

Safeguarding of Learners and Vulnerable Adult

Policy and Procedure

Introduction

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

- Learners Acts 1989 and 2004
- Education Act (2002)
- Working Together to Safeguard Learners (2006)
- Framework for the Assessment of Learners in Need and their Families (2000)
- What to do if you are Worried a Child is being Abused (2006)
- Safeguarding Learners and Safer Recruitment in Education (2007)

The Company will keep its policy and procedures on Learners 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.

This policy deals with the protection of Learners and Vulnerable Adults. Learners are those under 18 years of age who may be on:

- 16 – 18 Apprenticeship courses
- 16-18 courses

A vulnerable adult is 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 or has a disability.

The services are:

- Accommodation and nursing or personal care in a care home;
- Personal care or nursing or support to live independently in his own home;
- Any services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body;
- Social care services; or
- Any services provided in an establishment catering for a person with learning difficulties.

The conditions are –

- A learning or physical disability;
- A physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or
- A reduction in physical or mental capacity.

The disabilities are –

- a dependency or a requirement for assistance upon others in the performance of,
- basic physical functions
- severe impairment in the ability to communicate with others
- 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 2002 require employers to carry out Criminal Record Checks before employees can encounter vulnerable adults. The Company is required under this legislation to apply for an enhanced disclosure from the Disclose and Barring Service for staff working with such learners. It is NEMA policy that all existing, and newly recruited staff are required to undergo an enhanced DBS check.

Safeguarding Strategy

The Company will:

- Take a preventive approach to protecting young people and vulnerable adults from potential harm or damage.
- 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 company.
- Take all reasonable measures to ensure that a risk 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 "Whistle blowing"
 - Reacting to and reporting abuse

Policy Statement

NEMA hold the health, safety and welfare of all Learners, young people and vulnerable adults involved on courses or activities which come under the responsibility of the Company a main priority.

The Company and its staff have a collective and individual duty of care to ensure that all staff members fulfil their responsibilities to prevent the abuse of Learners, young people and vulnerable adults and to report any abuse discovered or suspected.

This Safeguarding of Learners 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.

The Company will advise Learners, 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.

The Company will work with appropriate agencies so that Learners, young people and vulnerable adults are safeguarded through the effective operation of the Company's Safeguarding Learners and vulnerable adult procedures. The Company adopts in totality the DCSF (Department for Learners, Schools and Families) commissioned document "Guidance for Safer Working Practice for Adults who work with Learners and Young People" as good practice guidance.

The Company recognises that any child, young person or vulnerable adult can be subject to abuse and all allegations of abuse will be taken seriously and treated in accordance with the Company's procedures.

The Company recognises that it is the responsibility of all staff to act upon any concern, no matter how small or trivial it may seem.

The Company recognises its responsibility to implement, maintain and regularly review the procedures that are designed to prevent or notify suspected abuse.

The Company is committed to supporting, resourcing and training those who work with or who come in to contact with Learners, young people and vulnerable adults and to providing appropriate supervision.

The Company 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.

The Partners and all the other staff who work with Learners will undertake training to equip them to carry out their responsibilities for Safeguarding Learners, young people and vulnerable adults effectively. They will be kept up to date by refresher training at a maximum of three-year intervals. The designated officers will undertake refresher training annually to keep their knowledge and skills up to date. There is a designated director responsible for safeguarding.

The NEMA has a designated officer who is responsible for coordinating staff training and acting as the safeguarding officer.

The Company operates safe recruitment procedures and ensures that all appropriate checks are carried out on new staff and volunteers who will work or encounter Learners including enhanced Criminal Record Bureau checks

Any deficiencies or weaknesses regarding safeguarding of Learners, young people and vulnerable adult arrangements will be brought to the attention of the Partners and remedied without delay.

Definition of Abuse of Learners and Young People

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.

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 Learners 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 Learners. 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, causing Learners frequently to feel frightened or in danger, or the exploitation or corruption of Learners. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

Sexual Abuse 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. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving Learners in looking at, or in production of, sexual on-line images, watching sexual activities, or encouraging Learners to behave in sexually inappropriate ways.

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 it may involve a parent 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 caregivers)
- Ensure access to appropriate medical care or treatment

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

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

Vulnerable Adults

Physical Abuse this includes hitting, slapping, pushing, kicking, rough handling or unnecessary physical force either deliberate or unintentional, misuse of medication, restraint or inappropriate sanctions.

Sexual Abuse this includes rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent to, or was pressured into consenting. Sexual abuse can occur between people of the same sex and it can also occur within a marriage or any long-term relationship. A relationship of trust should exist between a member of staff or a volunteer and the person for whom they are caring; it would be seen as a betrayal of that trust, and therefore abusive, for that member of staff or volunteer to have a sexual relationship with the person they are caring for.

Psychological Abuse This includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

Financial or Material Abuse This includes theft, 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.

Neglect and Acts of Omission This includes ignoring or withholding medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition, clothing and heating.

Discriminatory Abuse this includes racist, sexist, or other forms that are based on a person's disability and other forms of harassment, or similar treatment.

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.

Safeguarding Learners and Vulnerable Adults Procedure

The purpose of these guidelines is to ensure that the rights of 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.

The Company will take steps to identify vulnerable young people and adults on admission to a course. Tutors 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 learners defined as vulnerable and such learners will come under the provisions of this policy.

Advice to Staff on when to act and How

Learners, 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 learners.

It is the responsibility of all staff working within the NEMA to record and report concerns regarding the safeguarding of Learners, young people and vulnerable adults even if they are just suspicions or overheard rumours, but not to discuss it with anyone other than a Designated Officer.

If a child, young person or vulnerable adult comes to you with a report apparent abuse, 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 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, 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.

Once you suspect any abuse you should immediately contact a Designated Officer either in person or by telephone 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 Learners, young people or vulnerable adults.

If a Designated Officer cannot be contacted within two hours of the initial concern, the person making the report should refer the matter to the Quality and Compliance Manager who will act as the Designated Officer

Regarding Learners or young people, the Designated Officer must discuss the matter with the local child protection team.

If it is out of office hours, please contact: Jane Simpson

Emergency Duty Team: 07988 076525/07968 555450

Who will determine if it is a safeguarding matter? If it is a safeguarding matter the Learners' Social Care Team will take control of the situation, including such things as whether to inform parents/carers.

Regarding vulnerable adults, if it is decided by the Designated Officer that further action should be taken, they may.

- Seek further advice from Social Services
- 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

Where an allegation is made regarding a 16-18-year-old learner, members of staff should follow the same procedures as outlined above. The Designated Officer will liaise with the Child Protection Officer, ensuring that the learner is informed of this process.

The NEMA' Designated Officer will ask the reporting member of staff for both Learners 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 Officer who will store it in a secure place.

Detailed information about a case will be confined to the Designated Officers and the Partners and (if not implicated) the parents/carers.

The reporting member of staff will be kept informed on the progress of the case on a 'need to know' basis only.

Confidentiality

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.

All conversations regarding a vulnerable adult should always be held in private. NEMA complies with the requirements of GDPR 2018 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

Each of these must 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
- 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 Officer.

Allegations against a member of staff

The primary concern of the NEMA 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. NEMA Designated Officers will work in conjunction with the Local Authority Designated Officer (LADO), in order to ensure that even apparently less serious allegations are seen to be followed up and examined objectively by someone independent of the NEMA.

Where the Designated Officer considers that a concern or allegation indicates that a member of staff has behaved in a way that has harmed or may have harmed a child, young person or vulnerable adult, or possibly committed a criminal offence against or related to a child, young person or vulnerable adult; or behaved towards a child, young person or vulnerable adult in a way that indicates s/he is unsuitable to work with them then a discussion will always take place with the LADO.

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

If any member of staff suspects any other member of staff of abusing a student, it is their responsibility to bring these concerns to the Partners and a Designated Officer except where the suspect is either of the above.

If the allegation concerns the Managing Director, the matter should be discussed with one of the Designated Officer who will discuss it with the Chair of the Corporation, in addition to following the normal procedures for Child and Vulnerable Adult Protection.

If the allegation concerns both Designated Officers, the matter should be discussed with the Quality and Compliance Manager (or another nominated Team member in the absence of the Managing Director) will follow the normal procedure for Child and Vulnerable Adult Protection as outlined in Section 6.

Where there is suspicion that a child or vulnerable adult may suffer significant harm a Strategy Discussion will take place where the Designated Officer will be asked to represent the Company.

If it is determined that there is no cause to suspect significant harm, but a criminal offence might have been committed they will immediately inform the police and a similar discussion will place with the Designated Officer being asked to represent the Company.

Type of Investigations

Criminal Investigations - If a crime is suspected, an investigation will not be carried out by the NEMA, other than to establish the facts. All the information obtained will be handed over to the police who will carry out any investigation necessary, with the support of the Company.

Disciplinary Investigations - If a decision is made to pursue an allegation of abuse against a member of staff, this will be dealt with under the NEMA disciplinary policy.

The Company may be unable to carry out any disciplinary proceedings until the police investigation is complete, but depending on the seriousness of the allegation, the member of staff may be suspended from work with pay until the investigation is completed.

Responsibilities

Company responsibilities to the member of staff following an allegation
Staff who is accused of a breach of the code set out in Appendix A may be subject to disciplinary procedure.

Where an allegation from a Child or Vulnerable Adult occurs, an investigation will be carried out in accordance with procedure (available from HR). The Investigating Officer will be required to liaise with the designated officer to clarify whether there are any relevant records or relevant information in relation to the individual.

The Company should inform the accused member of staff as soon as possible after initial consultation has taken place. However, this should not be before the Strategy Discussion or police discussion, if needed, has taken place and agreement has been reached as to what information can be disclosed to the member of staff.

The member of staff should be advised to:

- Contact union representative
- Keep records of all conversations, meetings attended, letters received and telephone calls relating to the allegation.

Whilst the case is ongoing, the Company must arrange to provide appropriate support to the member of staff

Where it is subsequently found that an allegation has been made maliciously, the Company may refer the matter to be dealt with under disciplinary procedures.

The Company may also take the decision to pursue an allegation of abuse through the Disciplinary Procedure. Discussion should be held with the relevant Team to ensure that their investigation is not compromised by doing so. Employees should not automatically be suspended and should not be suspended without careful thought.

If the accused member of staff tenders their resignation or ceases to provide their services, the allegation must continue to be investigated in accordance with the procedures. Compromise agreements by which a person agrees to resign, or the Company agrees not to pursue the disciplinary action must not be used in these cases.

Every effort must be made to maintain confidentiality and guard against publicity whilst the allegation is being investigated.

Record Keeping and Timekeeping

NEMA will keep clear and comprehensive records of any allegations made, details of how the allegation was followed up and resolved, as well as details of any actions taken, and decisions reached. These will be placed indefinitely on a staff members confidential personnel file.

In the interests of all parties it is important to resolve cases as quickly as possible whilst ensuring a consistent, fair and thorough investigation.

This policy will be reviewed annually by Susanne Arman, Quality Lead

APPENDIX A

Code of Behaviour for Safeguarding Learners and Vulnerable Adults

NEMA recognises that it is not practical to provide definitive instructions that would always apply to all situations whereby staff encounter Learners and to guarantee the protection of Learners and staff.

The standards of behaviour required of staff and volunteers in order to fulfil their roles within the Company.

Staff and volunteers must:

- Always implement the Safeguarding of Learners Policy and Procedures

Staff and volunteers must never:

- engage in inappropriate rough, physical games including horseplay with Learners/learners.
- allow or engage in inappropriate touching of any kind. The main principles of touch are:
 - Touch should always be in response to the learners' need
 - Touch should always be with a child's permission
 - make sexually suggestive comments to, or within earshot of a learner.
 - have learners in their own vehicle. Where circumstances require the transportation of Learners in their vehicle. It is essential that there is adequate insurance for the vehicle to cover transporting learners as part of the business of your work.
- spend time alone with learners on their own, outside of the normal tutorial/classroom situation.
- engage in a personal relationship with a learner beyond that appropriate for a normal tutor/learner relationship.

Staff that 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.