

# **ITEC Training Solutions Ltd Safeguarding Policy and Procedures**

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# 1 Introduction

This policy, associated procedures and guidance provides advice on dealing with potential Safeguarding issues in order to meet the requirements of the Safeguarding Vulnerable Groups Act 2006 and associated legislation. The policy encompasses all groups equally, is non-discriminatory and has open and transparent processes. Vulnerable people include children and vulnerable adults in line with the definitions below.

## 2 Policy Statement

- 2.1 In all aspects of ITEC's work, the needs and interests of vulnerable people will be placed above the needs and interests of all others. Hence, this policy and guidance will have priority over all other policies and procedures.

To implement this policy ITEC will:

- 2.2 Provide a safe, secure and comfortable environment for vulnerable people to study and work
- 2.3 Establish and maintain an ethos where vulnerable people feel secure and are encouraged to talk, and are listened to
- 2.4 Ensure vulnerable people know that there are staff in the organisation that they can approach if they are worried or in difficulty
- 2.5 Ensure that parents, guardians or carers have an understanding of the responsibility placed on the company and its employees for the protection of learners by setting out ITEC's referral obligations in appropriate company publications
- 2.6 Operate safe recruitment practices including ensuring enhanced CRB checks, ISA registration and reference checks are undertaken as required
- 2.7 Provide adequate training to staff in relation to the protection of vulnerable people
- 2.8 Ensure that every member of staff knows the roles and responsibilities of the appointed people within the Safeguarding organisational structure (appendix 2)
- 2.9 Ensure that every member of staff knows where the company Safeguarding and external procedures e.g. Local Safeguarding Children's Board (LSCB), Independent Safeguarding Authority (ISA) are located
- 2.10 Ensure rigorous Safeguarding procedures are in place and that these are linked with Local LSCB, Area Adult Protection Committees (AAPC), the Criminal Records Bureau (CRB) and the ISA
- 2.11 Follow the national guidance in relation to safeguarding vulnerable groups where appropriate e.g. forced marriages, sexual exploitation etc.
- 2.12 Ensure that all staff are aware of the need for maintaining appropriate and professional boundaries in their relationships with vulnerable people, parents, guardians and carers.
- 2.13 Ensure that all staff are aware that sexual relationships with vulnerable people could be deemed improper and result in legal proceedings taken against them under the Sexual Offences Act 2003 (Abuse of position of trust)

- 2.14 Ensure that positive action is taken to respond to allegations, suspicions or incidents of any form of abuse
- 2.15 Ensure that Safeguarding issues are dealt with using sensitivity and the appropriate level of confidentiality, but also in compliance with requirements to share information with external agencies. The overriding consideration is to safeguard the vulnerable person
- 2.16 Ensure that external stakeholders visiting ITEC premises are subject to appropriate Safeguarding control measures.
- 2.17 Ensure that organisations who deliver sub - contracted provision comply with ITEC Safeguarding procedures
- 2.18 If an employee is employed in a regulated or controlled job role and becomes barred as a result of conduct inside or outside of their employment, this will be deemed as gross misconduct and dealt with in accordance with ITEC's Disciplinary and Grievance Procedures
- 2.19 Ensure equality of opportunity will be available to all vulnerable people regardless of their race, gender, sexuality, class, religion, culture or disability

### 3 Definition of a Child

- 3.1 A **child** is anyone who has not yet reached their 18th birthday.

### 4 Definition of a Vulnerable Adult

- 4.1 A vulnerable adult is defined as person who is 18 years of age or over, and who is (or may be) in need of community care services by reason of mental or other disability, age or illness and who is (or may be) unable to take care of themselves, or unable to protect themselves against significant harm or serious exploitation.
- 4.2 The main categories covered by this definition include people who:

Health	receive any form of health care
Social Care	live in residential accommodation including sheltered housing
	receive domiciliary care
	receive support, assistance or advice to help them live independently
	require assistance in the conduct of their own affairs
	receive a direct payment
	are expectant/nursing mothers in residential accommodation provided by the Local Authority or the National Health Service
Sport, faith, voluntary	receive any service or participates in activity provided specifically because of age or disability
Justice	is detained in lawful custody
	is on probation

### 5 Scope

- 5.1 All learners enrolled with ITEC, employees (permanent, temporary, fixed term, agency and contract), sub-contractors, visitors, carers and volunteers will be covered by this policy

## **6 Legislation**

The Safeguarding Policy affirms its commitment to the current and any subsequent enacted legislation governing Safeguarding vulnerable people in particular:-

- Equality Act 2010
- Apprenticeships, Skills, Children and Learning Act 2009
- Health and Social Care Act 2008
- Safeguarding Vulnerable Groups Act 2006
- Safeguarding Children and Safer Recruitment in Education 2006
- Disability Discrimination Act 1995, 2005
- Mental Capacity Act 2005
- Domestic Violence Crime and Victims Act 2004
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion & Belief) Regulations 2003
- Sexual Offences Act 2003
- Special Educational Needs & Disability Discrimination Act 2001
- Care Standards Act 2000
- Race Relations (Amendment) Act 2000
- Protection of Children Act 1999
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Human Rights Act 1998
- Race Relations Act 1976
- Sex Discrimination Act 1975

## **7 Corporate Responsibilities**

- 7.1 It is the responsibility of Directors and Senior Managers to ensure ITEC has clear guidelines and policies in relation to Safeguarding legislation and to take appropriate measures to ensure their implementation and effectiveness
- 7.2 It is the responsibility of all staff, to adhere to the Safeguarding Policy and associated procedures

## **8 Actions to Develop and Implement Policy**

ITEC will:

- 8.1 Review and amend the Safeguarding Policy in response to changes in legislation and local LSCB and AAPC protocols as the need arises
- 8.2 Routinely maintain and review the Safeguarding Policy annually
- 8.3 Educate and train staff in the development of the Safeguarding Policy and Procedures
- 8.4 Ensure participation of staff in consultation events in relation to the development of policy and procedure
- 8.5 Educate and train staff in the implementation of the Safeguarding Policy and Procedures
- 8.6 Liaise with all appropriate bodies in order to develop the policy e.g. Home Office, ISA

- 8.7 Implement practical measures to ensure the principles of Every Child Matters is followed
- 8.8 Provide information advice and guidance through the Learning Mentor process
- 8.9 Provide additional support services e.g. counselling where appropriate
- 8.10 Share information with third parties so that effective decisions can be made and appropriate preventative action taken
- 8.11 Take action against those who abuse vulnerable people.

## 9 Related Policies

In addition to the Safeguarding Policy, allegations of a Safeguarding nature against a member of staff will be subject to the following ITEC policies and procedures:

- Anti Bullying Policy
- Safe Recruitment Policy
- Equality and Diversity Policy
- Acceptable use of technology policy
- Harassment Policy
- Whistleblowing Policy
- Learner Behaviour Policy
- Disciplinary Policy and Procedure
- Grievance Procedure
- Staff Recruitment Policy
- Staff Development Policy
- Health and Safety Policy
- Complaints Policy
- Code of professional conduct for staff

## Guidance

### 10 Key Principles

The key principles that underpin this Safeguarding policy and guidance for vulnerable people are found in the [Human Rights Act 1998](#), [the Children Act 2004](#) and the [Safeguarding Vulnerable Groups Act 2006](#). They are explained in the documents '[Safeguarding Children: Working Together under the Children Act 2004](#)', the '[UN Convention on the rights of the child](#)', to which the United Kingdom is a signatory, and '[In Safe Hands: implementing Adult Protection Procedures in Wales](#)'.

#### 10.1 Risk Definitions

The risk to a vulnerable person is defined as intentional or non-intentional abuse which results (or could result) in 'significant harm' to the abused person.

The term 'significant harm' refers to:

- Ill treatment (including sexual abuse and forms of ill treatment that are not physical);
- Impairment of, or an avoidable deterioration in, physical or mental health; and
- Impairment of physical, emotional, social or behavioural development.

Where the question of whether harm suffered by a vulnerable person is significant, the focus is on the vulnerable person's health or development, their health or development shall be compared with that which could reasonably be expected of a similar individual.

### **Actions or omissions that constitute abuse**

Abuse may consist of a single act or repeated acts. It can be physical, verbal, psychological, financial or material. The abuse can be an act of neglect or an omission to act and the abuse may be the unintended consequences of a person's actions. It can and may occur, for example, when a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not consented or cannot consent to. Abuse can occur in any relationship but commonly is an abuse of power. It is not unusual for an abused person to suffer more than one kind of abuse.

These are some of the most common types of abuse in relation to vulnerable people

#### **10.1.2 Neglect**

The persistent or severe neglect of a vulnerable person, or the failure to protect them from exposure to any kind of danger, including cold, starvation or extreme failure to carry out important aspects of care, resulting in the significant impairment of their health or development, including non-organic failure to thrive.

#### **10.1.3 Physical Abuse**

The hitting, slapping, shaking, pushing, kicking, throwing, poisoning, misuse of medication, burning, scalding, drowning, suffocating, undue restraint, inappropriate sanctions or otherwise causing physical harm to a vulnerable person. Physical harm may also be caused when a parent or carer fabricates or induces illness in a vulnerable person who they are looking after.

#### **10.1.4 Emotional or Psychological Abuse**

The persistent emotional ill-treatment of a vulnerable person such as to cause severe and persistent adverse effects on the person's emotional, behavioural development or well-being. This includes threats of harm, abandonment and humiliation. It also includes verbal abuse, racial abuse, isolation and withdrawal from services or supportive networks

#### **10.1.5 Sexual Abuse**

Non-consensual sexual activity with a vulnerable person whether or not the person is aware of what is happening, including:

- Physical contact, including penetrative or non-penetrative acts
- Non-contact activities, such as involving vulnerable people in looking at, or in the production of, pornographic material or watching sexual activities
- Encouraging vulnerable people to behave in sexually inappropriate ways.

#### **10.1.6 Financial or Material Abuse**

Includes theft, fraud, pressure around wills, property or inheritance, misuse or misappropriation of benefits/allowances

### **10.1.7 Institutional Abuse**

Institutional abuse includes the practice of an abusive regime or culture which destroys the dignity and respect to which every person is entitled. It is the mistreatment of people brought about by inadequate care or support, and poor practice that affects the whole setting. It occurs when the individual's wishes and needs are sacrificed for the smooth running of a group, service or organisation.

## **11 The Local Authority's role in relation to Safeguarding Children**

It is the duty of the local authority to make enquiries if it has reason to suspect that a child in its area is suffering, or likely to suffer significant harm, to enable it to decide whether it should take any action to safeguard or promote the child's welfare. This is referred to as the 'local authority's duty to investigate'. Each local authority has a Local Safeguarding Children Board (LSCB) covering its area (refer to appendix 1), which brings together representatives of the main agencies and professional responsible for helping to protect children from abuse;

### **11.1 The role of Local Safeguarding Children Boards**

Local Safeguarding Children's Boards are required to:

- Protect children from abuse and neglect
- Target policies and practice at those children who are suffering, or at risk of suffering significant harm
- Ensure that effective policies and working practices are in place to protect children and that they are properly co-ordinated
- Promote the welfare of all children

The objective of a Local Safeguarding Children's Board is:

- To co-ordinate what is done by each person or body represented on the Board for the purposes of Safeguarding and promoting the welfare of children in the area of the authority by which it is established
- To ensure the effectiveness of what is done by each such person or body for those purposes. (Section 32(1); Children Act 2004)

## **12 The Local Authority's role in relation to Safeguarding Vulnerable Adults**

The local authority also has a duty to develop and lead the implementation of multi-agency policies and procedures to protect vulnerable adults from abuse. They have robust procedures in place for dealing with incidents of abuse and to identify the next step forward in responding to the diversity of circumstances in which harm and exploitation occur to the at-risk group.

### **Procedures**

## **13 Organisational Responsibilities**

### **Directors and Senior Managers**

It is the responsibility of Directors and Senior Managers:

- To ensure that all staff are trained and aware of the policy.
- To ensure that appropriate resource is applied to Safeguarding procedures
- To monitor and evaluate the effectiveness of Safeguarding provision
- To provide advice and guidance as required

### **Decision Maker**

It is the responsibility of the Decision Maker to:

- Keep up to date knowledge on changes and developments in legislation
- Ensure that ITEC's policies and procedures on Safeguarding are reviewed at least annually and kept up to date in the meantime if a need arises;
- Ensure that appropriate links are established between the Safeguarding policy and other ITEC policies
- Provide the senior management team and Directors with regular updates on Safeguarding matters
- Oversee the function of the HR and Skillbuild Managers in relation to Safeguarding activity
- Issue instructions to carry out an internal investigation (allegations against staff only)
- Make decisions on whether to refer to the appropriate authorities
- Instruct the HR Manager or Skillbuild Manager (as appropriate to refer abuse to the relevant authorities
- Record actions in the Safeguarding Log
- Cooperate with any external investigation resulting from a referral
- Cooperate with the work of the LSCB and AAPC

### **Skillbuild Manager**

It is the responsibility of the Skillbuild Manager to:

- Contribute to the development of the Safeguarding Policy
- Take direction and act on instructions given by the Decision Maker with responsibility for Safeguarding
- Make referrals to social services and/or the police using the appropriate protocols (available from z:/Safeguarding)
- Record actions in the Safeguarding Log
- Cooperate with any external investigation resulting from a referral
- Cooperate with the work of the LSCB and AAPC
- Liaise with HR to coordinate training for staff and contribute to the coordination of joint training with other agencies;

### **Human Resources Manager**

It is the responsibility of the Human Resources Manager to:

- Operate in accordance with the Policies and Procedures outlined in section 9.
- Contribute to the development of the Safeguarding Policy
- Carry out a Risk Assessment of existing and new Job Roles covered by the legislation
- Coordinate training for staff and contribute to the coordination of joint training with other agencies
- Ensure Enhanced CRB checks are made, ISA registration is complete and references are taken up within appropriate timescales

- Take direction and act on instructions given by the Decision Maker with responsibility for Safeguarding
- Make referrals to the Independent Safeguarding Authority under the terms of the Safeguarding Vulnerable Groups Act 2006 using form ISA Children's List or ISA Adults List.
- Respond to requests for further information from the Independent Safeguarding Authority under the terms of Safeguarding Vulnerable Groups Act 2006
- Record actions in the Safeguarding Log

### **Safeguarding Officers**

It is the responsibility of designated Safeguarding officers to:

- Contribute to the development of the Safeguarding Policy
- Act as the first point of contact for ITEC staff on Safeguarding matters
- Collect information regarding potential referrals and record the details in the Safeguarding Log
- Present information to the decision maker for the appropriate action to be instructed
- Liaise with HR to coordinate training for staff and contribute to the coordination of joint training with other agencies;

### **Staff**

It is the responsibility of all staff:

- To adhere to the Safeguarding Policy and procedures
- Participate in staff developments in relation to Safeguarding

## **14 Procedures for preventing the recruitment of unsuitable people from working with Vulnerable People**

It is the responsibility of the Human Resources Administrator to operate in line with ITEC's Safer Recruitment Policy and as a minimum:

- 14.1 Specify in advertisements that offers of employment are subject to the successful applicant not being barred under the Vetting and Barring Scheme for job roles requiring registration with the Independent Safeguarding Authority, satisfactory CRB checks and reference checks
- 14.2 Make the appropriate checks with the Independent Safeguarding Authority to ensure that the successful applicant is not barred under the Vetting and Barring Scheme prior to commencement of post.
- 14.3 Carry out baseline security checks
- 14.4 Complete the Enhanced CRB disclosure
- 14.5 Submit the Enhanced CRB disclosure within 3 working days.
- 14.6 Obtain references within 1 month of commencing employment with ITEC

Note. In certain situations, where appropriate, the Human Resources Manager will act in the capacity of the Human Resources Administrator

## 15 Procedure to be followed in the event of alleged or suspected abuse against a vulnerable person by a member of ITEC staff:

### The member of staff taking the allegation

- **Do not promise confidentiality** but explain that you are obliged to pass this information on;
- Listen carefully and sympathetically;
- Clarify what has happened but try to ask as few questions as possible
- Inform the Safeguarding Officer of the allegation immediately
- Complete sections 1-6 of the Safeguarding Log (available from the Quality Manual)
- Immediately inform the Safeguarding Officer and pass on the Safeguarding Log Paperwork
- Complete all actions above within an hour of notification

Note. Where the person taking the allegation is also the accused, they must immediately pass the allegation on to another member of staff or a Safeguarding Officer to carry out the actions outlined above and have no further contact with the person.

### The Safeguarding Officer

- Liaise with the informant as appropriate
- Advise the Decision maker of the issue/allegation immediately
- Record the information gathered in Sections 7 and 8 of the ITEC Safeguarding Log
- Review the case with the Decision Maker and make recommendations as necessary
- Complete all actions above within 2 hours of notification from the member of staff

Where the Safeguarding Officer is the subject of the allegation or unavailable, the duties of that person in relation to Safeguarding will be undertaken by an alternative Safeguarding Officer

### The Decision Maker

- Following initial contact from the Safeguarding Officer decide on the holding action, necessary. E.g. temporarily removing a staff member from their job function, temporarily removing the learner from provision pending review with the Safeguarding Officer
- Review the available evidence with the Safeguarding Officer
- Make the decision whether a potential Safeguarding issue is present
- Make the decision whether to suspend the subject of the allegation on full pay pending the conduct of an investigation
- Instruct the Human Resources Manager to conduct an investigation
- Review the findings of the investigation with the Human Resources Manager
- Identify whether the criteria for making a referral to the Independent Safeguarding Authority has been met
- Instruct the Human Resources Manager to make the necessary referral/s or reinstate the full employment status
- Complete sections 9 and 10 of the ITEC Safeguarding Log within 1 hour of notification

Where the Decision Maker is the subject of the allegation or unavailable, the duties of that person in relation to Safeguarding will be undertaken by the Director of Business Improvement.

### **The Human Resources Manager**

- If instructed to carry out an investigation, together with the person's line manager suspend the member of staff on full pay pending the outcome of the investigation
- Carry out an investigation with 5 days (even if the employee leaves employment) in order to gather sufficient evidence to decide whether the criteria for making a referral has been met
- Where the investigation is likely to exceed 5 days, notify all parties with reasons for delay and anticipated closure date.
- Following investigation, submit a report to the Decision Maker
- If instructed by the Decision Maker, make the referral to the Independent Safeguarding Authority using the Referral Form available from: [http://www.isa-gov.org.uk/PDF/SVGA\\_referral\\_form\\_final.pdf](http://www.isa-gov.org.uk/PDF/SVGA_referral_form_final.pdf)
- Liaise with the Independent Safeguarding Authority until a barring decision is made
- Communicate the barring decision to the employee (or ex-employee if they have left Employment)
- Communicate the decision to the Board of Directors.
- Where a member of staff is barred under the Vetting and Barring Scheme, together with the person's line manager, terminate the person's employment (unless the employee has already left ITEC employment)
- Ensure that a central record is kept of all communication and reporting occurrences in the Safeguarding file

Where the Human Resources manager is the subject of the allegation or unavailable, the duties of that person in relation to Safeguarding will be undertaken by the Skillbuild Manager

Note. Any appeal to action taken as a result of the investigation will be dealt with in accordance with ITEC's Disciplinary and Grievance Procedures

## **16 Procedure to be followed in the event of alleged or suspected abuse against a vulnerable person where the allegation IS NOT against a member of ITEC Staff**

### **The member of staff taking the allegation should:**

- **Not promise confidentiality** but explain that you are obliged to pass this information on;
- Listen carefully and sympathetically;
- Clarify what has happened but try to ask as few questions as possible
- Inform the Safeguarding Officer of the allegation immediately
- Complete sections 1-6 of the Safeguarding Log (available from the Quality Manual)
- Immediately inform the Safeguarding Officer and pass on the Safeguarding Log Paperwork
- Complete all actions above within an hour of notification

### **The Safeguarding Officer**

- Liaise with the informant as appropriate

- Advise the Decision maker of the issue/allegation immediately
- Record the information gathered in Sections 7 and 8 of the ITEC Safeguarding Log
- Review the case with the Decision Maker and make recommendations as necessary
- Complete all actions above within 2 hours of notification from the member of staff

Where the Safeguarding Officer is unavailable, the duties of that person in relation to Safeguarding will be undertaken by an alternative Safeguarding Officer

### **The Decision Maker**

- Following initial contact from the Safeguarding Officer decide on the holding action, necessary. E.g. temporarily removing the learner from provision pending review with the Safeguarding Officer
- Review the available evidence with the Safeguarding Officer
- Make the decision whether a potential Safeguarding issue is present
- Instruct Skillbuild Manager to make the necessary referral/s
- Complete sections 9 and 10 of the ITEC Safeguarding Log

Where the Decision Maker is unavailable, the duties of that person in relation to Safeguarding will be undertaken by the Director of Business Improvement.

### **The Skillbuild Manager**

- If instructed by the Decision Maker, make the referral to the Social Services Department
- Ensure that a central record is kept of all communication and reporting occurrences in the Safeguarding file

Where the Skillbuild manager not available, the duties of that person in relation to Safeguarding will be undertaken by the Human Resources Manager

## Appendix 1

### Telephone contacts for local Safeguarding boards

COUNTY	TELEPHONE
Blaenau Gwent	01495 357727
Bridgend	01656 642346
Caerphilly	01443 864798
Cardiff	02920 774600
Carmarthenshire	01267 228759
Ceredigion	01545 574212
Conwy	01492 575164
Denbighshire	01492 575164
Flintshire	01352 704966
Gwynedd	01286 679926
Isle of Anglesey; Ynys Môn	01286 679926
Merthyr Tydfil	01685 724686
Monmouthshire	01633 644644
Neath Port Talbot	01639 763333
Newport	01633 235296
Pembrokeshire	01437 776566
Powys	01597 827128
Rhondda Cynon Taff	01443 495135
Swansea	01792 636000
Torfaen	01633 648571
Vale of Glamorgan	01446 704701
Wrexham	01978 295408

## Appendix 2 - ITEC Reporting Structure for Safeguarding Issues

