

# Safeguarding Policy

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Be Positive recognises that the following principles play a vital role in safeguarding and promoting the welfare of children, young people and vulnerable adults and are of paramount importance and the first consideration of all staff, volunteers and governors.

- All children, young people and vulnerable adults, regardless of age, gender, ability, culture, race, language, religion, sexual identity, marriage or civil partnership or maternity have equal rights to protection, and have the right to learn in a safe environment. [L] [SEP]
- All members of staff, volunteers and governors are required to be alert to indicators or signs that a child, young person or vulnerable adult may be suffering or at risk of suffering significant harm. [L] [SEP]
- All members of staff, volunteers and governors have a responsibility to be aware of the procedures to follow should a disclosure of abuse or abuse of trust be made to them, or if they have concerns that a learner may be suffering or at risk of suffering significant harm. [L] [SEP]
- Any concern must be considered a priority and must be reported to the appropriate member(s) of staff without delay. [L] [SEP]
- Policies will be reviewed at least annually unless an incident or new legislation suggests the need for an interim review. [L] [SEP]
- Learners and staff, volunteers and governors involved in child protection and vulnerable adult support work will receive appropriate support. [L] [SEP]

## The Safeguarding and Child Protection Lead

- is appropriately trained, with updates at least every two years, and this is explicit within their job description [L] [SEP]
- acts as a source of support and expertise to the company community [L] [SEP]
- keeps written records of all concerns, ensuring that such records are stored securely [L] [SEP] and flagged up, but kept separate from, the learner's general file [L] [SEP]
- refers cases of suspected abuse to children's social care, adult social care or police [L] [SEP] as appropriate in line with Working Together to Safeguard Children is

2023. notifies children's social care if a learner with a disclosed child protection plan is absent for more than two days without explanation

- ensures that when a learner with a disclosed child protection plan leaves company, their information is passed to their the learner's social worker is informed
- attends and/or contributes to child protection conferences and Safeguarding Strategy meetings
  - coordinates the training providers contribution to child protection plans and Safeguarding Strategy meetings
  - develops effective links with relevant statutory and voluntary agencies in line with Working Together to Safeguard Children 2023
  - ensures that all staff and Director sign to indicate that they have read and understood the Safeguarding policy and statutory guidance
  - ensures that the Safeguarding policy is updated regularly and as required
- Liaises with the nominated governor for Safeguarding/child protection and Principal as appropriate
- keeps a record of staff, volunteers and Directors attendance at Safeguarding and Child Protection training
- makes the Safeguarding and Child Protection Policy available to learners, parents, outside organisations, inspectors and other partners

### The Director

- . ensures that the Safeguarding, Child Protection and Vulnerable Adult Policy and procedures are implemented and followed by all staff and volunteers
- . allocates sufficient time and resources to enable the Safeguarding and Child Protection.
- . ensures that all staff, feel able to raise concerns about poor or unsafe practice and that such concerns are handled sensitively and in accordance with the Whistleblowing procedures
- . ensures that learner safety and welfare is addressed through curriculum activities and the learner entitlement.

### Protection from exploitation and the abuse of trust

Be Positive has a duty to reinforce standards of professional conduct among employees and volunteers and all staff, volunteers must be aware that inappropriate behaviour towards learners is not accepted

In addition staff and volunteers should understand that; under the Sexual

Offences Act 2003, it is an offence for a person over the age of 18 to have a sexual relationship with a person under the age of 18, where that person is in a position of trust, even if the relationship is consensual. This means that any sexual activity between a member of the company staff and a learner under 18 may be a criminal offence, even if that learner is over the age of consent.

[SEP]

## Learners who may be particularly vulnerable

Some learners may be at higher risk of abuse and it is therefore important to treat all learners fairly in line with the Equality Scheme. Many factors can contribute to an increase in risk, including prejudice and discrimination, isolation, social exclusion, communication issues and a reluctance on the part of some adults to accept that abuse can occur. [SEP]

Abuse occurs in all cultural, racial and religious groups. All members of staff, volunteers have a responsibility to be sensitive to and respectful of learners' ethnic, cultural and religious backgrounds. However, these factors must not be used as a reason for not passing the concern to the appropriate member of staff (Lead or DSOs). [SEP]

To ensure that all of our learners receive equal protection, we will give special consideration to children, young people and vulnerable adults who are: [SEP]• affected by substance misuse [SEP]□ caring for a family member, relative or friend [SEP]□ disabled or have special educational needs [SEP]□ have a mental health difficulty [SEP]• living in a domestic abuse situation and/or affected by parental substance misuse or [SEP] mental health problems [SEP]• asylum seekers [SEP]• vulnerable to being bullied, or engaging in bullying [SEP]• living in temporary accommodation or live transient lifestyles [SEP]• vulnerable to discrimination and maltreatment on the grounds of the nine protected [SEP] characteristics [SEP]• involved directly or indirectly in sexual exploitation [SEP]• do not have English as a first language [SEP]• at risk of female genital mutilation (FGM) [SEP]□ forced into marriage [SEP]□ living away from home or looked after by the local authority [SEP] This list provides examples of additionally vulnerable groups and is not exhaustive. Special consideration includes the provision of Safeguarding information and resources in accessible formats and use of interpretation as necessary. [SEP]

## Child protection procedures – and the protection of Vulnerable Adults

### Recognising abuse

- To ensure that our learners are protected from harm, we need to understand what types of behaviour constitute abuse. [SEP]
- Abuse can involve any one or more of the following, as defined by the DoH/DfE/ Working Together to Safeguard Children is 2023.
- Abuse and neglect are forms of maltreatment. Somebody may abuse or neglect a child by inflicting harm, for example by hitting them, or by failing to act to

prevent harm, for example by leaving a small child home alone, or leaving knives or matches within reach of an unattended toddler. [SEP]

- NB although the guidelines refer to a child, for the purposes of this policy, these definitions also cover young people and vulnerable adults. [SEP] There are four categories of abuse: physical abuse, emotional abuse, sexual abuse and neglect [SEP]

## **Physical Abuse**

Physical abuse is a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or stress positions 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. (This used to be called Munchausen's Syndrome by Proxy, but is now more usually referred to as fabricated or induced illness). Physical abuse also includes Female Genital Mutilation which is officially recognised as a form of Child Abuse in the UK.

## **Emotional Abuse**

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 a child that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as over protection 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 (e.g. Domestic violence and abuse). 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, although it may occur alone. [SEP]

## **Sexual Abuse [SEP]**

Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (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. [SEP]

## **Neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological

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

## **Forced Marriage**

Forced marriage is a human rights abuse and not a religious or cultural practice. A clear distinction must be made between a forced marriage and an arranged marriage. In arranged marriages, the families of both spouses take the leading role in arranging the marriage but the choice whether or not to accept the arrangement remains with the spouses. In forced marriage one or both of the spouses does not consent to the marriage and some element of duress is involved. Duress can include both physical and or emotional pressure. It can also constitute physical and sexual abuse and it falls within the Crown Prosecution Service's definition of domestic violence. The United Nations considers it a form of trafficking, sexual slavery and exploitation. Both males and females may be victims of forced marriage. Cases may occur at any age – the Foreign & Commonwealth Office statistics indicate that the most common age range affected is young people aged between 15-24. <sup>[L]</sup><sub>[SEP]</sub>

## **Financial Abuse**

Financial abuse is the theft or misuse of money or personal possessions, which involves an individual's resources being used to the advantage of another person. Financial abuse can include:

- money or possessions stolen, borrowed or withheld without permission <sup>[L]</sup><sub>[SEP]</sub>
- preventing someone buying goods, services or leisure activities <sup>[L]</sup><sub>[SEP]</sub>
- controlling access to money or benefits <sup>[L]</sup><sub>[SEP]</sub>
- money being misappropriated and absorbed into a Care Home's or household <sup>[L]</sup><sub>[SEP]</sub> budget without the person's consent <sup>[L]</sup><sub>[SEP]</sub>
- staff, volunteers or Governors borrowing or accepting gifts or money from <sup>[L]</sup><sub>[SEP]</sub> service users <sup>[L]</sup><sub>[SEP]</sub>
- goods or services purchased in someone's name but without their consent <sup>[L]</sup><sub>[SEP]</sub>
- taking out a loan in someone's name <sup>[L]</sup><sub>[SEP]</sub>
- being deliberately overcharged for goods or services or being asked to part <sup>[L]</sup><sub>[SEP]</sub> with money on false pretenses <sup>[L]</sup><sub>[SEP]</sub>

- altering ownership of property without consent
- being asked to sign or give consent to financial agreements (including making a Will) when a person lacks the mental capacity to understand or give informed consent

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

FGM comprises all procedures involving partial or total removal of the external female genitals or other injury to the genital organs for non-medical reasons.

- FGM is illegal in the UK
- FGM is a form of child abuse
- Females who have undergone FGM often suffer with long-term consequences and health implications
- FGM is internationally recognised as a violation of Human Rights
- Multi-agency Practice Guidelines on FGM are in place to help professionals

### **Radicalisation and Extremism**

Radicalisation is when a person's thinking and behaviour becomes significantly different to most members of their society. This means a person may seek to significantly change the nature of society and government.

Extremism is, as defined by the government,

Be Positive seeks to protect children, young people and vulnerable adults against all messages of violent extremism, radicalisation and terrorism. This is not directed at any specific ideology, religion, faith, political group or set of beliefs.

The principle aim is to ensure that the company gives "due regard to the need to prevent people from being drawn into terrorism\*" in line with the Counter-Terrorism and Security Act 2015 and Prevent Duty. This is part of the Governments response to

"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". If the fear of violence or terror is used to achieve change this becomes violent extremism.

This will be done through:

### **Teaching and Learning**

To provide a curriculum which promotes critical thinking, knowledge, skills, understanding and British Values of; the rule of law, democracy, individual liberty and mutual respect and tolerance for others. This is in order to build the resilience of students and support the learner voice, thus undermining extremist ideology.

To ensure that all staff, volunteers, especially Mentors, are confident in working with learners in a preventative and responsive way in partnership with colleagues, other professionals, statutory bodies and other organisations as appropriate. [L] [SEP]

Ensuring that all at risk learners have equal access to Safeguarding & Equality Officers and Welfare advisors [L] [SEP]

Ensuring all staff, volunteers and Governors refer learner(s) appropriately through the company's Safeguarding reporting/referral process.

#### [L] [SEP] 6.10.4 Risk assessment and Action Plan [L] [SEP]

The assessment has fed into the company Prevent Action Plan which details the steps company has and will take in order to minimise risk. [L] [SEP]

### **Staff Training** [L] [SEP]

Appropriate members of staff, volunteers, at least but not limited to those with management responsibility, are trained to have an understanding of factors which make people vulnerable to being drawn into terrorism.

### **Allegations against staff**

The company Managing Allegations against Staff Policy (see separate policy and procedure) details the procedures in place to handle allegations made against staff and volunteers. All staff, volunteers should read and adhere to this policy. [L] [SEP]

When an allegation is made against a member of staff, volunteer or Governor set procedures within the Managing Allegations Against Staff must be followed. [L] [SEP]

It is important to remember that if you have a concern about a member of staff, volunteer you must report to the Director in the first instance.

Procedures for dealing with allegations against staff can also be found in Keeping Children Safe in Education 2023

### **Staff training**

- . All staff and volunteers will be expected to read and sign to the effect that they have read and understood both this policy and Working Together to Safeguard Children is 2023.
- . The Safeguarding and Child Protection Lead and DSOs will undertake training on safeguarding and child protection at least every 2 years. Any newly appointed Lead will attend LSCB 'Working Together to Safeguard Children' training

before taking lead responsibility for safeguarding. The DSOs will take a leading role on safeguarding in the interim period. [SEP]

- . All members of staff will receive training on child protection at least once every 3 years. [SEP]
- . All new members of staff will receive Safeguarding child protection training as part of their induction programme. [SEP]
- . Briefings and updates on child protection and safeguarding procedures will be provided on a regular basis, at least annually, but more frequently when necessary, to ensure that all members of staff are familiar with any changes to the company policy as they occur. [SEP]

## **DBS**

The safety of all is paramount and we are committed to safeguarding and promoting the welfare of all, staff and students and to the rigorous implementation of Disclosure and Barring (DBS) procedures, guidelines and arrangements, Department of Education advice and guidance and OFSTED requirements.

Be Positive has robust recruitment and selection processes in place and DBS checks form part of those processes, alongside barred list checks, prohibition checks, carefully designed assessment processes with skilled and trained assessors working collaboratively to ensure all recruitment and selection decisions are well considered and evidence based. The DBS was launched on 1 December 2012 and it replaced the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA). Following the Protection of Freedoms Act 2012, further changes to DBS guidelines were made. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) ensures that candidates are not unfairly treated and that risk assessments take into account the nature of the disclosure and its relevance to the role the candidate has applied for.

All positions at Be Positive require a DBS check, relevant recruitment documentation will contain a statement that a DBS check will be requested in the event of the individual being offered the position. Where a DBS check forms part of the recruitment process, all applicants will be encouraged to provide details of their criminal record at the interview stage of the recruitment process. This information will be managed by the Director and will only be seen by those who need to see it as part of the recruitment process.

All newly appointed staff will be required to complete an Enhanced Disclosure prior to taking up a post at the trust due to the environment they are working in and their regular unsupervised access to children, adults and young people. The trust will carefully assess whether or not a barred list check and/or a prohibition check is also required. Only when a DBS Certificate is provided that contains no information that may preclude the individual from working with children, can it be considered that they have DBS clearance.



## **Update Service**

With the individual's permission, the Director can go online for a free and instant check (where the individual has subscribed to the Update Service) to find out whether the individual's certificate is up-to-date. Casual employees and agency/contractor staff are encouraged to use the Update Service as there may be occasions where they have not worked for 3 months or more within the trust and would then require a review of their DBS status. The trust will pay for casual workers to use the update service. If a Status Check shows that there has been a change in status since the last DBS Certificate was issued and the applicant has not produced their new certificate within 28 days of its issue, the Director will apply for a copy of their certificate.

Online Status Checks are available at [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service). A result of 'no status change' means that the certificate remains valid and up-to-date, whereas a result of 'status change' means that the certificate is out of date and the trust will be required to apply for a new certificate to see the new information.

## **Disclosure**

- All Staff are expected to disclose any criminal behavior at the time of the offense
- All Staff will sign up to the Updating service unless unable to
- Those not on the update service will be checked every 3 years.

## **Safeguarding Procedure**

All staff members have a duty to identify and respond to suspected and actual abuse or disclosures of harm. Any member of staff, volunteer or visitor to the company who receives a disclosure or allegation of abuse, or suspects that abuse may have occurred must report it immediately to the Director or Lead Tutor

Where a learner is suffering or is likely to suffer from harm, a learner will be referred to the Director immediately

## **Practice when Police or Social Services are called**

Before calling police the Director and senior staff will reflect upon the proportionality of this response, being aware of the learner's rights under the Equalities Act and Human Rights Act and if necessary.

Best practice for staff considering police intervention to be necessary:

- To consult the Director about the reason to involve the police.

In the event that a learner is interviewed on site by police, the Director or member of the Safeguarding Team will act in loco parentis at that interview to provide support to the learner.

5.5 If a member of staff continues to have concerns about a learner and feels the situation is not being addressed or does not appear to be improving, the staff member concerned should press for re-consideration of the case with the HOESW (Lead DSL) who will escalate the concern as appropriate.

#### Early Help:

All staff should, in particular, be alert to the potential need for early help for a learner who:

- is disabled and has specific additional needs
- has special educational needs (whether or not they have a statutory Education, Health and Care Plan)
- is a young carer
- is showing signs of being drawn into anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home
- is at risk of modern slavery, trafficking or exploitation
- is at risk of being radicalised or exploited
- is in a family circumstance presenting challenges for the learner, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing drugs or alcohol themselves
- has returned home to their family from care
- is a privately fostered child
- has a parent/carer in custody

Mental health problems can, in some cases, be an indicator that a learner has suffered or is at risk of suffering abuse, neglect or exploitation.

#### **Professional confidentiality**

A member of staff must never guarantee confidentiality to anyone about a safeguarding concern (including parents / carers or learners) or promise to keep a secret.

#### 8. Records and information sharing

Where there are concerns about the safety of a learner, the sharing of information in a timely and effective manner between organisations can reduce the risk of harm.

Company staff must have due regard for the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) The company is confident of the processing conditions that allow them to store and share information for safeguarding purposes. This allows them to share information without consent, if it is not possible to gain consent or if to gain consent would place a learner at risk.

Well-kept records are essential to good safeguarding practice. The company is clear about the need to record any concern held about a learner within the company, the status of such records and when these records should be shared with other agencies.

Any member of staff receiving a disclosure of abuse or noticing signs or indicators of abuse, will record it as soon as possible on email and using the pro forma.

Any records related to safeguarding are kept in an individual learner file for that learner. All safeguarding records are stored securely and confidentially and will be retained for 6 years after the learner's leave.

## **Welfare Procedure (non- Safeguarding issues)**

If Be Positive staff have concerns about a learner's welfare that may not fall into a safeguarding remote, they should act on them immediately by following their organisation's safeguarding policy and speaking to their Designated Safeguarding Lead (DSL).

Examples of potential welfare issues may include;

- Drug and alcohol dependency
- Homelessness
- Depression/Mental health concerns
- Health related concerns.

Welfare concerns should be dealt by the member of staff in the first instance after notifying the DSL. Referrals should be made to relevant local organisations and these are available from the Welfare support pages at <http://www.bepositivenow.co.uk/advice/>