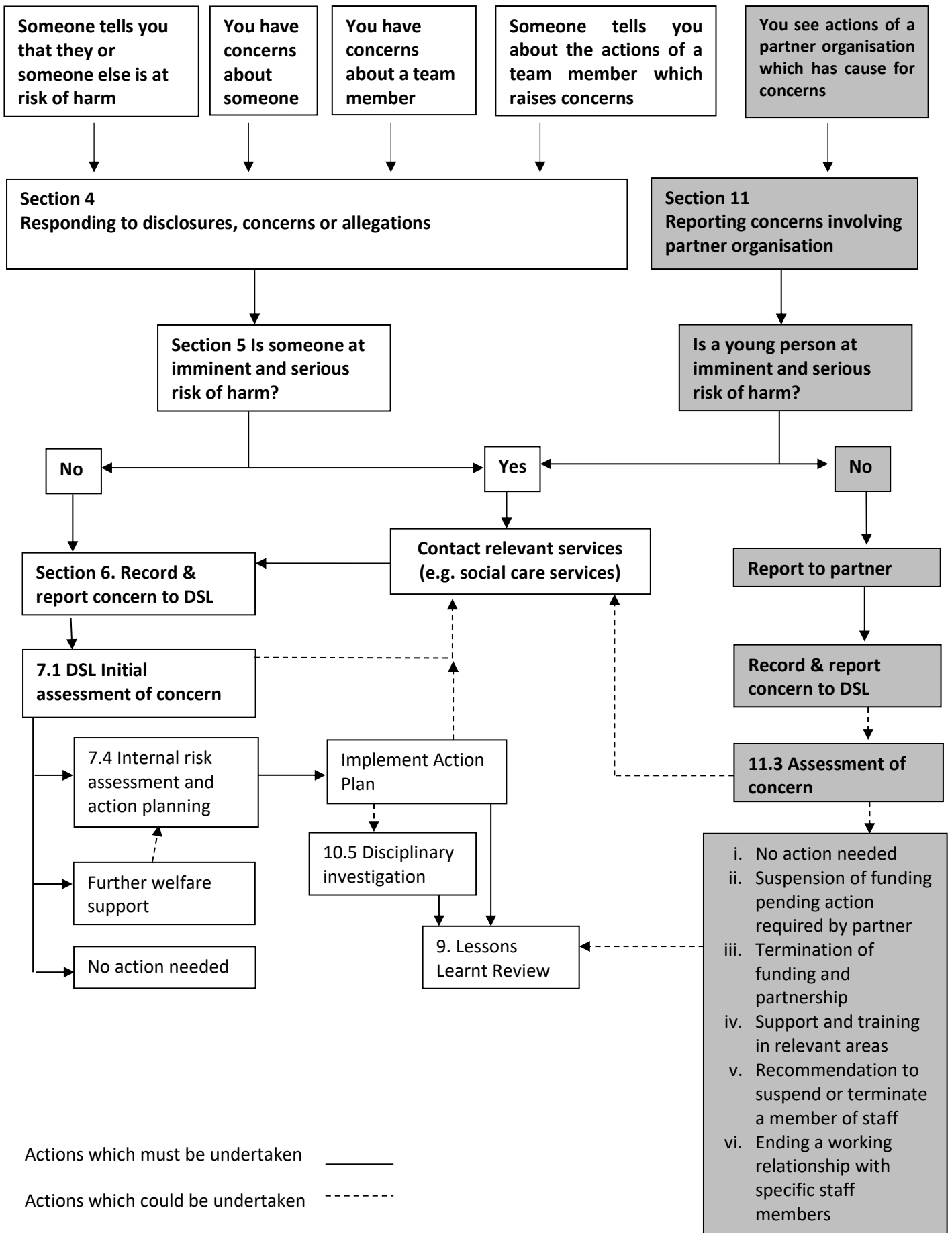




## **Procedures for Managing Safeguarding Disclosures, Concerns and Allegations June 2020**

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## **1. Introduction**

This procedure explains how Kindi Education aims to respond, report and support people where there is a concern that they may be experiencing, or are at risk of, harm.

The purpose of this procedure is:

- to respond well when Kindi Education's participants, volunteers, team members and others in contact with the organisation are experiencing or are at risk of harm, abuse and neglect
- to provide parents, employees, volunteers, freelancers and partner organisations with clarity on how Kindi Education responds to safeguarding disclosures, concerns and allegations.

This procedure applies to anyone engaged in the organisation including employees, volunteers and freelancers engaged in all Kindi Education supported or directed activities ("our team").

It includes actions that must be followed by the Designated Safeguarding Lead (DSL). Where a disclosure, concern or allegation implicates the DSL, their role will be fulfilled by Kindi Education's Head of Curriculum & Training

## **2. When these procedures apply: safeguarding disclosures, concerns and allegations**

A safeguarding concern, allegation, or disclosure could be anything relating to an individual's safety or welfare, or it could be about the risk a person poses.

It can relate to abuse or harm that has happened in the past. This will still be taken seriously, and these procedures will apply.

These procedures are to be used when a team member has:

### **2.1. A disclosure**

- A disclosure of abuse, neglect or harm made by anyone under the age of 18.
- A disclosure of abuse, neglect or harm made by anyone over the age of 18; especially where this related to an individual with a need for care and support who is unable to protect themselves from abuse, neglect or harm.

### **2.2. A concern**

- A concern about someone's behaviour or appearance that could indicate abuse, neglect or harm.
- A concern about the behaviour of a participant towards another participant (peer on peer abuse).

### **2.3. A concern or an allegation about another team member**

- A concern or allegation against a team member that might indicate they pose a risk of harm if they continue to work in regular or close contact with children or adults at risk of harm. In these situations, this may be because they have:
  - behaved in a way that has or may have harmed a child or adult at risk
  - possibly committed a criminal offence against, or related to, a child or adult at risk, or
  - behaved in a way that indicates they may pose a risk of harm if they work regularly or closely with children or adult at risk

Allegations can be made in relation to:

- Physical chastisement and restraint of a participant.
- Inappropriate relationships between a team member and participant. This could include a team member having or intending to have an intimate or sexual relationship with a participant where they are in a position of trust in respect of that individual (including where the participant states that they consented to this).
- A team member's failure to work collaboratively with social care agencies when an issue about the care of a child or adult at risk for whom they have caring responsibilities is being investigated.
- A team member's behaviour outside of work that raises safeguarding issues. These concerns do not have to directly relate to a child or adult at risk of harm but could, for example, include arrest for possession of a weapon or drugs.
- A team member who is a parent or carer and has become subject to statutory protection procedures for a child for whom they have parental responsibility or an adult at risk of harm who they care for.
- A team member alleged of domestic violence or abuse against someone such as a partner or a member of the family or household. This may include failure to ensure that a vulnerable individual is protected from the impact of such violence or abuse.
- A team member who is closely associated with someone in their personal life (e.g. partner, member of the family, or other household member) who may present a risk of harm to child/ren or adults at risk of harm participating on a Kindi Education course.
- A 16 or 17-year-old who has been put in a position of trust in relation to anyone under the age of 18.

Allegations may also be made and reviewed under these procedures when a team member has significantly breached Kindi Education's Staff Behaviour Policy and/or other policies (including Kindi Education's Safeguarding Policy) or any conditions or improvement plan applied under one of its policies and related procedures.

### **Allegation or complaint (understanding the difference)**

Complaints are generally expressions of dissatisfaction or concern that may relate to the delivery of a service by a team or an individual. A complaint may also be an expression of dissatisfaction about a policy or procedure, or the way that they are implemented by any Kindi Education team member or the organisation as a whole. All such complaints should be addressed following Kindi Education's Feedback, Compliments and Complaints Policy & Procedures.

The procedures outlined in this document are only used where there is an indication that the complaint relates to harm or potential harm to a child or adult at risk of harm. In these instances, any other complaint procedure will be paused in lieu of the procedures outlined in this document.

### **3. Responsibility for Implementation**

All team members have a responsibility to report all concerns, allegations or disclosures of abuse, harm and neglect to children and adults at risk of harm. Failure to report may (a) put individuals at risk and (b) imply a breach of their contractual duty, including the need for disciplinary action.

All team members have a duty to assist the statutory protection investigation agencies by ensuring any possible allegation or concern is reported to an appropriate person and by co-operating with any investigative process, if/when required.

Team members must avoid impeding an investigation, e.g. by publicising the allegation or providing the opportunity for evidence to be obscured or destroyed. In cases where the Police or the Crown Prosecution Service have decided against a criminal prosecution, team members must continue to cooperate fully with any internal investigation that may follow.

The DSL must ensure that all team members are aware of this procedure, where to find it and understand their responsibilities. They must ensure that all risk assessments and responses to incidents undertaken as part of this procedure will be conducted in a reasonable, proportional and transparent manner.

#### **4. Responding to disclosures, concerns or allegations**

*This covers incidents or situations where:*

- *A child or adult at risk of harm tells you that they have experienced, are experiencing or may be experiencing abuse, neglect or harm*
- *A child or adult at risk of harm tells you something that leads you to believe that they have experienced, are experiencing or may be experiencing abuse, neglect or harm*
- *You see an indicator of abuse, neglect or harm on a child or adult at risk of harm*
- *You see or hear actions which lead you to have serious concerns or suspicions about a Kindi Education representative. This may include situations where you become aware of allegations that a Kindi Education representative has, or is, acting contrary to this policy, including allegations from a third party.*

Team members must always be aware that information relating to someone experiencing abuse, neglect or harm can be presented in a variety of ways, including:

- directly – making specific verbal statements about what's happened to them
- indirectly – making ambiguous verbal statements which suggest something is wrong
- behaviourally – displaying behaviour that signals something is wrong (this may or may not be deliberate)
- non-verbally – writing letters, drawing pictures or trying to communicate in other ways

Team members may receive disclosures from:

- A child or adult at risk who has experienced harm
- Someone who has a worry about a child or adult at risk
- A parent/guardian or carer of a participant
- Someone associated with Kindi Education sharing a concern

Team members should never wait for someone to tell them directly that they are being harmed before acting. Waiting for someone to be ready to speak about their experiences could mean that the abuse carries on and that they, or another individual, are put at further risk of significant harm.

Individuals may not understand that they are being, or have been, abused or that they have observed an indicator of harm. They might not realise the significance or severity of what they are telling you.

Where incidents do not constitute a welfare or safeguarding concern in need of reporting, you should use your professional skills to facilitate a solution in an inclusive and non-judgmental way. If the issue was important enough for the individual to tell you about, it is important that you deal with the issue and not dismiss it as trivial or unimportant.

It is not Kindi Education's responsibility to investigate or in any way make judgements about what is reported to individuals. Investigations, if necessary, must be undertaken by the Police and Social Care team. In most circumstances, Kindi Education will not be an appropriate agency to offer ongoing support to the individual.

#### **4.1. Listening to disclosures**

If an individual indicates that they want to talk to you about an issue or problem, you should respond as follows:

- If possible, arrange a time and place where you can talk privately with them as soon as possible and remember to do this within sight of others.
- Remind them of Kindi Education's approach to confidentiality in order to avoid losing their trust (and explain that the need for you to share certain information with colleagues or external agencies may arise).
- Reinforce positive messages about seeking help (e.g. that seeking help is a sign of strength).
- Listen to and do not dismiss what you are told.
- Always stay calm and reassuring. Affirm that they were right to make the disclosure and empathise how difficult it is to talk about such experiences.
- Avoid saying things like "I can't believe it" or "Why didn't you tell anyone before?"
- Avoid challenging whether any of what they say might be untrue.
- Focus on open questions
- Thank them for sharing
- Tell them that they did the right thing to tell you and that you are treating the information seriously.
- Assure them that it was not their fault.
- Take an unbiased approach when responding to disclosures – never endorse their allegation or statement but recognise that it has value to them.
- Do not press for details – some cases of abuse need further and possibly extensive investigation.
- Record details of what you are told as soon as possible after the meeting as it is better for them not to have to repeat details unnecessarily.
- Ask whether they have told anyone else and, if not, discuss with them who would be a good person to tell and that you can help them tell that person
- At the end of the discussion and where appropriate, reflect on what they have said to check your understanding – use their language to show that it's their experience. Do not ask and probe for any further details as this may cause distress and hinder a formal investigation.
- Do not promise to follow up with the person yourself or provide them with your personal contact details but explain to the person the process that you will follow next.

#### **4.2. Seeing a sign or symptom**

You may see something in someone's appearance, behaviour or their ways of communicating that makes you concerned that they may be experiencing abuse, neglect or harm.

Consider the following points:

- Signs or symptoms of harm do not necessarily mean that an individual is being abused. There could be other things happening in their life which are affecting their behaviour, and which could still cause harm.
- A series of events or indicators may be a concern when considered together, which is why individual events or indicators, even if minor, should never be ignored.

- If you are unsure, it is always best to share your concern with a line manager and/or directly with the DSL. If in doubt, always share.
- You can securely and confidentially keep note of your concerns and how the individual is behaving. This can help you spot patterns of behaviour and keep a track of what has been happening. These notes should be brief, factual and stored in line with data protection requirements.
- Never examine an individual specifically for any physical marks or injuries - only do what you would normally do as part of your duties.

### **4.3. Receiving information from a third party**

At times, organisations external to Kindi Education may seek to share information of an individual experiencing abuse, neglect or harm.

Kindi Education can only hold and process personal data with a valid and lawful reason. When Kindi Education is offered information, it will consider the following questions:

- Are we an appropriate agency to receive this information?
- Has the person to whom this information relates given informed consent for this information to be shared with us?
- Is there a strong reason to receive this information without consent – is it in the public interest or required by law?

If you are not sure what information to receive, who to share it with or how best to manage any risk associated with sharing information onwards please speak to the DSL immediately for advice and guidance.

## **5. Immediate actions when someone is in imminent and serious risk of harm**

*Where a child or adult at risk of harm is experiencing, or is at risk of, life-threatening or imminent and serious harm, team member(s) should take serious action.*

Imminent and serious risks of harm include, but are not limited to, the following examples:

- A person has said that they intend to self-harm or is having suicidal thoughts.
- The alleged abuse or harm is being carried out at a place where the person is about to go (e.g. their home)
- The person has a life-threatening physical or psychological injury or condition.
- Someone who is causing the person harm is coming to collect them at the end of the activity.

Every situation will be different, and your response may depend on the capacity and capability of the team or your own background knowledge of the individual(s) at risk of harm.

### **5.1. Immediate actions and informing statutory services**

Where necessary, team member(s) should share relevant information with appropriate statutory services as soon as possible (e.g. social services, medical services, the police, etc). Where possible and appropriate, you should explain to the person that you are going to do this and engage them within this process.

Where this takes place, you should record the name of the officer at the relevant statutory authority (e.g. social services), the date and time of the call, details of any information which was shared, and any actions decided during the discussion. Any further action should only be taken in line with the advice given by statutory authorities. This information should be stored in a secure and safe manner.

Following this, you must contact the DSL as soon as possible to make them aware of the situation and complete the Incident Recording Form. Always include the details of the referral.

## **5.2. Immediate actions when you have concerns about a team member**

Any team member who becomes aware of a possible allegation, breach of position of trust and/or professional conduct issue must take immediate steps to act in the best interests of children and adults at risk of harm.

Where necessary, you should take steps to prevent the individual having access to participants. This may include the implicated team member being asked to step down from the event. In doing so it should be made clear that the individual is not admitting any guilt or misconduct. Details of why they are being asked to stand down from a role must not be given.

## **6. Responding to disclosures, concerns and allegations**

*Where a child or adult at risk is experiencing, or at risk of, harm but this is not imminent or serious.*

### **6.1. Record your concerns in the Incident Recording Form**

The team member reporting the concern must complete Kindi Education's Incident Recording Form as soon as possible and send this to the DSL. You should record the concern accurately and factually.

Record the incident and the nature of the concern or allegation (including any evidence that you have), taking the following points into account:

- When recording a direct disclosure, use the individual's own words as much as possible
- Be as factual as possible. If you need to give your own or somebody else's opinion, make sure it is clearly differentiated from fact. You should identify whose opinion is being given and record their exact words. If you include any 'hearsay' or underlying unsubstantiated concerns state these but make clear their status.
- Use language that is clear and precise. Different agencies may use and understand terminology differently.
- Always include full details of all other people involved (name, dates, job titles)
- Details of concerns should include:
  - visible injuries or marks
  - general demeanour and appearance
  - unusual/different behaviour or behaviour not appropriate to the individual's age, development or context
  - changes in behaviour and/or mood
  - relevant relationships with peers and adults
- Attach any statements, stories, drawings, emails, etc.

The reporting team member must save the Incident Recording Form on the Kindi Education server under their personal area. This should be sent in an email to the DSL marked "URGENT AND CONFIDENTIAL".



## 6.2. Responding to inaction

If you have concerns about the safety or welfare of a child or adult at risk and feel that they are not being acted upon by the DSL, it is your responsibility to act. You should contact social services directly in line with the guidance in section 5.1.

You should consider using Kindi Education's Whistleblowing Policy & Procedure.

## 7. Procedure following reporting of concern to DSL

*This section outlines what happens after a report is received by the DSL.*

These internal procedures are separate to any procedures issued in the local authority area where Kindi Education is delivering activities. Kindi Education is committed to fully cooperating with any external investigation by outside bodies.

### 7.1. Assessment of concern

The DSL must consider the concerns and the individual circumstances to decide the next steps.

The safety of the child or adult at risk is of paramount importance, and immediate action may be crucial for safeguarding. Where there is concern that other individuals may be at risk of harm or abuse, this must be reported to social care immediately.

Wider consideration of next steps may include:

- **Empowerment:** what does the person want? What rights need to be respected? Is there a duty to act, are others at risk of harm?
- **Protection:** is this person a child or an adult at risk? Is there evidence or likelihood of significant harm? What support do they need? Is capacity for decision making an issue? Should others (such as a parent or carer) be involved?
- **Proportionality:** have risks been weighed up? Does the nature of the concern require referral through multi-agency procedures?
- **Partnership:** are the views of others involved known? How do multi-agency procedures apply?
- **Accountability:** is there a clear rationale on which to base a decision?

The DSL will decide on the most appropriate course of action and whether the concerns should be referred to Social Care. They may need to refer to any locally issued Threshold Guidance and/or procedures for receiving concerns or allegations.

If it is decided to make a referral to social care, then the parent of a child or carer of an adult at risk of harm will be informed, unless to do so would place the individual at further risk or undermine the collection of evidence e.g. obtaining forensic evidence.

### 7.2. Further welfare support

The DSL may conclude that there is no substantive harm to the individual but that there is a concern for their health, wellbeing or safety if they don't get additional support in the medium term.

Where possible, the DSL or someone with an established relationship in the organisation, should speak with the person. When it is appropriate, you should also speak with their

parent(s)/guardian(s) or carer. You must explain your concerns and consider together the support that they need.

Other things you may need to do

- Help the person or their family access services or give them the information that they need to do this themselves.
- If the concern is about a child or young person, you may need to refer them to social services as a 'child in need'. Social services can then assess what help they may need.
- If the person or their family already has a lead professional, for example a social worker, you could speak to them about their needs.

Any such cases should be kept under review. Consideration should be given to a referral to Social Care for assessment for statutory services if the individual's situation does not appear to be improving or is getting worse.

### **7.3. Informing social care services**

If there are grounds for actual or suspected significant harm, and in all cases that concern a member of the team, the DSL must refer to the relevant local authority social care team within 24 hours about the allegation or concern.

If the DSL is unsure about whether a referral is required, they should contact the local authority social care team. All local safeguarding partnerships and safeguarding adult boards have their own websites, which set out their safeguarding policies and procedures.

For a concern relating to children and an allegation against a team member, this will be the Local Authority Designated Officer ("LADO") Service. The specific local area procedures will need to be considered.

Social care services should acknowledge receipt of the referral and provide a response. In relation to children this should be within a timeframe specified in their local procedures.

#### **Purpose of initial discussion**

Where social care services request an initial discussion, it is to consider the nature, content and context of the situation and agree a course of action. It also alerts the relevant social care team about cases that may also reach them via another route (for example if the parent, guardian or carer goes straight to the police or social care services). They are likely to want to know:

- the time and location of when/where the issue(s) may have occurred.
- any noted injuries
- any witnesses (and if adult or child)
- details of any previous complaint(s)
- any tensions between team members and parent(s)/guardian(s) or care giver(s)

This is not the beginning of an investigation, but part of the basic information gathering process. Establishing whether an allegation warrants further investigation or consultation is not the same as forming a view on whether the allegation is to be believed.

Any further action should only be taken in line with the advice given by the relevant authority. In discussion with the social care team it should be established who should be made aware that an allegation or concern has been raised. Confidentiality must be maintained throughout this stage in order that any subsequent investigation is not prejudiced and that the interests of all parties are protected.

If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the social care team will immediately consider further action in accordance with the statutory guidance in force at that time. This may include undertaking – depending on the age and circumstances of those experiencing or at risk of harm – a further social care enquiry, early help support, additional assessment of carers or onward referral to a Channel Panel.

### **Response of social care services**

Response may include:

- Referring progress to a fuller strategy meeting or assessment (child protection S.47 Assessment or a S.42 Adult Safeguarding Enquiry)
- No further action
- Signposting to another service
- Recommendation of an 'early help assessment' or wider wellbeing support for carers

If no fuller response is agreed, the DSL should contact social care services again and speak to a line manager to establish progress. Where there is an inadequate response or this does not sufficiently address the risk of abuse, the DSL must consider following the local 'Escalation Procedures' issued by the local safeguarding partnership (for children) or Safeguarding Adults Board.

### **Participation in any social care strategy process**

It may be appropriate for social care services to involve Kindi Education in any further assessment or protection strategy meeting. The DSL will usually represent the organisation. Other relevant individuals may be invited depending on the circumstances.

If the strategy meeting decides that an enquiry or police investigation is required, then any unilateral action by Kindi Education will need to be suspended, unless otherwise agreed, until the enquiry or police investigations are complete.

### **7.4. Internal risk assessment and action planning**

The DSL should undertake a risk assessment and action plan for the next steps. This should be undertaken:

- when a referral to the local social care team has not been made, or
- after a referral and discussion with the local social care team has taken place with actions agreed, or
- after a referral and discussion with the local social care team has taken place but where the local social care team feels that the threshold for a continued investigation has not been met.

The DSL should consider:

- a. The risk to young people who have contact with the team member
- b. Any advice from the social care team and other information available at this stage
- c. Immediate actions that Kindi Education needs to take to reduce the risk to:
  - any participants
  - its partner organisation(s)
  - Kindi Education's own reputation
  - the welfare and reputation of the team member or consultant involved
- d. What further information is needed, from whom and who will be responsible for gaining this information

- e. Whether the parent(s)/guardian(s)/carer(s) of a child or adult at risk should be informed if they are not already aware of the situation and, if so, how and who should do this
- f. The factors in the risk assessment in section 11.1 for situations involving an allegation or concern about a team member
- g. Whether, in situations involving an allegation or concern about a team member, to
  - inform the person against whom any accusations are made, and if so, who and how this should be done (see section 11.2)
  - suspend the person against whom any accusations are made or provide an alternative response that is proportionate (see section 11.3)
  - pursue an investigation and possible disciplinary investigation if there are sufficient concerns regarding the individual facing the allegation (see section 11.5).
- h. What further support (if any) Kindi Education should consider offering participants and/or team members affected
- i. What training is needed to support individuals in effectively and safely working with people in the future.

The next steps decided by the DSL may include:

- re-contacting the relevant authorities (e.g. social services)
- following disciplinary procedures and undertaking further investigation(s)
- harnessing mechanisms best able to monitor implementation of actions
- changes to policy and planning

## **8. Monitoring and updating**

The DSL must keep a detailed record of all incidents received and all relevant follow up actions and decisions. Kindi Education's Safeguarding Log should be kept in a secure and safe manner. Individual Incident Recording Forms and/or cases should be cross-referenced to files for other individuals or concerns where they are connected.

This should include:

- Up to date chronology with brief details of any incident, the response and outcomes
- Any risk assessment(s) and action plan(s)
- Any observations from team members or further received Incident Recording Forms
- The date(s) and time(s) that all interactions with social services took place
- Name of who was contacted within social services
- Details of any information that was shared with social services (including the names of people, any identifiable information about participants or team members, etc)
- Any contact with other agencies, parents or carers
- Any further action to be taken concerning an allegation against a team member, both by the DSL and statutory services, and, if so, what information should be put in writing to the individual concerned and by whom.
- Any actions agreed with timelines, including whether a further assessment/enquiry is being pursued.
- All copies of referrals sent, letters sent and received, minutes of strategy discussions and protection conferences and all other relevant documents.

## **9. Lessons learnt review**

Following any significant safeguarding disclosure, concern or allegation, the DSL must write a brief report on lessons learnt from this experience and recommend changes to policy or working practices. This must be circulated to Kindi Education's Senior Leadership Team for consideration.

## **10. Specific considerations relating to allegations made against a fellow participant**

Abuse and harm can be perpetrated by one participant on another participant in many ways, including persistent or serious bullying, sexual exploitation, aggressive, exploitative or other threatening behaviour which places a child or young person at risk.

Protecting the rights of both victim and alleged perpetrator is important. It may be necessary, dependent on an assessment of all the facts, to separate the alleged perpetrator and victim but it may not be possible to explain why this is necessary to the perpetrator. Participants who are known to have sexually abused other children should not be placed together unless a risk assessment has been undertaken by someone specially qualified to do so.

Throughout the process thereafter it will be necessary to ensure that participants with allegations made against them are properly supported, by an independent person if appropriate or required, as well as any social care involvement and parent(s)/guardian(s) or carer(s).

Once the investigation is complete, consideration will then need to be given to the needs and interests of both alleged victim and perpetrator, and whether counselling and/or other support should be given.

## **11. Specific considerations relating to allegations against team members**

The procedures for dealing with allegations need to be applied with careful judgement. The incident should be sufficiently serious as to suggest that:

- a) harm has or may have been caused to a child/ren or adult(s) at risk of harm, or
  - b) the alleged behaviour or incident indicates the individual may pose a risk of harm.
- Issues that do not meet this threshold may constitute conduct or disciplinary issues and should be addressed using Kindi Education's Staff Disciplinary Procedures.

Where an individual tenders their resignation or ceases to provide their services, this must not prevent an allegation being followed up in accordance with the procedures outlined in this document. By the same token, '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.

### **11.1. Factors in risk assessment and action planning**

It might not be clear whether an incident constitutes an 'allegation' of harm perpetrated by a team member. The alleged incident has to be sufficiently serious to suggest that harm has, or may have been, caused to a child/ren or adult(s) at risk of harm, and that the alleged behaviour indicates the individual may pose a risk. Anything that does not meet this threshold may constitute misconduct and require disciplinary action. This should be addressed by Kindi Education through its established Staff Disciplinary Procedures.

If it is difficult to determine the level of risk associated with an incident, the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the team member had training in managing this?

- Does the team member understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the participant, their family or carer want to report the incident to the police, or would they prefer the matter to be dealt with by the team member?
- Have similar allegations been made against the team member – is there a pattern developing?

Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures may need to be discussed with social care services. Where the matter constitutes a conduct or performance issue, the employer should follow the appropriate disciplinary procedures and let the LADO know of the outcome.

### **11.2. Managing communication following an allegation**

Agreement must be reached with any statutory agency (where appropriate) as to how information will be shared, and contact maintained with the team member throughout the investigative process. This should include agreement as to:

- How the team member will be kept updated about the progress of the investigation
- How support and counselling are to be offered
- Whether certain information should be withheld from the team member, and
- Where an individual is suspended, how links will be maintained with the company so that the team member is kept informed of other matters.

Where it has been agreed with the statutory services to inform the accused person of the allegation, this should be done as soon as possible. Any decision to approach the individual implicated must stress whether, at this time, this forms part of a formal disciplinary process. Whilst important that the DSL provides the individual with as much information as possible at this time, this must be within the boundaries agreed with the social care team. Where a strategy discussion is needed, or police or social care services need to be involved, the DSL should not share information about the allegation until those agencies have been consulted, unless it has already been agreed with them that certain information can be shared.

Social care services will advise Kindi Education whether informing the parent(s)/guardian(s) or carer(s) will impede the disciplinary or investigation processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, Kindi Education should inform the parent(s)/guardian(s) or carer(s). In some circumstances, however, the parent(s)/guardian(s) or carer(s) may need to be told straight away (eg. if the individual is injured and requires medical treatment).

### **11.3. Suspension or alternatives**

Suspension should only be actioned if one or more of the following grounds apply:

- Child(ren) or adult(s) at risk of harm would be at risk
- The allegation is so serious that summary dismissal for gross misconduct is possible
- It is necessary to allow any investigation to continue unimpeded
- There is no reasonable alternative

When suspended, the individual remains a member of the team but is unable to continue their roles and responsibilities. They must not attend any meetings or events run by Kindi Education or contact any participants or their families until further notice.

The specific arrangements for the suspension of team member(s) are set out in Kindi Education's Staff Disciplinary Policy & Procedures. Suspension is a neutral act to protect the interests of both parties and not an assumption of guilt.

It may not be immediately obvious that suspension should be considered, and this course of action sometimes only becomes clear after information is shared with, and discussion had, with other agencies. In some cases, early or immediate suspension may impede a police investigation, and therefore the decision whether to suspend may have to be delayed until sufficient evidence has been gathered. Suspension should be avoided in such cases wherever possible.

The decision to suspend is taken by the Managing Director (even where this is the same person as the DSL) and not by the police or social care teams. However, the views of statutory agencies should be considered and given due weight.

The following factors should be taken into account by the Managing Director when considering suspension:

- The nature of the allegation
- Assessment of the presenting risk
- The context in which the allegation occurred
- The individual's contact with children
- Any other relevant information
- The power to suspend
- Alternatives to suspension

While weighing the factors as to whether suspension is necessary, available alternatives to suspension should be considered by the Managing Director. These include:

- Asking the individual to undertake different duties which do not involve direct contact with the individual participant(s) or other children/adults at risk
- Ensuring that a colleague is present alongside the individual during contact time.
- Assigning the individual office duties only
- Assigning the individual non-contact tasks only
- Granting the individual a leave of absence

Being suspended can give rise to great anxiety for the individual subject to the allegations. They may fear that colleagues and others within the organisation/community will have interpreted the very act of suspension as an indicator of presumed guilt from an early stage and may feel particularly isolated and vulnerable. Any member of the team subject to an allegation should be encouraged to seek advice and support at the earliest opportunity. It must also be acknowledged that the whole company may be affected by their suspension, and consideration should be given to necessary support strategies to address this.

The need for support is equally applicable when considering a team member's return to work. Suspension should be retained for as short a length of time as possible and if it is agreed a team member is to return to the organisation/work, careful planning needs to take place as to how this situation can be managed as sensitively as possible.

Kindi Education has a responsibility to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need to know basis with other professionals involved in the investigative process. Other people may become aware of the allegation and may not feel bound to maintain confidentiality. Therefore, consideration should be given on how best to manage information, particularly in relation to who should be

told what, when and how. This is particularly relevant in respect of parents, guardians and carers.

It is essential to record the decisions reached and the rationale behind them. Records should also be made of the agreed action and strategies to manage the situation. The plan should clearly indicate the following:

- Any restrictions to normal contact or activity
- Issues of contact with participants
- Arrangements for monitoring and welfare support in relation to the team member
- Monitoring the support available to the child

A suspension is a temporary measure – so it should be reviewed following the outcome of an investigation. The investigation may result in no further action being taken, or one of the sanctions below (see Section 11.5.2) being put in place.

#### **11.4. Participation in any social care strategy process**

It may be appropriate for social care services to involve Kindi Education in any further assessment or protection strategy meeting. The DSL will usually represent the organisation. Other relevant individuals – such as the HR lead – may be invited.

If the strategy meeting decides an enquiry or police investigation is required any unilateral action will be suspended, unless otherwise agreed, until the enquiry or police investigations are complete.

Protocols for sharing information with the police or a social care services investigation team need to be agreed, especially as a common outcome will be to refer the issue back to Kindi Education to consider as a staff disciplinary issue. The strategy meeting should also consider what support should be provided to the team member and others who may be affected and how they will be kept up to date with the progress of the investigation.

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers, activity leaders and other team members are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

#### **11.5. Disciplinary investigation**

For team members where the information available suggests that the alleged action or inaction amounts to gross misconduct, unsatisfactory behaviour, misconduct or negligence the disciplinary procedures in Kindi Education's Staff Disciplinary Policy & Procedures will be followed.

##### **11.5.1. Deciding no disciplinary investigation is necessary**

If a decision is taken not to proceed with a disciplinary investigation, the employee should be invited to a meeting with a union representative or workplace colleague, to explain the circumstances of the decision and confirm this in writing.

Appropriate arrangements will need to be made to notify the participant's parent(s)/guardian(s) of the outcome of the investigation/hearing. Information sharing should be undertaken in coordination with the social care team.



## **11.5.2. Proceeding with a disciplinary investigation**

### **When to proceed**

If a social care enquiry or police investigation is required, any unilateral action by Kindi Education will be suspended, unless otherwise agreed, until their investigations are complete. Criminal investigations shall always be treated as paramount. No action under Kindi Education's Staff Disciplinary Policy & Procedures should be taken in circumstances which might interfere with any criminal investigation.

Where the social care team's initial consideration or strategy meeting decides that the allegation does not involve a possible criminal offence or require an investigation, or where any investigation or assessment has been completed and the matter is not proceeding to court, a decision should be taken by the Managing Director as to whether to investigate internally under Kindi Education's Staff Disciplinary Policy & Procedures.

### **Informing the individual**

The employee should be informed, in writing, as required under the disciplinary procedure. It is advisable to confirm this position in a meeting with the employee and their representative.

### **Information sharing**

The local authority social care team may share relevant information resulting from any formal investigation that they undertook. Evidence derived from the protection investigation or criminal investigation (e.g. statements, exhibits, video-recorded interviews) can be requested for use in subsequent disciplinary proceedings, particularly where the witnesses are the same, via relevant legal departments. Crown Prosecutors will be cautious about releasing any prosecution material until the criminal proceedings have been concluded and will only consider doing so upon a valid request being made in writing.

### **External support**

In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the person's line manager to ensure objectivity. In any case, the Investigating Officer should aim to provide a report to the employer within 10 working days.

### **Nature of judgement**

Following the internal investigation, Kindi Education needs to come to a reasonably held view 'on the balance of probability'. The disciplinary investigation must gather evidence objectively establishing the facts where possible and follow the principles of fairness, reasonableness and natural justice.

If the evidence indicates that a disciplinary hearing may be required, then the process will be completed as quickly as possible and without unavoidable delay within the requirements and timescales of Kindi Education's Staff Disciplinary Policy & Procedures. The employee must be kept regularly informed of the progress in this event.

For all investigations there should be 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. This should be kept on a person's confidential personnel file, and a copy provided to the person concerned.

## Outcome

The following definitions should 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.

## Sanctions

Where the investigation has **substantiated the allegation** or through the course of the process identified other areas of concern, it should conclude with some specific sanctions. Sanctions may include, but are not limited to:

- **Giving formal advice and/or a warning:** a written statement of behaviour which is unsatisfactory, explaining the reason for concern. This advice may include:
  - a requirement for the team member to meet certain conditions (for example, to issue a written apology) or agree to an improvement plan (see below) and a timeframe for acting.
  - a record of the history of previous failures to meet Kindi Education's expectations or place people at risk of harm and any action taken. It will also explain that further failures to meet Kindi Education's expectations may lead to suspension or dismissal.
- **Restriction:** limited the employee's role, so that some activities or responsibilities are not allowed. This may be temporarily (eg. until they attend further training) or permanent.
- **Improvement plan:** An improvement plan sets out the actions needed to address areas identified for improvement. These could include re-training, having sessions observed, or being mentored.
- **Dismissal:** Where there has been a serious breach of Kindi Education's expectations or where the individual has not complied with restrictions or sanctions applied under Kindi Education's Staff Disciplinary Policy & Procedures and/or the organisation's HR procedures.

## In respect of malicious or unsubstantiated allegations

Where it is decided that an allegation is demonstrably false, consideration should be given to the possibility that individuals to whom the concern related may be experiencing abuse elsewhere which requires further enquiries.

If an allegation is shown to be deliberately invented or malicious, the Managing Director should consider whether any disciplinary action is appropriate against the participant who made it, or whether the police should be asked to consider whether action might be appropriate against the person responsible.

Details of allegations that are found to have been malicious should be removed from personnel records.

### **11.5.3. Referral to the Disclosure and Barring Service (DBS)**

Employers or volunteer managers of people working in regulated activity in England have a legal duty to refer to DBS where certain conditions (see below) arise. This applies even when a referral has also been made to a local authority safeguarding team or professional regulator. A compromise agreement does not override the statutory duty to report the matter and such an arrangement should not be considered if the concern was of a safeguarding nature.

Kindi Education must make a referral when both of the following conditions have been met:

#### **Condition 1**

- Kindi Education withdraws permission for a person to engage in regulated activity with children and/or adults at risk of harm OR moves the person to another area of work that is not regulated activity.

This includes situations where Kindi Education would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a team member resigns when an allegation of harm to a participant is first made.

#### **Condition 2**

Kindi Education has reason to believe that the person has carried out or received one of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk of harm
- satisfied the harm test in relation to children and / or vulnerable adults (e.g. there has been no relevant conduct but a risk of harm to a child or vulnerable still exists)
- been cautioned or convicted of a relevant offence (i.e. automatic barring either with or without the right to make representations)

Beyond this, further referrals which do not relate to regulated activity, but the DSL believes that one or more of the following apply:

- that the person has harmed or poses a risk of harm to a child or vulnerable adult
- that the person has satisfied the harm test
- that the person has received a caution or conviction for a relevant offence
- that the person they're referring has or might in the future be working in regulated activity
- the DBS may consider it appropriate for the person to be added to a barred list

The DSL is responsible for checking the most [up to date guidance](#) on referring matters to the DBS and leading this process.

## **12. Reporting concerns involving a partner organisation**

*This covers cases where Kindi Education is following the safeguarding procedures of a partner organisation*

### **12.1. Primacy of procedures to follow**

Before any joint initiative, Kindi Education should agree in advance whose safeguarding policy and procedure will be used. Where this has been agreed, Kindi Education's team member(s) should report the incident to the partner organisation's appropriate team member as soon as possible.

It would then be the partner organisation's responsibility to investigate the matter and, where appropriate, to involve external authorities.

## **12.2. Report your concern to Kindi Education**

In addition to following the partner organisation's procedures, you must still complete Kindi Education's Incident Recording Form as soon as possible and submit this to Kindi Education's DSL. This may include copies of any incident form.

## **12.3. Assessment and follow up by DSL**

The purpose of the DSL's assessment is to decide what further actions are needed to ensure that the partner organisation is safeguarding the health and wellbeing of those engaged in their work and to protect Kindi Education's reputation.

The DSL should consider (with the Managing Director as necessary) the next steps, including:

- a. Any further actions that Kindi Education needs to take to reduce the risk to:
  - any children and young people involved
  - its partner organisation(s)
  - Kindi Education's own reputation
  - the welfare and reputation of the team member or consultant involved
- b. What further support (if any) Kindi Education should consider offering to the partner organisation
- c. What further information (if any) Kindi Education would seek to request from the partner organisation
- d. Depending on the seriousness of the matter, whether a review of any current partnership and funding agreements will be made with the following potential outcomes:
  - Suspension of activity with the partner organisation
  - Termination of funding and partnership
  - Support and training with the partner organisation (in relevant areas)
  - Ending a working relationship with specific team members of the partner organisation

The DSL must make a note of the actions decided and maintain a record line with guidance from Section 8.

## **Annex A: Definitions of groups ‘at risk’, ‘relevant conduct’ and ‘harm’**

### **Definition of people ‘at risk’**

A child is a person aged under 18 years. Young people aged 16 or 17 who are living independently are still defined as ‘children’.

An adult at risk of harm will be unable to take care of themselves and be in need of care and support. They will be unable to protect themselves from significant harm or exploitation. This may be because they have a mental health problem or disability, have difficulties seeing or hearing, are old and frail or ill.

Some groups of people are particularly vulnerable to harm and exploitation, and it is important that their needs are carefully considered. These groups include:

- disabled people
- those living away from home (eg. in residential centres)
- asylum seekers
- children and young people in hospital
- children in contact with the youth justice system
- victims of domestic abuse
- those who may be singled out due to their religion or ethnicity
- those who may be exposed to violent extremism.

### **Definition of ‘relevant conduct’**

Any behaviour involving a child is classed as ‘relevant conduct’ if it:

- endangers a child, or is likely to endanger a child
- is repeated against, or in relation to, a child, would endanger the child or be likely to endanger the child
- involves sexual material relating to children (including the possession of such material)
- involves sexually explicit images depicting violence against human beings (including the possession of such material)
- includes any behaviour of a sexual nature involving a child.

A person’s conduct endangers a child or adult at risk if it:

- harms them
- causes them to be harmed
- puts another child or adult at risk at specific risk of harm
- tries to harm them
- incites another person to harm them.

### **Definitions of ‘harm’: Children**

#### **Physical harm**

Physical harm is defined as physical contact that results in discomfort, pain or injury. It may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm.

Supplying drugs to children, or the use of inappropriate or unauthorised methods of restraint, also fall under this definition.

Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces or causes, illness in a child. This situation is commonly described as ‘factitious illness by proxy’ or ‘Munchausen syndrome by proxy’.

### **Emotional and psychological harm**

Emotional harm is defined as action or inaction by others that causes mental anguish. It involves the persistent emotional maltreatment of a child, which causes severe and persistent 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.

Such harm may feature age or developmentally inappropriate expectations being imposed on a child. These can include interactions that are beyond the child's development capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction.

Emotional harm may also involve witnessing aggressive, violent or harmful behaviour towards another individual (e.g. domestic violence). It may also involve serious bullying, frequently causing a child to feel frightened or in danger, exploitation or corruption. Some level of emotional harm is involved in all types of maltreatment of a child (e.g. grooming, harassment, or inappropriate emotional involvement), though it may occur alone.

### **Sexual harm and exploitation**

Sexual harm is defined as any form of sexual activity involving a child under the age of consent. It involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether the child is aware of what is happening or not. Such activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may also include non-contact activities, such as involving children in the looking at, or production of, pornographic material, causing them to watch sexual activities, or encouraging them to behave in sexually inappropriate ways. Downloading child pornography, taking indecent photographs of children, and sexualised texting, are all forms of sexual harm.

### **Neglect and acts of omission**

Neglect is a persistent failure to meet a child's basic physical and/or psychological needs, which is likely to result in serious impairment of the child's health or development. Neglect may occur during pregnancy because 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 and/or adequate caregiving
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

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

Female genital mutilation (FGM) is a procedure where the female genitals are deliberately cut, injured or changed, without medical justification. It is also known as 'female circumcision' or 'cutting', and by other terms such as initiation, infibulation, sunna, gudniin, halalays, tahur, megrez and khitan.

FGM is usually carried out on young girls between infancy and the age of 15, most commonly before puberty starts. It is very painful and can seriously harm the health of women and girls. It can also cause long-term problems with sex, childbirth and mental health.

### **Definitions of harm: Vulnerable Adults**

Living a life that is free from harm and abuse is a fundamental human right, and essential for health and well-being. The safeguarding of adults is about their safety and well-being and puts measures in place for those least able to protect themselves.

### **Physical harm**

Physical harm is any physical contact that results in discomfort, pain or injury.

Examples of physical harm include:

- assault, rough handling, hitting, slapping, punching, pushing, pinching, shaking, bruising or scalding
- exposure to excessive heat or cold
- a failure to treat sores or wounds
- inappropriate use of medication (e.g. under or overuse of medication, or the use of un-prescribed medication)
- the use of inappropriate sanctions
- the unlawful or inappropriate use of restraint or physical interventions
- the deprivation of liberty

### **Sexual harm and exploitation**

Examples of sexual harm and exploitation can include the direct or indirect involvement of the vulnerable adult in sexual activity or relationships that:

- they do not want or have not consented to
- they cannot understand, and cannot consent to, since they lack the mental capacity
- they have been coerced into because the other person is in a position of trust, power or authority, e.g. a care worker.

Sexual harm can involve bruising or injury to the anal, genital or abdominal area, and the transmission of STD. It also includes inappropriate touching. Being forced to watch sexual activity is also a form of sexual exploitation.

### **Psychological and emotional harm**

This is behaviour that causes mental distress or has a harmful effect on an individual's emotional health and development. It can include:

- mocking, coercing, bullying, verbal attacks, intimidation or harassment
- demeaning, disrespectful, humiliating, racist, sexist or sarcastic comments, shouting, swearing or name-calling
- excessive or unwanted familiarity
- the denial of basic human and civil rights such as self-expression, privacy and dignity
- negating the right of the vulnerable adult to make choices
- undermining the individual's self-esteem
- isolation and over-dependence that has a harmful effect on the person's emotional health, development or well-being
- the use of inflexible regimes and lack of choice.

### **Neglect**

Neglect occurs when a person's well-being is impaired because his or her care or social needs are not met.

Examples of neglect include:

- the failure to allow access to appropriate health, social care and educational services
- the failure to provide adequate nutrition, hydration or heating, or access to appropriate medication

- ignoring medical or physical needs, e.g. untreated weight loss, or a lack of care that results in pressure sores or uncharacteristic problems with continence
- poor hygiene, e.g. lack of general cleanliness or soiled clothes not being changed
- the failure to address the vulnerable individual's requests.

Neglect can be intentional or unintentional. Intentional neglect can include:

- wilfully failing to provide care
- wilfully preventing the vulnerable adult from getting the care they need
- being reckless about the consequences of the person not getting the care they need.

Unintentional neglect can include:

- a carer failing to meet the needs of the vulnerable adult because they do not understand their needs
- a carer lacking knowledge about the services that are available
- a carer's own needs preventing them from being able to give the care the person needs
- an individual being unaware of, or lacking an understanding of, the possible effect on the vulnerable adult of a lack of action

### **Discrimination**

Discrimination exists when values, beliefs or culture result in a misuse of power, or the denial of rightful opportunities, so causing harm.

Any psychological abuse that is racist, sexist, or linked to a person's sexuality, disability, religion, ethnic origin, gender, culture, or age, is discriminatory.

### **Institutional harm**

Examples of institutional harm can include:

- an observed lack of dignity and respect in the care setting
- the enforcement of rigid routines
- processes and tasks being organised to meet the needs of team members rather than those in their care
- disrespectful language and attitudes.

### **Financial harm**

Financial harm is the use of a person's property, assets, income, funds or other resources without their informed consent or authorisation. It includes:

- theft
- fraud
- exploitation
- unauthorised withdrawals of funds from an account
- undue pressure in connection with wills, property, inheritance or financial transactions
- the misuse or misappropriation of property, possessions or benefits
- the misuse of an enduring power of attorney, or a lasting power of attorney, or an appointeeship.
- Domestic violence and self-harm should also be considered as possible indicators of, and/or contributory factors to, harm or abuse.

### **Indicators of vulnerability to radicalisation**

Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism leading to terrorism.

Extremism is defined by the Government in the Prevent Strategy as:

Vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs, as well



as calls for the death of members of Britain's armed forces, whether in this country or overseas.

Extremism is defined by the Crown Prosecution Service as:

The demonstration of unacceptable behaviour by using any means or medium to express views which:

- Encourage, justify or glorify terrorist violence in furtherance of particular beliefs
- Seek to provoke others to terrorist acts
- Encourage other serious criminal activity or seek to provoke others to serious criminal acts, or
- Foster hatred which might lead to inter-community violence in the UK.

There is no such thing as a "typical extremist". Those who become involved in extremist actions come from a range of backgrounds and experiences, and most individuals, even those who hold radical views, do not become involved in violent extremist activity.

Individuals may become susceptible to radicalisation through a range of social, personal and environmental factors - it is known that violent extremists exploit vulnerabilities in individuals to drive a wedge between them and their families and communities. It is vital that Kindi Education's team members can recognise those vulnerabilities.

Indicators of vulnerability include:

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

This list is not exhaustive, nor does it mean that all individuals experiencing the above are at risk of radicalisation for the purposes of violent extremism.

More critical risk factors could include:

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

Please refer to Kindi Education's Counter Radicalisation and Extremism Policy for further information on indicators of vulnerability to radicalisation and the organisation's counter radicalisation and extremism duties.