



Safeguarding Children and Vulnerable Adults Policy

November 2019

Policy Group: Health and Safety

Policy Number: 2.2

Policy Title: Safeguarding Children and Vulnerable Adults Policy

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Review Date: November 2020

Purpose

To provide a duty of care to ensure learners and staff are safe.

Scope

Primarily under 19-year old or vulnerable adults, however, it is company policy to follow safeguarding guidance for all learners and staff. This policy works closely to the Company's Anti Bullying and Harassment Policy.

Comment

What is Safeguarding?

In recent years there has been increasing concern about the safety and welfare of both children and young adults.

Safeguarding is defined by the Children Act 1989 and Joint Chief Inspectors Report on Arrangements to Safeguard Children (2002) as meaning that:

“Agencies (and organisations) working with children and young people take all reasonable measures to ensure that the risks of harm to the individual's welfare are minimised; and

Where there are concerns about children and young people's welfare, all agencies (and organisations) take all appropriate actions to address those concerns, working to agreed local policies and procedures, working in partnership with other local agencies.”

Who are we Safeguarding?

The Children Act 1989 states the legal definition of a child is 'a person under the age of 19'. 'Young person' is not a legal term, for the purposes of the policy and procedure, a young person is someone who might not perceive themselves as a child, but who is still in the age range of the legal definition, and therefore fall within the term 'child'.

Key aspects of legislation have been extended to include protection for 'vulnerable adults'. Section 115(4) of the Police Act 1997 states that a person can be considered vulnerable if they are 'substantially dependent upon others in performing basic functions, or their ability to communicate with those providing services, or to communicate with others is severely impaired'. This may mean that they have a reduced ability to protect themselves from assault, abuse or neglect. This can be as a result of a learning or physical disability (not normally to include dyslexia; a physical or mental illness chronic or otherwise (including an addiction to alcohol or drugs); or a reduction in physical or mental capacity.

The National Prevent Strategy places a duty on providers to take due regard to the need to prevent people from being drawn into terrorism. Skills4 Prevent Implementation Policy works alongside our Safeguarding Children and Vulnerable Adults Policy.

Why is Safeguarding necessary?

Training providers have a common law duty of care to take such steps that in the circumstances of an educational institution are reasonable to ensure that the child, young people or vulnerable adult, is safe, and in the absence of specific requirements, be seen to have an enhanced duty of care. This may at times involve the triggering of disciplinary action linking the Anti Bullying Policy.

Additionally, the Board notes and draws their attention of the staff the criminal offences that may be committed in connection with the welfare of children, in particular those involving abuse of trust which prohibits staff from engaging on or encouraging sexual activity with students who are under the age of 18. This policy makes protection responsibilities clear and gives Skills4 the ability to dismiss or otherwise discipline employees who fail this duty.

Policy Statement

Skills4 is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults, engaged in the breadth of its activities.

Skills4 will be proactive in its promotion of safe learning environment and will regularly monitor arrangement to ensure this.

Skills4 recognises that it has a duty to help staff and learners recognise their responsibilities (through guidance, support and training), minimize risk and avoid situations (where possible) where abuse or neglect might be alleged. Support and guidance will be accessed through the local safeguarding body.

Skills4 will abide by the safe recruitment guidelines when employing staff.

Throughout this policy reference is made to 'children and young people/ students'. This term is used to mean 'those under the age of 18' as defined in working together. The governing body recognises that some adults are also vulnerable to abuse and has specific policy with procedures which may be applied to allegations of abuse and the protection of vulnerable adults.

The policy and allied procedures have been devised after taking account of relevant legislation, guidance issued by the department of Education and other relevant bodies and groups including the local safeguarding children board.

Criminal offences that may be committed in connection with the welfare of children, those involving abuse of trust which prohibits staff from engaging on or encouraging sexual activity with students who are under the age of 18. This policy makes protection responsibilities clear and gives the company the ability to dismiss or otherwise discipline employees who fail this duty.

This policy takes into account, among others, the following when safeguarding young people & adults;

- Children's Act (2004)
- Keeping Children Safe in Education (April 2014)
- 'Working together to safeguard children – A guide to inter-agency working to safeguard and promote the welfare of children (DCSF 2010).
- What to do if you are worried a child is being abused (DCSF 2003).
- Human rights Act (1998)
- Sexual Offences Act (2003)
- Care Standards Act (2000)
- Health & Social Care Act (2008)
- Mental Capacity Act (2005)
- Domestic Violence crime & Victims Act (2004)
- Equality & Diversity (2010)
- Prevent Duty Guidance – Counter-Terrorism and Security Act (2015)
- Education Act (2002)
- The Government Prevent Strategy (2011)
- Safeguarding Vulnerable Groups Act (2008)

Safeguarding Structure and Responsibilities

Skills4 designated person responsible for Safeguarding is the Managing Director Amerjit Singh and Cordelia Singh.

Skills4 takes the view that all staff and students are required to take a shared responsibility for the protection and safety of any children, young people and vulnerable adults.

Some staff and students across the Company will be in occasional contact with under 19's or vulnerable adults in the course of their work.

Control Measures/Procedures

The designated person will be trained by the Local Authority to ensure the needs of the Safeguarding Authority are met. All staff will receive appropriate safeguarding training with all staff and regular updates.

All Skills4 staff members, contractors and volunteers are advised to minimise physical contact with students, except for reasons of health and safety, or where physical contact may be a necessary part of learning.

Skills4 reserves the right to deny employment to individuals where safe recruitment practice suggests they might pose a danger to the learning community.

Skills4 reserves the right to suspend and exclude learners involved in incidents relating to other learners' safety and possible bullying and harassment.

Skills4 also reserves the right to suspend and/or dismiss staff members in accordance with its employment procedures, from employment or from undertaking a specific role with respect to that employment. This may apply if information was withheld about their criminal record at the point of employment or acquires a criminal record during employment.

All members of staff working closely with children or vulnerable adults must be alert to possibilities of abuse and any concerns about the behavior of any adult with respect to that child should be reported.

DBS disclosures are obtained for all staff and volunteers working in 'regulated positions' (as defined by the Criminal Justice and Court Service Act 2000) with children, young people or vulnerable adults. The Company will evaluate information to determine individual's appropriateness to work in such an activity.

Where staff are not engaged in regulated positions but are involved in activities that may involve children or vulnerable adults, a risk management approach is taken to delivery of learning and teaching, and activities involving the wider public.

Skills4 will follow the locally agreed multi-agency procedures.

This policy will be updated and disseminated annually.

Procedures to be used when harm/abuse is suspected

All members of staff working closely with children and/or vulnerable adults must be alert to possibilities of abuse. Any concerns should be reported to one of the safeguarding team who will decide what further action to take.

It is the duty of staff to inform only not to investigate- this is the role of the Police and Social Services.

If Staff, in the course of their work at the Company have a child safeguarding issue brought to their notice, this must be treated as a priority over all work.

The managing director will follow the procedures as agreed by the local safeguarding body (see supporting information).

All personal data will be processed in accordance with the requirements of the Data Protection Act 1998.

How to make a referral to Children's Services

Information regarding how to respond if a concern about a learner arises is detailed below:

- 1) Inform one of the Skills4 managing directors.
- 2) A referral must be made as soon as possible to the Initial Response Service at the local authority.
- 3) If a learner is deemed to be at immediate risk the Police should be contacted immediately following which the above referrals can be processed.

Procedures for dealing with allegations against staff and other learners.

The allegation should be reported immediately to the manager with lead responsibility, who should;

1. Obtain written details of the allegation from the person who received it, that are signed and dated, the written details should be countersigned and dated by the manager with lead responsibility.
2. Record information about times, dates, locations and names of potential witnesses.
3. Inform the managing director.

In some circumstances Skills4 may need to act jointly with another organisation.

The Welfare Officer and/or Safeguarding Lead will lead responsibility should make an initial assessment of the allegation, consulting with the Education Child Protection Unit, Social Care, LADO (Local Authority Designated Officer) / Police as appropriate.

Where the allegation is considered to be either a potential criminal act or indicates that the child has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the social care.

Safeguarding/child protection enquiries by social care or the Police are not to be confused with internal, disciplinary enquiries by Skills4 may be able to use the outcome of external agency enquiries as part of its own procedures. Skill4 should assist the relevant agencies with their enquiries.

Skills4 shall hold in abeyance its own internal enquiries while the formal police or social care investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform to the existing staff disciplinary procedures.

If there is an investigation by an external agency, for example the police, the manager with lead responsibility should normally be involved in, and contribute to, the inter-agency strategy discussions. The manager with lead responsibility will ensure that Skills4 gives every assistance with the agency's enquiries. Appropriate confidentiality will be maintained in connection with the enquiries, in the interests of the member of staff that he/she should consult with a representative, for example, a trade union.

The manager with lead responsibility will consult with the police or other investigating agency (e.g. Social care), particularly in relation to timing and content of the information to be provided, and shall;

Inform the child/children or parent/carer making the allegation that the investigation is taking place and what the likely process will involve.

Ensure that the parents/carers of the student making the allegation have been informed that the allegation has been made and what the likely process will involve.

Inform the member of staff against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve.

Inform the Managing Director of the allegation and the investigation.

The manager with lead responsibility shall keep written records of the action taken in connection with the allegation.

Suspension of Staff

Suspension may be considered at any stage of the investigation. It is neutral, not a disciplinary act and shall be on full pay. Consideration should be given to alternatives: e.g. paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties.

Suspension should only occur for a good reason. For example:

- Where a child/student is at risk.
- Where the allegations are potentially sufficiently serious to justify dismissal the grounds of gross misconduct.
- Where necessary for the good and efficient conduct of the investigation.

If suspension is being considered, the member of staff should be encouraged to seek advice, for example from a trade union.

Prior to making the decision to suspend, the Managing Director should interview the member of staff. This should occur with the approval of the appropriate agency identified by the Local safeguarding children's board. In particular, if the police are engaged in an investigation the officer in charge of the case should be consulted.

During the interview, the member of staff should be given as much information as possible, in particular the reasons for any proposed suspension, provided that doing so would not interfere with the investigation into the allegation. The interview is not intended to establish the member of staff innocence or guilt but given the opportunity for the member of staff to make representations about possible suspension. The member of staff should be given the opportunity to consider any information given to him/her at the meeting and prepare a response, although that adjournment may be brief.

If the Managing Director considers that suspension is necessary, the member of staff shall be informed that he/she is suspended from duty. Written confirmation of the suspension, with reasons, shall be dispatched as soon as possible and ideally within one working day.

Allegations without Foundation

Obviously false allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to Social Care or other agencies as determined by the safeguarding children's board in order that other agencies may act upon the information.

In consultation with the managing director, shall:

- Inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or child protection action will be taken. Consideration should be given to offering counseling/support.
- Inform the parents/ carers of the alleged victim that the allegation has been made and of the outcome.
- Where the allegation was made by a student other than the alleged victim, consideration to be given to informing the student and his/her parents and his/her parents/carer's.
- Prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken.

Whistle Blowing

Members of staff have the avenue to raise concerns relating to matters that are unlawful, against policy or amount to improper conduct. Concerns should be raised in the first instance to the appropriate manager or if judged more appropriate directly to the managing director.

Records

It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken, details retained on the member of staff's personal and confidential file. Where the allegation is found without foundation, a record of the allegation, investigation and outcome should be retained.

If a member of staff is dismissed or resigns before disciplinary process is completed, he/she should be informed about Skills4 statutory duty to inform the Secretary of State for Education under the 'ISA' procedures.

Key Contacts

For all safeguarding related issues: welfare@skills4pharmacy.org.uk

Amerjit Singh- Managing Director - 07530203122 Amerjit@skills4pharmacy.org.uk

Cordelia Singh – Welfare Officer – 07970 520150 cordelia@skills4pharmacy.org.uk

Bev Harland – Designated Safeguarding Officer – 07903 057189 bev@skills4pharmacy.org.uk

Supporting Documentation

Recruitment and Selection Policy 1.1

Safeguarding Guidance Handbook

Prevent Implementation Policy

Prevent Tool Kit

For more information on local safeguarding children’s procedures contact:

Manchesters Safeguarding Children Board (MSCB):

www.manchesterscb.org.uk

Children’s Services
Harpurhey District
Centre, Moston La,
Manchester M9 4DD

Services for Disabled Children
Harpurhey District Centre,
Moston La, Manchester M9
4DD

Tel: 0161 234 5001

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For more information of local safeguarding Adult Matters contact: www.manchester.gov.uk/downloads/download/3961/safeguarding_adults_procedures_and_guidance

Safeguarding Adults Team:

0161 234 5001

Rethink Advocacy:

0300 5000 927

Care Quality Commission:

03000 616161

Vetting and Barring Scheme / CRB Checks / Independent Safeguarding Authority (ISA) Helpline:

0300 1231111

Manchester’s Carers Centre:

0161 27 27 27 0