

## SAFEGUARDING OF CHILDREN AND VULNERABLE ADULT POLICY AND PROCEDURE

### 1.0 Introduction

1.1 This Policy has been developed in accordance and under the guidance of the:

- Children Acts 1989 and 2004
- Education Act (2002)
- Working Together to Safeguard Children (March 2015)
- What to do if You are Worried a Child is being Abused (March 2015)
- Keeping Children Safe in Education: Statutory guidance for schools and college (September 2016)
- Guidance for safer working practice those working with children and young people in education settings (Safer Recruitment Consortium October 2015)
- Police Act 1997 (Protection of Vulnerable Adults) Regulations 2013
- Safeguarding Vulnerable Groups Act 2006
- Care Act 2014
- Counter-Terrorism and Security Act (2015)
- Revised *Prevent* Duty Guidance: for England and Wales (Home Office July 2015)
- North Somerset Prevent Partnership Board
- South West Child Protection Procedures [www.swcpp.org.uk](http://www.swcpp.org.uk)
- North Somerset Safeguarding Children Board (NSSCB) and the North Somerset Child Protection Team

Somax will keep its policy and procedures on children and vulnerable adult protection under review to take account of any new Government legislation, regulations or best practice documents to ensure that staff are kept fully up to date with their responsibilities and duties with regard to the safety and well-being of vulnerable adults.

Within Somax any student (Child or Adult) in danger of radicalisation or demonstrating extremist tendencies (violent or non-violent) is deemed to be vulnerable and appropriate support under the PREVENT strategy or through CHANNEL will be sought.

1.2 This policy deals with the protection of Children and Vulnerable Adults.

Children are those students under 18 years of age who may be on a:

- 16-18 courses, traineeships and apprenticeships

Vulnerable adults are those students defined (under the Protection of Vulnerable Adults Regulations 2002) as:

*'a person aged 18 or over who is receiving services of a type listed in paragraph (2) below and in consequence of a condition of a type listed in paragraph (3) below has a disability of a type listed in paragraph (4) below.'*

(2) *The services are -*

- (a) *accommodation and nursing or personal care in a care home;*
- (b) *(b) personal care or nursing or support to live independently in his own home;*
- (c) *any services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body;*
- (d) *social care services; or*
- (e) *any services provided in an establishment catering for a person with learning difficulties.*

(3) *The conditions are -*

- (a) *a learning or physical disability;*
- (b) *a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or*
- (c) *a reduction in physical or mental capacity.*

(4) *The disabilities are -*

- (a) *a dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions;*
- (b) *severe impairment in the ability to communicate with others; or*
- (c) *impairment in a person's ability to protect himself from assault, abuse or neglect.*

The Police Act 1997 (Enhanced Criminal Record Certificates) (Protection of Vulnerable Adults) Regulations 2013 require employers to carry out Disclosure and Barring Service Checks before employees are allowed to come into contact with vulnerable adults. The College is required under this legislation to apply for an enhanced check from the Disclosure and Barring Service (DBS) for staff working with such students. It is college policy that all existing, and newly recruited staff are required to undergo a DBS enhanced check which will be renewed every 7 years. All staff will complete an annual declaration confirming whether or not their DBS status remains unchanged.

## **2.0 Safeguarding Strategy**

**2.1** Somax will:

- Take a preventive approach to protecting young people and vulnerable adults from potential harm, damage, radicalisation or being drawn into terrorism (violent and non-violent extremism)
- Take all appropriate actions to address concerns about the welfare of young people and vulnerable adults.
- Work to agreed local policies and procedures in full partnership with other local agencies.

- Plan, implement, monitor and review policies and procedures to ensure that the maximum is done to provide a safe environment for young people and vulnerable adults in the college.
- Take all reasonable measures to ensure that risks of harm to young people and vulnerable adult's welfare is minimised by appropriate:
  - Risk assessment and management
  - Health and Safety procedures
  - Staff selection, recruitment, induction supervision and training
  - Creation and promotion of an open work culture "Whistleblowing"
  - Reacting to and reporting abuse

### 3.0 Policy Statement

- 3.1** Somax holds as one of its highest priorities the health, safety and welfare of all children, young people and vulnerable adults involved on courses or activities which come under the responsibility of the College.
- 3.2** Somax and its staff, including contractors, have a collective and individual duty of care to ensure that its staff fulfil their responsibilities to prevent the abuse of children, young people and vulnerable adults, to refer any abuse discovered or suspected and to prevent students from being drawn into terrorism.
- 3.3** This Safeguarding of Children and Vulnerable Adult Policy and Procedure will be made available to all parent/carers who will be advised that cases may be referred to the investigative agencies in the interests of the young person or vulnerable adult.
- 3.4** Somax will advise children, young people and vulnerable adults about the standards of behaviour and conduct they can expect from staff and volunteers and of what to do if they experience or suspect abuse.
- 3.5** Somax will work with appropriate agencies, and in particular the two Safeguarding Boards (Children and Adults) of North Somerset Council People and Communities Directorate and the Local Prevent Partnership Board to ensure that children, young people and vulnerable adults are safeguarded through the effective operation of the College's Safeguarding children and vulnerable adult procedures. The College adopts in totality the Safer Recruitment Consortium's "Guidance for safer working practice for those working with children and young people in education settings" (October 2015).

A consultative approach will be adopted with the North Somerset Safeguarding Officers, the Avon and Somerset Child Abuse Investigation Team (CAIT) and the Local Prevent Partnership Board to ensure good practice and the best outcomes for our learners

- 3.6** Somax recognises that any child, young person or vulnerable adult can be subject to abuse or radicalisation and all allegations of abuse or concerns about radicalisation will be taken seriously and treated in accordance with the College's procedures.
- 3.7** Somax recognises that it is the responsibility of all staff to act upon any concern, no matter how small or trivial it may seem.
- 3.8** Somax recognises its responsibility to implement, maintain and regularly review the procedures that are designed to prevent or notify suspected abuse.
- 3.9** Somax is committed to supporting, resourcing and training those who work with or who come in to contact with children, young people and vulnerable adults and to providing appropriate supervision.
- 3.10** Somax requires its entire staff to follow the Code of Behaviour on Vulnerable Adult Protection which is appended to this policy document, and will draw the attention of staff to this code of conduct and procedures in induction and relevant training.
- 3.11** Members Somax and all the other staff who work with children will undertake training to equip them to carry out their responsibilities for Safeguarding Children, young people and vulnerable adults effectively including the PREVENT strategy. They will be kept up to date by refresher training at a maximum of three-year intervals, with subject specific annual updates if issues emerge. The designated/first response officers will undertake refresher training every two years to keep their knowledge and skills up to date. There is a designated governor responsible for safeguarding and Prevent and it is corporation policy that all existing, and newly recruited, governors undergo a DBS Enhanced check.
- 3.11** Somax operates safe recruitment procedures and ensures that all appropriate checks are carried out on new staff and volunteers who will work or come into contact with children including enhanced Disclosure and Barring Service (DBS) checks, Protection of Vulnerable Adults (POVA), Proceeds of Criminal Act (POCA) and list 99.
- 3.12** Any deficiencies or weaknesses with regard to safeguarding of children, young people and vulnerable adult arrangements will be brought to the attention of Somax and remedied without delay.

## 4.0 Definition of Abuse

### Children and Young People (source Working together to safeguard children March 2015)

- 4.1 Physical Abuse** 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.
- 4.2 Emotional Abuse** is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), 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, though it may occur alone.
- 4.3 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, buggery or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may include non-contact activities, such as involving children in looking at, or in production of, sexual on-line images, watching sexual activities, or encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
- 4.4 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 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 or emotional harm or danger
  - Ensure adequate supervision (including the use of inadequate care-givers)
  - Ensure access to appropriate medical care or treatment

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

- 4.5 Significant Harm** Some children are in need because they are suffering or likely to suffer significant harm. The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children.

## **Vulnerable Adults (source NHS Choices)**

- 4.6 Physical Abuse** this can include being assaulted, hit, slapped, pushed, restrained, being denied food or water, not being helped to go to the bathroom and misuse of medication.
- 4.7 Sexual Abuse** this includes indecent exposure, sexual harassment, inappropriate looking or touching, as well as rape. Sexual teasing or innuendo, sexual photography, subjection to pornography, witnessing sexual acts, and sexual acts that the person does not agree to or were pressured into consenting to.
- 4.8 Psychological Abuse** this includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion or harassment. It also includes verbal abuse, cyber bullying and isolation or an unreasonable and unjustified withdrawal from services or supportive networks.
- 4.9 Financial or Material Abuse** This includes theft of money or valuables, fraud, exploitation, pressure in connection with wills, property, enduring power of attorney, or inheritance or financial transactions, or the inappropriate use, misuse or misappropriation of property, possessions or benefits.
- 4.10 Neglect and Acts of Omission** this includes not being provided with enough food or the right kind of food, or not being taken proper care of. Leaving the person without help to wash or change dirty or wet clothes, not getting them to a doctor when one is needed or not making sure that they have the right medicines.
- 4.11 Discriminatory Abuse** this includes some forms of harassment, slurs or similar unfair treatment relating to race, gender, gender identity, age, disability, sexual orientation or religion.
- 4.12 Self Neglect** this is not a direct form of abuse, but staff need to be aware of it in the general context of risk assessment/risk management and to be aware that they may owe a duty of care to a vulnerable individual who places him/herself at risk in this way.

## **5.0 Safeguarding Children and Vulnerable Adults Procedure**

- 5.1** The purpose of these guidelines is to ensure that the rights of the child, young person or vulnerable adult are protected through staff awareness of the issues and the following of the statutory and local guidelines in the reporting of concerns.

- 5.2** The College will take steps to identify vulnerable young people and adults on admission to a course. Teachers will be informed, as part of the admissions procedures, if vulnerable young people or adults have been enrolled on their courses where these are not specifically designed for vulnerable learners. Additional supervision measures will be put in place for all students defined as vulnerable and such students will come under the provisions of this policy
- 6.0** **Advice to Staff on when to take Action and How**  
Children, young people and vulnerable adults can be potentially abused within the family, community, organisations by employees (including those employed to promote their welfare and protection from abuse), visitors, volunteers and fellow students.
- 6.1** It is the responsibility of **all** staff working within Somax to record and refer concerns regarding the safeguarding of children, young people and vulnerable adults even if they are just suspicions or overheard rumours.
- 6.2** If a child, young person or vulnerable adult comes to you with a report of apparent abuse or a concern over radicalisation or extremism, you should listen carefully to him/her, using the following guidelines. When listening staff must:
- allow the young person or vulnerable adult to speak without interruption
  - never trivialise or exaggerate the issue
  - never make suggestions
  - never coach or lead the them in any way
  - reassure them, let them know you are glad they have spoken up and that they are right to do so
  - always ask enough questions to clarify your understanding, but do not probe or interrogate – no matter how well you know the young person or vulnerable adult– spare them having to repeat themselves over and over.
  - be honest – let the young person or vulnerable adult know that you cannot keep this a secret; you will need to tell someone else.
  - try to remain calm – remember this is not an easy thing for them to do.
  - do not show your emotions – if you show anger, disgust or disbelief, they may stop talking. This may be because they feel they are upsetting you or they may feel your negative feelings are directed towards them
  - let the young person or vulnerable adult know that you are taking the matter very seriously
  - make the young person or vulnerable adult feel secure and safe without causing them any further anxiety.
- 6.3** Once you suspect any abuse or extremism / radicalisation you should immediately (within a maximum of two hours) contact Somax initially by telephone work outlining what has been disclosed, what you have overheard or your suspicions. You should also contact them if you know or suspect that a member of staff or student has a previous history of abuse of children, young people or vulnerable adults.
- 6.4** If a Somax cannot be contacted within two hours of the initial concern, the person making the report should refer the matter to a member of Weston College.

- 6.5 With regard to children or young people the Designated/First Response Officer must discuss the matter with the Children's Social Care Intake Team (01275 888808) who will determine if it is a safeguarding matter. If it is a safeguarding matter the Children's Social Care Team will take control of the situation, including such things as whether to inform parents/carers.
- 6.6 With regard to vulnerable adults, if it is decided by the Designated/First Response Officer that further action should be taken, they may.
- *Seek further advice from Social Services (01275 888801)*
  - *Make a referral to Social Services*
  - *Report the incident to a designated Social Worker*
  - *Report the matter to the police if a crime is suspected*
- 6.7 With regard to concerns around radicalisation or extremist behaviour call the Police
- 6.7 Where an allegation is made regarding a 14-16 year old learner, members of staff should follow the same procedures as outlined above. The Designated/First Response Officer will liaise with the Child Protection Officer from the learner's school or sponsor, ensuring that the learner is informed of this process.
- 6.8 Somax's Designated/First Response Officer will ask the referring member of staff for both children and adults to produce a full written record within 24 hours, which should include:
- Name and position of the person who reported the matter
  - Whether the matter is a direct disclosure from a child, young person or vulnerable adult, a suspicion or an overheard conversation
  - A factual account of what has been overheard or what has been disclosed, including any questions they needed to ask to clarify understanding
  - The Report should contain as much detail as possible including observations (including physical signs of apparent abuse). It **must not** include opinions or personal interpretation of the facts
  - Signed, dated and forwarded to the Designated/First Response Officer who will store it in a secure place.
- 6.7 Detailed information about a case will be confined to the Designated/First Response Officer, and (if not implicated) the parents/carers.
- 6.8 The reporting member of staff will be kept informed on the progress of the case on a 'need to know' basis only.
- 6.9 If the Children's Social Care Team or Social Care Services deem it a safeguarding issue the Principal will advise the Chair of Corporation without disclosing any detail on a need to know basis



## 7.0 Confidentiality

7.1 Confidentiality and trust should be maintained as far as possible. The degree of confidentiality will be governed by the need to protect the child, young person or vulnerable adult who is always the primary concern. The child, young person or vulnerable adult must at the earliest opportunity in the disclosure be informed of the need to pass information on.

7.2 All conversations regarding a vulnerable adult should always be held in private.

7.3 The College complies with the requirements of the Data Protection Act 1998, *and Data Protection (Amendment) Act 2003* which allows for disclosure of personal data where this is necessary to protect the vital interests of a vulnerable adult.

*In all cases the main restrictions on disclosure of information are:*

- *Common Law duty of confidence*
- *Human Rights Act 1998*
- *Data Protection Act 1998 and Data Protection (Amendment) Act 2003*

Each of these has to be considered separately. Other statutory provisions may also be relevant, but in general, legislation does not prevent sharing of information if:

- *those likely to be affected consent; or*
- *the public interest in safeguarding the child's welfare overrides the need to keep the information confidential; or*
- *disclosure is required under court order or other legal obligation.*

Whatever happens, you should always be open and honest with the young person or vulnerable adult if you intend to take the case further.

7.3 The member of staff reporting a disclosure, suspicion of abuse/ neglect or overheard rumours of abuse/neglect must not discuss the case with anyone other than a Designated/First Response Officer.

## 8.0 Allegations against a member of staff

The primary concern of Somax is to ensure the safety of the child, young person or vulnerable adult. It is essential in all cases of suspected abuse by a member staff that action is taken quickly and professionally whatever the validity.

8.1 The term 'member of staff' applies to all contracted personnel within the Somax, volunteers and people employed by other agencies that are providing services for Somax.

8.2 In the event that any member of staff suspects any other member of staff of abusing a student, it is their responsibility to bring these concerns to either the Centre Manager

## APPENDIX A

### Code of Behaviour for Safeguarding Children and Vulnerable Adults

Somax recognises that it is not practical to provide definitive instructions that would apply to all situations at all times whereby staff come into contact with children and to guarantee the protection of children and staff.

However, below are the standards of behaviour required of staff in order to fulfil their roles within the College. This code should assist in the protection of both children and members of staff.

#### Staff must:

- implement the Safeguarding of Children Policy and Procedures at all times

#### Staff must never:

- engage in inappropriate rough, physical games including horseplay with children/ students.
- allow or engage in inappropriate touching of any kind. The main principles of touch are:
  - touch should always be in response to the child's need
  - touch should always be appropriate to the age and stage of development of the child
  - touch should always be with a child's permission
- do things of a personal nature for children that they can do for themselves or that their parent can do for them.
- physically restrain a child unless the restraint is to prevent physical injury of the child/other children/visitors or staff/yourself. In all circumstances physical restraint must be appropriate and reasonable, otherwise the action can be defined as assault.
- make sexually suggestive comments to, or within earshot of, a child.
- have children on their own in a vehicle. Where circumstances require the transportation of children in their vehicle, another member of staff/ volunteer must travel in the vehicle. Also it is essential that there is adequate insurance for the vehicle to cover transporting children as part of the business of your work. In extreme emergencies (for medical purposes) where it is required to transport a child on their own, it is essential that another leader and the parent is notified immediately.
- take a child to the toilet unless another adult is present or has been made aware (this may include a parent, group leader)
- spend time alone with a child on their own, outside of the normal tutorial/ classroom situation. If you find you are in a situation where you are alone with a child, make sure that you can be clearly observed by others.
- engage in a personal relationship with a child/student, or a child who becomes a student, beyond that appropriate for a normal teacher/ student relationship.

#### Staff who breach any of the above may be subject to the Disciplinary Procedure.

- If an allegation against a member of staff has occurred then an investigation may be carried out in accordance with the procedure for dealing with such allegations against staff: copies of this procedure are available **on the Extranet** or from the Human Resources Department or Clerk to the Corporation.