and responsibilities
- Ensure that all safeguarding arrangements take into account the procedures and practice of the child's local authority as part of the inter-agency procedures set up by the Safeguarding Partners;
- Ensure that appropriate policies and procedures are in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare;
- Ensure that Cognita Tutoring works in line with local inter-agency procedures;

- Ensure that this Safeguarding Policy is updated annually and made available via the Cognita Tutoring website;
- Provide a Tutors Code of Conduct and Acceptable Use Policy;
- Instruct Cognita Tutoring to hold more than one contact number for each child;
- Ensure that all tutors undergo safeguarding and child protection training (including online safety) at Induction
- Ensure that appropriate filters and monitoring systems are in place to keep children safe online; and

The proprietor ensures that an annual review of safeguarding arrangements is conducted. This includes a written report which is presented to the Cognita Board.

9 Induction

At the point of induction, **all** new Cognita Tutoring employed tutors must be provided with, and sign to say they have understood the following:

- KCSIE 2021 – Part One and Annex A;
- This Safeguarding and Child Protection Policy and Procedure, including whistleblowing;
- Tutor's Code of Conduct and Acceptable Use of IT Policy (including tutors/pupil relationships and communications);

At the point of induction, new tutors must be informed of the names and role of the Designated Safeguarding Lead and any Deputies. They should also be informed of the Cognita Tutoring processes for raising concerns about children or adults.

10 Training

All tutors employed in Cognita Tutoring should undertake, as a minimum a Basic Safeguarding awareness training which must be updated every three years or less.

All tutors will also receive safeguarding and child protection updates, including online safety, regularly throughout the year, provided by the DSL, in order to provide them with relevant skills and knowledge to safeguard children effectively, for example, learning about the topics in Annex A (KSCIE 2021).

All Cognita Tutoring employed tutors should also undergo Prevent training and FGM training every 3 years.

11 Online Safety

11.1 Technology often provides the platform that may facilitate harm. All tutors should be aware of the unique risks associated with online safety, and that technology is a significant component in many safeguarding and wellbeing issues. DSLs are responsible for overseeing online safety in Cognita Tutoring and should raise awareness in the tutors group accordingly, including but not limited to, cyber-bullying, child sexual exploitation, radicalisation and sexual predation.

11.2 There are three main areas of risk:

Content: being exposed to illegal, inappropriate or harmful material.

Contact: being subjected to harmful online interaction with other users.

Conduct: personal online behaviour that increases the likelihood of (or causes) harm; for example, the making, sending and receiving of explicit images, or online bullying.

All tutors should understand their role in preventing, identifying and responding to harm caused by its use. Additional information to support Cognita Tutoring tutors to keep children safe online (including when they are online at home) is provided in Annex C of KCSIE (2021).

11.3 Sharing of nudes/semi nudes imagery/videos (previously referred to as Youth Produced Sexual Imagery);

Whilst many professionals refer to the issue as 'sexting', there is no clear definition of 'sexting'. According to research, many professionals consider sexting to be 'sending or posting sexually suggestive images, including nude or semi-nude photographs, via mobiles or over the internet.' Yet, recent NSPCC research has revealed that when children are asked 'What does sexting mean to you?' they are more likely to interpret sexting as 'writing and sharing explicit messages with people they know.'¹ Similarly, a recent ChildLine survey has revealed that many parents think of sexting as flirty or sexual text messages, rather than images.

This policy only covers the sharing of sexual imagery by children. Possessing, creating, sharing and distributing sexual photos and videos of under-18s is illegal, and therefore causes the greatest complexity for Cognita Tutoring (amongst other agencies) when responding. It also presents a range of risks which need careful management.

What types of incidents are covered by this policy?

Yes:

- A child creates and shares sexual imagery of themselves with a peer (also under the age of 18).
- A child shares sexual imagery created by another child with a peer (also under the age of 18) or an adult.
- A child is in possession of sexual imagery created by another child.

No:

- The sharing of sexual imagery of children by adults as this constitutes child sexual abuse. In these situations, Cognita Tutoring should always inform the Police. Images of this kind should not be deleted from a child or adult's phone.
- Children sharing adult pornography or exchanging sexual texts which do not contain imagery².
- Sexual imagery downloaded from the internet by a child³.

11.4 Disclosure

All tutors should be aware of how to recognise and refer any disclosure of incidents involving the sharing of nudes/semi nudes imagery/videos. This will be covered within tutor's training. Disclosure about can happen in a variety of ways. The child affected may inform the tutor during a tutoring session or a parent may inform someone in Cognita Tutoring. Any direct disclosure by a child should be taken very seriously. A child who discloses they are the subject of sexual imagery is likely to be embarrassed and worried about the consequences.

¹ For the purposes of this policy, 'child', 'youth' and 'young person' refers to anyone under the age of 18; 'adult' refers to anyone aged 18 or over

² All such incidents should be responded to in line with the Cognita Tutoring's Safeguarding Policy

³ As above

It is likely that disclosure in a Cognita Tutoring session is a last resort and they may have already tried to resolve the issue themselves.

Handling incidents

All incidents involving the sharing of nudes/semi nude imagery/videos should be responded to in line with this policy. When an incident involving a child comes to a member of tutors' attention:

- The incident should be referred to the DSL as soon as possible;
- The DSL will follow the procedures and guidance set out in '[Sexting in Schools and colleges: responding to incidents and safeguarding young people](#)' and inform the child's main school
- Parents of each child should be informed at an early stage and involved in the process unless there is good reason to believe that involving parents would put the child at greater risk of harm and jeopardise any police/social care investigation; and
- At any point in the process, if there is a concern that a child has been harmed or is at risk of harm, a referral should be made to Children's Social Care and/or the police immediately.

12 Private fostering

What is private fostering?

Private fostering is when a child or young person under 16 years old (or 18 if they have a disability) is looked after for 28 days or more by someone who is not a close relative, legal guardian or person with parental responsibility. Close relatives *only* include parents, step-parents, aunts, uncles and grandparents. It is not private fostering if the child is 'looked after' by the Local Authority (also known as 'in care' and which includes placement in residential care, with an approved foster carer or a 'kinship' carer). Private fostering occurs in *all* cultures, including British culture, and children may be privately fostered at any age.

Examples of private fostering situations include:

- children and young people living apart from their families for a variety of reasons e.g. a parent is ill, has had to temporarily move for work or there has been conflict, separation or divorce;
- children whose parents work or study elsewhere in the UK or overseas;
- children sent to this country by their parents for education and health care;
- young people living with the family of a boyfriend or girlfriend; and
- children on holiday exchanges.

People become private foster carers for all sorts of reasons. Private foster carers can be a family friend, or someone who is willing to care for the child of a family they do not know, for example host families supplied by a Guardianship Organisation. If a host family is going to be caring for a child for 28 days or longer, they are classed as private foster carers and the Local Authority must be notified.

Why does your Local Authority Children's Services need to know?

By law, the Local Authority must be informed about all private fostering situations. The child's parents, private foster carers and anyone else involved in the arrangement or who becomes aware of the arrangement, e.g. guardianship agencies, Cognita Tutoring or health professionals are *legally required* to inform Children's Services. Children's Services have a legal duty⁴ to make sure all private fostering arrangements are safe for the child. Once

⁴ Section 67(1) of the Children Act 1989 amended by the children Act 2004) and the Children (Private Arrangements for Fostering) Regulations 2005

informed of the arrangement, they will check the suitability of private foster carers, make regular visits to the child and ensure advice, help and support is available when needed. Where a tutor becomes aware that a pupil may be in a private fostering arrangement, s/he should raise this with the DSL who will make contact with the child's main school DSL. Where Children's Social Care are not already aware of the circumstances, the school DSL should make a referral to them.

Timescales for informing the Local Authority

The child is not yet living with the private foster carers	Within 6 weeks beforehand
The child will move in with the private foster carers within 6 weeks	Immediately
The child is already living with the private foster carers.	Immediately

13 Looked After Children

A child who is being 'looked after' by their Local Authority is usually known as a 'Child in Care' or a 'Looked After Child'. They might be living with foster parents or at home with their parents under an Interim Care Order granted to social care, or in residential children's homes, or secure units.

A child who is *adopted* is **not** a Looked After Child. Occasionally, children are placed into Local Authority foster care under an Interim Care Order when an adoption breaks down and the adoptive parents relinquish the child. Once a Full Care Order is agreed, the child remains on long term foster care. The adoptive parents may or may not have continued contact with the child, depending on the situation and the emotional impact on the child.

An Interim Care Order will remain in place until care proceedings are concluded (within 26 weeks in most authorities). At the conclusion of care proceedings in any situation, the child will either stay in long term foster care (under a Full Care Order) until they reach the age of 18 years, return to their parents (usually under a Supervision Order), reside with other family members/friends (usually under a Special Guardianship Order), or in some cases be adopted. In all of the latter situations, it is most usual for parents to have agreed contact arrangements with their child, most commonly three times per year.

A child may also have been placed in care voluntarily by their parents who are struggling to manage their children's behaviour, or meet their child's needs due to their own illnesses or disabilities (under section 20, Children Act 1989). In these cases, rehabilitation will always be the aim, but if this is not possible, the Local Authority will apply for an Interim Care Order and finally a Full Care Order. Usually, these parents will have continued contact with their child.

As a result of their experiences both before and during care, Looked After Children are at greater risk than their peers; they are, for example, four times more likely than their peers to have a mental health difficulty. Providing a secure, caring environment and enabling such children to develop strong, trusting and stable relationships with professionals is critical to their safety and wellbeing.

The DSL, is

(a) responsible for ensuring that any looked after children are adequately supported by tutors in Cognita Tutoring;

(b) has contact details of the child's social worker

(c) ensures that relevant tutors members have sufficient information about the child's looked after legal status and care arrangements;

(d) works with the child's main school to ensure that Cognita Tutoring meet the needs in the child's Personal Education Plan; and

(e) attends Looked After Children reviews and other meetings should they be required to attend.

15 Peer on peer abuse

All Cognita Tutoring tutors should be alert to the risk of peer on peer abuse and understand their role in preventing, identifying and responding to it. Tutors should know that children are capable of abusing their peers, and that *abuse can occur in intimate personal relationships between peers*. They should never dismiss abusive behaviour as a normal part of growing up, 'banter' or 'just having a laugh', and should not develop high thresholds before taking action. Abuse is abuse and peer on peer abuse should be taken as seriously as abuse by adult

What is peer on peer abuse?

Peer on peer abuse is any form of abuse perpetrated by a child towards another child. It can take many different forms, including, but not limited to, serious bullying (including cyber-bullying), relationship abuse⁵, domestic violence⁶, child sexual exploitation⁷, youth and serious youth violence⁸, 'upskirting' (see below), harmful sexual behaviour⁹ (see below) and gender-based violence¹⁰.

These categories of abuse rarely take place in isolation and often indicate wider safeguarding concerns. For example, a teenage girl may be in a sexually exploitative relationship with a teenage boy who is himself being physically abused by a family member or by older boys. Equally, while children who abuse may have power over those who they are abusing, they may be simultaneously powerless to others. Tutors should be aware that there may be multiple perpetrators and/or victims, and not consider that only one child abuses another in isolation.

Sharing nudes/semi nudes via imagery/videos can but does not always constitute abusive behaviour. All incidents should be responded to in accordance with this policy (see above).

What role does gender and sexual orientation play?

Children of all gender identities and sexual orientations can both perpetrate and be the victim of peer on peer abuse, but this often manifests itself differently; some may seem to be at greater risk of sexual assault and/or exploitation, whereas others seem to be at greater risk of physical gang-related violence and serious youth violence.

⁵ <https://www.disrespectnobody.co.uk/relationship-abuse/what-is-relationship-abuse/>

⁶ This type of abuse relates to abuse between children aged 16 and 17 who are or have been intimate partners or family members. The abuse includes but is not limited to psychological, physical, sexual, financial and emotional.

⁷ This is a form of sexual abuse where children are sexually exploited for money, power or status. This abuse can be perpetrated by other children or by adults. It can involve violent, humiliating and degrading sexual assaults. In some cases, children are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. Child sexual exploitation does not always involve physical contact and can happen online.

⁸ Serious youth violence is any of the most serious offences where the victim is aged 19 or below, including murder, manslaughter, rape, wounding with intent and causing grievous bodily harm. Youth violence also includes assault with injury offences.

⁹ This is any sexual behaviour by a child or young person which is outside of developmentally "normative" parameters. This can (but does not always) include abusive behaviour such as sexual assaults.

¹⁰ This is violence that is directed against one gender as a result of their gender.

When does behaviour become abusive?

It can be difficult to distinguish between abusive behaviour, which should be dealt with in accordance with the procedure set out below, and behaviour which does not constitute abuse, such as low level bullying or cyber bullying or age appropriate sexual experimentation with the norms of sexual development.

Factors which may indicate that behaviour is abusive include:

- a) where it is repeated over time and/or where the perpetrator (s) intended to cause serious harm;
- b) where there is an element of coercion or pre-planning; and
- c) where there is an imbalance of power, for example, as a result of age, size, social status or wealth.

This list is not exhaustive, and tutors should always use their professional judgment and discuss any concerns with the DSL.

How can I identify victims of peer on peer abuse?

Identifying peer on peer abuse can be achieved by being alert to children's well-being and to general signs of abuse. Signs that a child(ren) may be suffering from peer on peer abuse overlap with those relating to other types of abuse – see indicators of abuse, earlier in this document.

Signs can include:

- a) failing to attend Cognita Tutoring, disengaging from classes or struggling to carry out Cognita Tutoring related tasks to the standard you would ordinarily expect.
- b) physical injuries.
- c) having difficulties with mental health and/or emotional wellbeing.
- d) becoming withdrawn, shy, experiencing headaches, stomach aches, anxiety, panic attacks, suffering from nightmares or lack of sleep or sleeping too much.
- e) drugs and/or alcohol use.
- f) changes in appearance and/or starting to act in a way that is not appropriate for the child's age.

This list is not exhaustive and the presence of one or more of these signs does not necessarily indicate abuse.

Are some children particularly vulnerable to abusing or being abused by their peers?

Any child can be affected by peer on peer abuse and tutors should be alert to signs of such abuse amongst all children. Research suggests that:

- a) peer on peer abuse is more prevalent amongst children aged 10 and older, although it also affects younger children, including by way of harmful sexual behaviour.
- b) children who are particularly vulnerable to abuse or to abusing others include those who have (i) witnessed or experienced abuse or violence themselves; (ii) suffered from the loss of a close family member or friend; or (iii) experienced considerable disruption in their lives.
- c) children with SEN/D and those who identify as LGBTQ+ are particularly vulnerable to both abuse and peer on peer abuse.

How prevalent is peer on peer abuse?

Recent research suggests that peer on peer abuse is one of the most common forms of abuse affecting children in the UK. For example, more than four in ten teenage girls aged between 13 and 17 in England have experienced sexual coercion (Barter et al 2015). Two thirds of contact sexual abuse experienced by children aged 17 or under was perpetrated by someone who was also aged 17 or under (Radford et al 2011) and over a third of young boys in England admitted to watching porn and having negative attitudes towards women (University of Bristol and University of Central Lancashire, 2015).

What should I do if I suspect either that a child(ren) may be being abused, or that a child(ren) may be abusing others?

If a Cognita Tutoring tutor thinks for whatever reason that a child(ren) may be at risk of abuse from another child or young person, or a group of perpetrators, or that a child(ren) may be abusing others, the tutor should report their concern to the DSL without delay in accordance with this policy. If a child(ren), whether they are the alleged victim or perpetrator is in immediate danger, or at risk of harm, a referral to Children's Social Care and/or the Police should be made immediately. All perpetrators and victims should have a referral.

How will the DSL respond to concerns of peer on peer abuse?

The DSL will discuss the statement or behaviour with the tutor raising the concern and will, where necessary, take any immediate steps to ensure the safety of the victim(s) or any other child(ren). Where it is suspected that the behaviour might constitute abuse, Children's Social Care will be contacted immediately and, in any event, within 24 hours. This will be done in collaboration with the child's main school, and actions will be on a case by case basis, with the main school leading.

The child's main school DSL will discuss the incident with Children's Social Care and agree on a course of action, which may include (a) taking any steps to ensure the safety and wellbeing of any children affected; (b) further investigation; (c) referral to other agencies such as the police (where a crime may have been committed), CAMHS, a specialist harmful sexual behaviour team and/or youth offending services.

How does the Cognita Tutoring raise awareness of, and reduce the risk, of peer on peer abuse?

Tutors are trained on the nature, prevalence and effect of peer on peer abuse, and how to prevent, identify and respond to it. Cognita Tutoring actively seeks to prevent all forms of peer on peer abuse by educating tutors, and responding to all cases of peer on peer abuse and any cases of bullying or cyber-bullying promptly and appropriately.

16 Sexual Violence and Sexual Harassment between Children

Peer on peer abuse can include two specific forms, known as Sexual Violence and Sexual Harassment. Any response to these should fall within, and be consistent with, Cognita Tutoring's wider approach to peer-on-peer abuse (see above).

Sexual Violence includes sexual offences which fall under the Sexual Offences Act 2003.

Sexual Harassment refers to 'unwanted conduct of a sexual nature'. This can occur *online* (including, but not limited to non-consensual sharing of images, making sexual comments on social media) and *offline* (including but not limited to making sexual comments, sexual taunting or 'jokes', and physical contact, for example, brushing against someone deliberately or interfering with their clothes).

Sexual Violence and Sexual Harassment can:

- occur between any two children, or a group of children against one individual or group;
- be perpetrated by a child of any age against a child of any age;
- be perpetrated by a child of any sexual orientation against a child of any sexual orientation;
- include behaviours that exist on an often progressive continuum and may overlap; be online and offline (physical or verbal)
- can take place within intimate personal relationships between peers

Advice from the Department for Education on [Sexual Violence and Sexual Harassment Between Children in Cognita Tutorings and Colleges](#) (2017- currently in revision) provides information about

what sexual violence and sexual harassment is, how to minimise the risk of it occurring, and what to do when incidents occur, or are alleged to have occurred. The DfE advice highlights best practice and cross-references other advice, statutory guidance and the legal framework. Cognita Tutoring will apply the principles set out in it when considering their approach to sexual violence and sexual harassment between children.

Key Points: The above guidance:

- stresses the importance of making it clear that sexual violence and sexual harassment are not acceptable, will never be tolerated, and are not an inevitable part of growing up
- highlights the risks of tolerating or dismissing any forms of sexual violence or sexual harassment, and encourages early intervention to avoid potential escalation;
- encourages forums that enable children to talk about issues openly;
- includes a list of possible topics that any taught programme could cover - including consent, gender roles, stereotyping and equality, healthy relationships, and power imbalances in relationships;
- advises on how to manage a disclosure, either from the child who has suffered abuse or from other children;
- provides guidance on when to carry out a risk and needs assessment for children affected by sexual violence or sexual harassment;
- provides guidance on initial considerations which Cognita Tutoring should take into account when faced with a concern or allegation of sexual violence or sexual harassment - including the age and developmental stages of the children, and any power imbalance between them; and
- provides guidance on difficult scenarios which Cognita Tutoring might encounter, for example, how to handle an incident between two pupils which is alleged to have taken place away from Cognita Tutoring

Upskirting

The Voyeurism (Offences) Act, which is commonly known as the Upskirting Act, came into force on 12 April 2019. 'Upskirting' is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender, can be a victim.

Children with Special Educational Needs (SEN) are potentially more vulnerable, and there may be barriers in recognising abuse in this group of children. In addition, children who are perceived by their peers to be LGBTQ+ or identify themselves as LGBTQ+ may potentially be more vulnerable.

17 Signposting to further information

Annex A of KCSIE contains further guidance on a range of specific safeguarding issues, some of which are above. This section must be read by all tutors that work directly with children.

Any person that has a concern about a child within the Cognita Tutoring must follow the procedures outlined within this document.

If tutors have any concerns about a child's welfare and/or safety, they should act on them immediately. Where a child is suffering, or is likely to suffer from harm, it is important that a referral to Children's Social Care (and if appropriate the police) is made immediately if the DSI is not available.

Annex A of KCSIE contains guidance on the following issues:

- Children and the court system
- Children missing from education
- Children with family members in prison
- Child sexual exploitation
- Child criminal exploitation: county lines
- Domestic abuse
- Homelessness
- So-called 'honour-based' violence
- Preventing radicalisation
- Peer on peer abuse
- Sexual violence and sexual harassment between children in Cognita Tutoring and colleges
- Upskirting

18 Adults' behaviour attitudes and statements

The safety and wellbeing of children accessing Cognita Tutoring is dependent on the vigilance of all our tutors and their prompt communication to the DSL of any concerns, no matter how small, about any conduct by an adult which causes you to doubt that adult's suitability to work with or have access to children. Cognita Tutoring is conscious of its duty of care to pupils and will always act, including if alerted to the possibility of abuse arising from situations or persons outside of Cognita Tutoring.

The notification and prompt handling of all concerns about adults, including those raised by individuals about themselves, is fundamental to safeguarding children. It helps to identify and prevent abuse and to protect adults against misunderstandings or misinterpretations. It also encourages openness, trust and transparency and it clarifies expected behaviours. Those raising concerns or reporting allegations in good faith will always be supported, and adults in respect of whom concerns or allegations have been raised will not suffer any detriment unless the concern or allegation is found to be substantiated.

Cognita Tutoring is a 'telling' organisation
If you are concerned about the behaviour or actions of any adult...
speak to the DSL

Code of Conduct

All tutors must behave responsibly and professionally in all dealings with children and specifically with pupils for whom they have a duty of care. All tutors must follow the procedures set out in our 'Tutors Code of Conduct including Acceptable Use Policy'. Tutors should always avoid behaviour which might be misinterpreted by others. As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. A relationship between tutors and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and all tutors have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Tutors should note that it is an offence for a person aged 18 or over and in a position of trust to touch a child in a sexual way or have a sexual relationship with a child, even if the relationship is consensual. A position of trust could arise even if the member of tutors does not teach the child.

Safeguarding and Child Protection Policy and Procedure

Cognita Tutoring does not permit the use of personal mobile phones and cameras, including the wearing of Smartphones by tutors where children are present.

Our Low Level Concern Policy (including self-reporting)

The overarching aim of the Cognita Tutoring's Low Level Concern Policy is to facilitate a culture in which the clear values and expected behaviours which are set out in our Code of Conduct are lived, constantly monitored, and reinforced by all tutors. In particular, the intention of this policy is to:

- maintain a culture of openness, trust and transparency in which tutors are confident and clear about expected behaviours of themselves and their colleagues, the delineation of boundaries and reporting lines;
- ensure tutors feel empowered to raise any low level concern, whether about their own or a colleague's behaviour, where that behaviour might be construed as falling short of the standards set out in our Code of Conduct; and
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised – maintaining on the one hand confidence that concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting tutors from false allegations or misunderstandings.

What is a low level concern, including those that are self-reports?

Self-reporting

From time to time an individual may find him/herself in a situation which might appear compromising to others or which could be misconstrued. Equally, an individual may for whatever reason have behaved in a manner which on reflection he/she considers falls below the standard set out in the Code of Conduct.

Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived. As such, Cognita Tutoring sees self-reporting as an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

Low level concerns about an adult

From time to time an individual may notice behaviour, statements, or actions in other adults which leave them concerned. These are behaviour or actions which fall short of a formal allegation of abuse. These tend to be behaviours which indicate that Cognita Tutoring's Code of Conduct has not been met. Any such concerns can be dealt with as a low level concern.

A low level concern for this purpose is any concern, no matter how small and even if no more than a 'nagging doubt', that an adult may have acted in a manner inconsistent with the Cognita Tutoring's Code of Conduct or simply – even if not linked to a particular act or omission – a sense of unease as to the adult's behaviour particularly towards or around children.

A Self-Report also falls under our Low Level Concerns Policy and can be as described above.

What should I do if I have one?

Where a low level concern (including self-reports) exists, it should be reported to the DSL as soon as reasonably possible in the same day as the incident (where the concern relates to a particular incident).

How will my low level concern be handled (including self-report)?

The DSL will discuss all low level concerns s/he receives with the Head of Operations and HR on the same day as the concern was raised. The group will, in the first instance, satisfy themselves that it is a low level concern and should not be reclassified as an *allegation* and dealt with under the appropriate procedure (outlined later in this document). The circumstances in which a low level concern might be reclassified as an allegation are where:

- a) the threshold is met for an allegation (see below);
- b) there is a pattern of low level concerns which collectively amount to an allegation; or
- c) there is other information which, when taken into account, leads to an allegation.

Where the DSL is in any doubt whatsoever, advice will be sought from the Designated Officer, if necessary, on a no-names basis.

Having established that the concern is low level, the DSL will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. Most low level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training, etc. The person to which the low level concern relates must be informed of any concern raised about them *once all risk has been identified and assessed*. The person who has raised the low level concern about their colleague will remain anonymous.

What records will be kept?

Where a low level concern has been communicated, or a Self-Report raised by an individual about themselves, a confidential record will be kept in a central file which logs all low level concerns and will be retained until the tutor reaches normal pension age or 10 years after if longer. This is necessary to enable any patterns to be identified. However, no record will be made of the concern on the individual's personnel file (and no mention made in job references) unless either:

- a) the concern (or group of concerns) has been reclassified as an allegation as above; or
- b) the concern (or group of concerns) is sufficiently serious to result in formal action under the Cognita Tutoring's grievance, capability or disciplinary procedure.

Allegations of abuse made against Cognita Tutoring tutors

The purpose of this section of the policy is to outline how allegations against adults will be handled. Allegations will always be dealt with in accordance with statutory guidance provided in KCSIE.

What is an allegation?

Allegations represent situations that might indicate a person would pose a risk of harm to children if they continue to work in regular or close contact with children in their present position, or in any capacity. This policy applies to all tutors working for Cognita Tutoring if it is alleged that they have met one of the following four statements, often referred to as 'harm tests':

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

An allegation may be triggered by one specific incident or by a pattern of behaviour by the adult, or low level concerns which when considered *collectively* amount to an allegation.

What should I do if I have an allegation about a Cognita Tutoring tutor?

Allegations about tutor should be reported to the DSL **immediately**.

The DSL will liaise with the Designated Officer of the Local Authority as set out below and inform the Cognita Tutoring Head of Operations, and Head of HR.

The adult to whom the concern or allegation relates must not be informed.

If the allegation is about the DSL, it must be referred to the Head of HR immediately, without informing the DSL. They will then liaise with the Designated Officer of the Local Authority as set out below.

Duties as an employer and an employee

This policy relates tutors who are currently working for Cognita Tutoring, regardless of whether the Cognita Tutoring session is where the alleged abuse took place.

In no circumstances should Cognita Tutoring decide to cease to use a tutor due to safeguarding concerns, without finding out the facts and liaising with the local authority Designated Officer to determine a suitable outcome.

Decisions will need to be made in discussion with the DO whether it is appropriate to suspend the tutor, or redeploy them to another part of Cognita Tutoring, whilst they carry out their investigation. Cognita Tutoring should be fully involved and co-operate in any enquiries from the DO, Police and/or children's social services.

Allegations against a tutor who is no longer tutoring for Cognita Tutoring should be referred to the Police. Historical allegations of abuse should also be referred to the Police.

Cognita Tutoring has a duty of care to all employees. Cognita Tutoring will provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a tutor is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time, supports the person who is the subject of the allegation.

Dealing with an allegation

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a Police investigation or enquiries by local authority Children's Social Care services. Some rare allegations will be so serious they require immediate intervention by Children's Social Care services and/or the Police.

Initial discussion

Before contacting the DO, the DSL, after first liaising with the head of Operations and Head of HR, may need to gather some initial information to help them determine whether there is any foundation to the allegation. Unless agreed, the tutor to which the allegation has been made will not be informed or interviewed at this stage, so as not to jeopardise potential evidence gathering by external agencies. If, after the initial gathering of information it is decided by the above group of colleagues that the concerns do not meet threshold for an allegation, the DSL will manage the situation under the Low level Concerns policy

If, after the initial information gathering stage, it is decided that the concerns amount to an allegation, the DSL will contact the local authority DO. The DSL will inform the DO of all allegations that come to the Cognita Tutoring's attention and appear to meet the criteria, providing them with the basic information that they have gathered thus far. The DO will consult with the Police and Children's Social Care as appropriate.

The purpose of an initial discussion is for the Designated Officer(s) and the DSL to consider the nature, content and context of the allegation and agree a course of action. The Designated Officer(s) may ask the DSL to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and about the individual's current contact with children. There may be situations when the DSL will want to involve the Police immediately, for example if the tutor is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the DSL should discuss the allegations with the Designated Officer(s) in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the DSL and the Designated Officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The DSL should then consider with the Designated Officer(s) what action should follow both in respect of the individual and those who made the initial allegation.

Inter-agency Strategy Discussion

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a Strategy Discussion will be convened by the Designated Officer or the Police in accordance with the statutory guidance Working Together to Safeguard Children.

Where a Strategy Discussion is needed, or Police or Children's Social Care services need to be involved, the DSL will **not** inform the accused person until those agencies have been consulted and have agreed what information can be disclosed to the accused. The DSL should only inform the accused person about the allegation after consulting the Designated Officer(s) and actions have been decided. It is extremely important that the DSL provides the accused tutor with as much information as possible at that time.

Where it is clear that an investigation by the Police or Children's Social Care services is unnecessary, or the Strategy Discussion or initial evaluation decides that is the case, the Designated Officer(s) will discuss the next steps with the DSL. In those circumstances, the options open to Cognita Tutoring depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the tutor's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative (see guidance on suspension, below).

Internal Cognita Tutoring investigations

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the Designated Officer(s) will discuss with the DSL how and by whom the investigation will be undertaken. In straightforward cases, an internal Cognita Tutoring investigation will be agreed upon and should normally be undertaken by the DSL. Where necessary, due to lack of resource or the nature or complexity of the allegation, the allegation will require an

independent investigator. An independent investigator will be appointed by the Head of HR, in conjunction with the DSL and Head of Operations.

Where a safeguarding concern or allegation triggers another procedure, such as grievance or disciplinary, that procedure shall only be followed once the immediate safeguarding concern or allegation has been fully investigated.

Suspension of an employee

Cognita Tutoring will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the Cognita Tutoring or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension will be considered prior to taking that step.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases, this will require the DSL to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. If the DSL is concerned about the welfare of other children in the community or the tutor's family, those concerns should be reported to the Designated Officer(s), Children's Social Care or the Police as required.

Within Cognita Tutoring, suspension requires the authorisation of the Director of Operations & Transformation. Our policy is to hold a conversation with the DSL, Director of HR and the Director of Operations & Transformation to reach a rounded decision about whether suspension is the correct course of action.

Suspension will be considered only in a case where there is cause to suspect a child or other children at Cognita Tutoring are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the DSL will consider carefully whether the circumstances warrant suspension from contact with children at Cognita Tutoring or until the allegation is resolved.

In cases where Cognita Tutoring is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at Cognita Tutoring, immediate action will be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out tutoring work.

The DSL will also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the Designated Officer(s), Police and Children's Social Care services have no objections to the tutor continuing to work during the investigation, the DSL will aim to be as inventive as possible to avoid suspension.

Based on assessment of risk, the following alternatives will be considered by the DSL before suspending a tutor:

- redeployment within Cognita Tutoring so that the individual does not have direct contact with the child or children concerned;
- redeploying to alternative work in Cognita Tutoring so the individual does not have unsupervised access to children;
- moving the child or children to tutoring sessions where they will not come into contact with the tutor, making it clear that this is not a punishment and parents have been consulted.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The DSL will consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the DSL and the Designated Officer(s). This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. Cognita Tutoring will make clear to the suspended employee where they can obtain support. The person will be informed at the point of their suspension who their named contact is within the organisation and will be given their contact details.

Children's Social Care services or the Police cannot require the DSL to suspend a tutor, although the DSL will give appropriate weight to their advice. The power to suspend is vested in Cognita Tutoring.

Where a Strategy Discussion or initial evaluation concludes that there should be enquiries by Children's Social Care services and/or an investigation by the Police, the Designated Officer(s) should canvass Police and Children's Social Care services for views about whether the accused tutor needs to be suspended from contact with children in order to inform the Cognita Tutoring consideration of suspension. Police involvement does not make it mandatory to suspend a tutor; this decision will be taken on a case-by-case basis having undertaken a risk assessment.

Support for employees

Cognita Tutoring has a duty of care to their employees, and will act to manage and minimise the stress inherent in the allegations process. Support for the accused individual is vital to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the Children's Social Care services or the Police. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support. They will also be given access to an employee support service, provided by Cognita Tutoring.

The DSL will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of the child or children involved will be told about the allegation as soon as possible if they do not already know of it. However, where a strategy Discussion is required, or the Police or Children's Social Care services need to be involved, the DSL will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers will also be kept informed of the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the

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information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child will be told the outcome in confidence.

Parents and carers will also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing, as set out in section 141F of the Education Act (2002). If parents or carers wish to apply to the court to have reporting restrictions removed, they will be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Social Care services, or the Police as appropriate, will consider what support the child or children involved may need.

Timescales

It is in everyone's interest to resolve cases as quickly as possible and ensure consistency with a fair and thorough investigation. All allegations will be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegation.

For cases where it is clear immediately that the allegation is unsubstantiated or malicious, it is aimed that they will be resolved within one week. Any concerns about safeguarding will always be discussed with the Designated Officer.

Confidentiality

When an allegation is made, Cognita Tutoring will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, the Police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the Police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted).

The DSL will take advice from the Designated Officer(s), Police and Children's Social Care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when, it should arise.

Oversight and monitoring

The Designated Officer(s) has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with Safeguarding Partners on the subject. The Designated Officer(s) will provide advice and guidance to the DSL, in addition to liaising with the Police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for:

- liaising with the Designated Officer(s);
- taking part in the Strategy Discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

If the Strategy Discussion or initial assessment decides that a Police investigation is required, the Police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

Information sharing

In a Strategy Discussion or the initial evaluation of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the Police are involved, wherever possible, the employer will ask the Police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This will be done as their investigation proceeds and will enable the Police to share relevant information without delay at the conclusion of their investigation or any court case.

Children's Social Care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

Following a criminal investigation or a prosecution

The Police should inform Cognita Tutoring and Designated Officer(s) immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, the Designated Officer(s) should discuss with the DSL whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the Police and/or Children's Social Care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to be given as to the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

Outcome of an allegation

The following definitions will be used when determining the outcome of allegation investigations:

- Substantiated: there is sufficient evidence to prove the allegation;
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- False: there is sufficient evidence to disprove the allegation;
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

On conclusion of a case

There is a legal requirement for employers [Cognita Tutoring] to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, Cognita Tutoring will refer

the case to the DBS for consideration of whether inclusion on the barred lists is required. In the case of a tutors at Cognita Tutoring, the matter will be referred to the TRA to consider prohibiting the individual from teaching in relation to their professional misconduct.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the DSL will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The DSL will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil receiving Cognita Tutoring.

Malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the Designated Officer(s) will refer the matter to the Children's Social Care services to determine whether the child concerned is in need of services or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the DSL and Head of HR will consider whether any disciplinary action is appropriate against the pupil or tutor's colleague who made it; or whether the Police should be asked to consider if action might be appropriate against the person responsible, even if he or she were not a pupil.

Learning lessons

At the conclusion of a case in which an allegation is substantiated, the Designated Officer(s) will review the circumstances of the case with the case manager to determine whether there are any improvements to be made to Cognita Tutoring's procedures or practice to help prevent similar events in the future. This will include issues arising from the decision to suspend the tutor, the duration of the suspension and whether suspension was justified. Lessons will also be learnt from the use of suspension when the individual is subsequently reinstated. The Designated Officer(s) and DSL will consider how future investigations of a similar nature could be carried out without suspending the individual.

Resignations and 'settlement agreements'

If the accused person resigns, or ceases to provide their services to Cognita Tutoring, this will not prevent an allegation being followed up in accordance with the statutory guidance KCSIE. A referral to the DBS must be made if the criteria are met (see criteria in KCSIE). Cognita Tutoring will also consider whether a referral to the TRA is appropriate (see criteria in KCSIE).

If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent the proprietor from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the proprietor would not be complying with its legal duty to make the referral.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused will be given a full opportunity to answer the allegation and make representations about it. However, the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, will continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

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‘Settlement agreements’ (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person’s notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Record keeping

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused,

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation, if that is longer. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

References

Cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious will also not be included in any reference. See KCSIE for further information on references.

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