Safeguarding children, young people and vulnerable adults

City & Guilds

Policy, procedures and guidance for all staff and representatives

www.cityandguilds.com
October 2007
Version 1.1

This is the mandatory reporting policy and procedures for all City & Guilds Group staff and representatives. Representatives include external verifiers, examiners and consultants who publicly represent the City & Guilds Group and may be required to visit centres and interact directly with learners.

This document was prepared with the assistance of the NSPCC Consultancy Service. The NSPCC cannot accept responsibility for the implementation and application of the procedures

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City & Guilds Group

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1 Introduction

1.1 Commitment

The City & Guilds Group, as the leading provider of vocational qualifications in the UK is committed to safeguarding the interests of children, young people and vulnerable adults. It believes that everyone who participates in the organisation's learning activities should be able to take part in an environment that is both safe and enjoyable.

The City & Guilds Group will endeavour to safeguard children, young people and vulnerable adults by:

- valuing them, listening to and respecting them
- maintaining policy, procedures and a code of conduct for staff and representatives which adheres to the requirements of the Joint Council for Qualifications
- recruiting staff and representatives safely by ensuring all necessary checks are made in line with government guidance and legislation
- Briefing all staff and appropriate representatives on the policy and procedures and providing access to relevant information and designated personnel
- ensuring that all assessments, communications, documentation, records, materials, personnel deployment, processes and procedures in no way undermine the interests of children, young people and vulnerable adults but actively seek to protect them
- respecting confidentiality whilst sharing information about concerns with agencies who need to know and appropriately involving parents, children, young people and vulnerable adults
- providing effective support and management for staff and representatives

While primarily intended to safeguard children, young people and vulnerable adults this safeguarding policy also serves to protect staff and representatives from unsubstantiated allegations of improper conduct.

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2 Legal Context

2.1 Children and young people

This policy takes into account relevant legislation and guidance such as.

- The Children's Act (Scotland) (1995);
- *The Children's Order* (Northern Ireland) 1995;
- *Protecting Children – A Shared Responsibility* (Scottish Executive 1998)
- *Safeguarding Children: Working Together under the Children Act 2004* (National Assembly for Wales 2006);
- *What to Do If You're Worried a Child Is Being Abused* (DH, Home Office, DfES, Office of the Deputy Prime Minister, Lord Chancellor's Department, 2003).
- *Working Together to Safeguard Children* (HM Government 2006);

It is particularly informed by the requirements of the Children Act (1989), which provides a framework for the care and protection of children and young people and the Children Act (2004*)* which underpins the Every Child Matters: Change for Children.

These promote a new approach to the well-being of children and young people from birth to 18. The aim is for every child or young person, whatever their background or circumstances, to have the support they need to achieve their full potential. These government frameworks include an outcome that children and young people should be able to stay safe, live in a safe environment and be protected from harm.

This means that all organisations providing services to children or young people have a responsibility to share information and work together, to protect them from harm and to help them to achieve what they want in life.

2.2 Vulnerable adults

For the purposes of this policy the term "vulnerable adult" refers to someone over the age of 18 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 him or herself, or unable to protect him or herself against significant harm or serious exploitation."

"Who Decides" Lord Chancellor's Department 1997

There is no mandatory legislation or statutory responsibility to report the abuse of vulnerable adults; however the same principles that apply to children should be used to ensure appropriate action is taken to protect vulnerable adults.

Schedule Four Offenders and individuals banned form working with children, young people and/or vulnerable adults

Under the Criminal Justice and Court Services Act 2000, it is an offence punishable by imprisonment to apply for work with children, young people and/or vulnerable adults if an individual has been:

- Convicted of a Schedule Four Offence[1] and/or;
- Put on the Protection of Children Act List (POCA[2]) and/or;
- Put on the Protection of Vulnerable Adults List (POVA[3]) and/or;
- Considered unsuitable or banned from working with children under section 142 of the Education Act of 2002[4].

If such information is received as a result of a CRB check the individual must be **immediately** reported to the police. In such circumstances, an existing member of staff would be subject to disciplinary action (up to and including dismissal). An existing representative would have their contract cancelled.

It is also an offence for anyone knowingly to employ such a person in such a capacity, either on a voluntary or a paid basis.

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[1] Schedule Four offences include murder, manslaughter, rape and offences against children

[2] POCA: Protection of Children Act List. This is a list, managed by the Department for Education and Skills (DfES) on behalf of the Department of Health(DH), of people banned from working with children.

[3] POVA: Protection of Vulnerable Adults List. This is a list, managed by the Department for Education and Skills (DfES) on behalf of the Department of Health(DH), of people banned from working with vulnerable adults

[4] This list maintained by the Department for Education and Skills (DfES) and was formally known as 'List 99'.

3 Recruitment of Staff and Representatives

3.1 Declaration Disclosure for staff and representatives

The City & Guilds Group does employ people in positions that involve having contact with children, young people and vulnerable adults and as such we are required to make reasonable efforts to ensure that they are suitable for those positions. This includes new employees, representatives and appropriate existing staff.

During recruitment a role profile will be sent to all applicants, this will indicate that the position they have expressed an interest in, is one covered by the Rehabilitation of Offenders Act Exceptions Order 1975. The City & Guilds Group require completion of a signed *Disclosure Declaration* providing all details of criminal convictions, cautions, reprimands, warnings etc, and the penalty or penalties imposed, whether or not regarded as spent under the Rehabilitation of Offenders Act 1974 as well as any criminal proceedings or investigations currently being undertaken.

The City & Guilds Group reserves the right, where disclosures have been made, to require that the applicant undertakes, at their own expense, a Criminal Records Bureau check.

The information received will be treated with the utmost confidentiality and will only be used by the Disclosure Panel to reach a conclusion as to whether a contract or employment should be offered to the applicant. The information received around disclosures will, unless there are exceptional circumstances, be securely destroyed within a period of 6 months.

In order to ensure the robustness of its safeguarding procedures, the City & Guilds Group reserves the right each year to request that a small sample of appropriate staff and representative applicants undertake a Criminal Bureau check at the Group's expense.

If an applicant refuses either to complete the *Disclosure Declaration Form* or to consent to a subsequent CRB check deemed necessary by the City & Guilds Group, their role application will not be progressed any further.

All offers of employment or contract are subject to the provision of two agreeable references.

3.2 Recruitment of ex-offenders

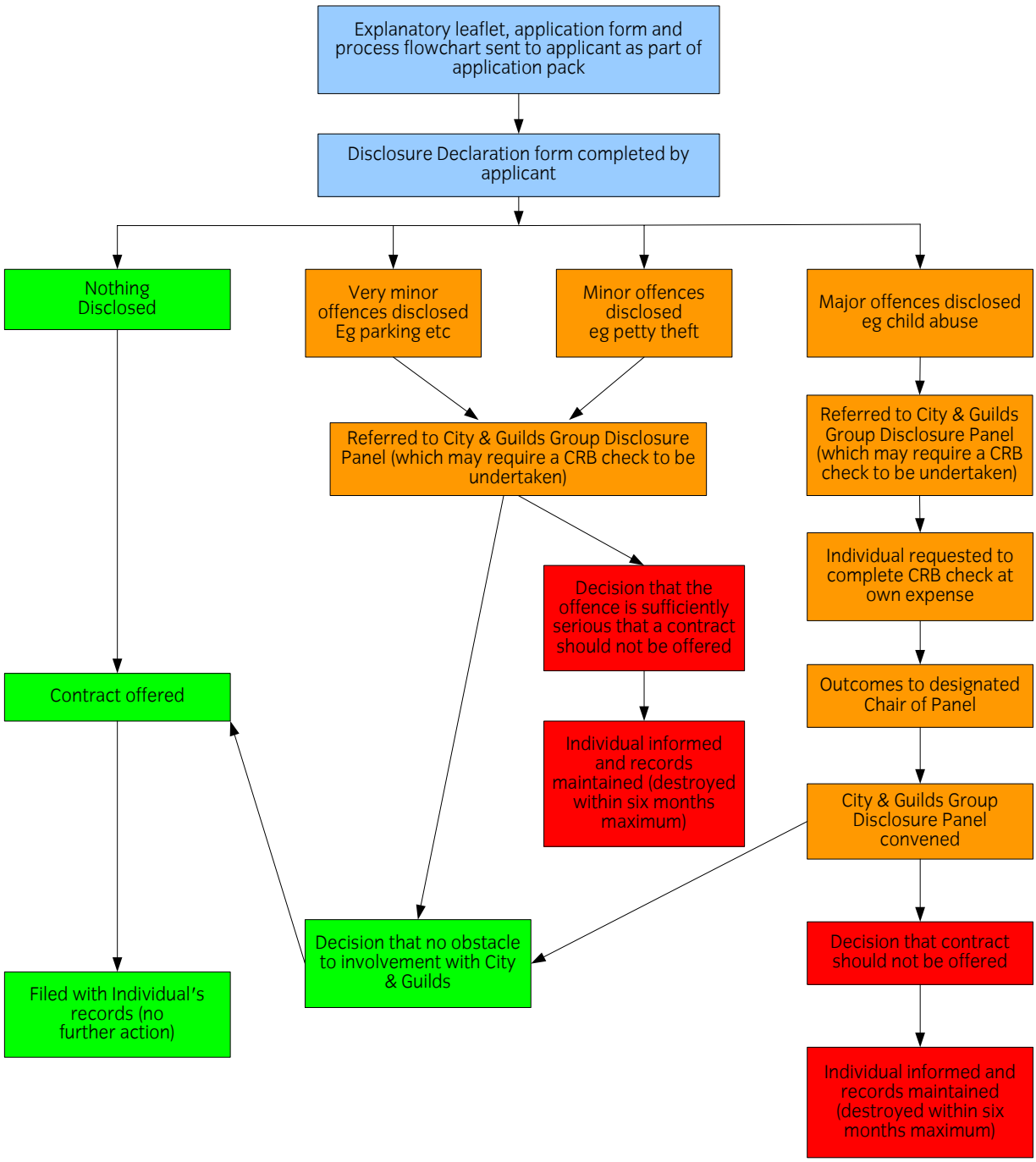
The following extract is a summary of the City & Guilds Group's policy on the recruitment of ex-offenders. Full details of the policy and procedural guidance regarding CRB checks can be found on the City & Guilds corporate website. This policy will be made available as part of the recruitment process to all applicants who may be required to undertake a CRB check as a condition of a contract or employment offer.

Having a criminal record will not necessarily bar an applicant from working with the City & Guilds Group. The City & Guilds Group complies fully with the Criminal Records Bureau's Code of Practice available at **www.crb.gov.uk** and undertakes not to unlawfully discriminate against any individual on the basis of a conviction or other information revealed on the Disclosure documentation. Any action taken on the basis of such information will depend on the nature of the role and the circumstances and background of the offence.

Disclosure of offences does not in itself mean that in every instance a contract or offer of employment will not be issued.

The City & Guilds Group strongly believes in the rehabilitation of offenders and that gainful employment is an integral part of this process. Therefore, before reaching a decision on an individual contract offer, careful consideration will be given to the individual circumstances of the applicant and to the risks to the welfare and protection of children, young people and vulnerable adults with whom the applicant may come into contact, as part of their role with the City & Guilds Group.

Safeguarding: Disclosure process flow sheet



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4 Secure storage, handling, use, retention and disposal of CRB checks

The City & Guilds Group complies fully with the CRB Code of Practice, **www.crb.gov.uk**, regarding the correct handling, use, storage, retention and disposal of all Disclosure information including CRB checks. It also complies fully with its obligations under the Data Protection Act 1998. The City & Guilds Group will ensure that information contained in the Disclosure Declaration form (Appendix 2) is available only to those who need to have access in the course of their duties. Details of this can be found in the full City & Guilds Group policy on the recruitment of ex-offenders.

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5 Code of conduct

The City & Guilds group expect that all staff and representatives will behave appropriately at all times. In order to provide guidance as to what constitutes appropriate behaviour in terms of safeguarding children, young people and vulnerable adults; the City & Guilds group has developed a **Code of Conduct**. All staff and representatives are required to read, sign and forward a signed copy of the **Disclosure Declaration Form** (Appendix 2), either to Human Resources departments (WS4) or the appropriate department within The City & Guilds Group.

The **Code of Conduct** can be found at the end of this document in **Appendix 3**.

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6 Reporting Policy and Procedures

6.1 Responding to Safeguarding concerns

Roles and Responsibilities

It is vital that anyone who suspects that a child, young person or vulnerable adult is at risk of harm or abuse, takes personal responsibility to act. Keeping worries or concerns to yourself may put children, young people and vulnerable adults at further risk of harm. It is not the City & Guilds Group's responsibility to investigate a child or adult safeguarding complaint but to refer concerns to local children's and/or adults social care departments or the police.

Responding to a safeguarding concern

Concerns about safeguarding children, young people and vulnerable adults may arise in different situations. You may:

- witness or observe something
- hear it in person or from others by phone/email/letter
- be told directly.

The following guidance must be followed if you receive an allegation of child, young person or vulnerable adult abuse or if a disclosure or allegation of abuse is being made to you by a child, young person or vulnerable adult:

- listen to what they have to say with an open mind
- do no not ask probing or leading questions designed to get them to reveal more
- never stop a person who is freely recalling significant events
- check your understanding of the situation, without being investigative
- explain that you cannot keep such information confidential, and that you have a responsibility to report what they have said to the designated Safeguarding Leads. It is important to record if the person has consented to having the information shared
- make a note of the discussion, taking care to record the timing, setting and people present as well as what was said
- ensure that any medical attention needed is addressed as a priority.

If an allegation of abuse is being made against you

- Please advise your line/regional manager and the Designated Leads, even if you think it is trivial.
- If the City & Guilds Group receives an allegation against you, they will inform you and may suspend you from your duties while the matter is investigated. Any allegation will be scrupulously investigated, having regard to confidentiality.
- If your behaviour is deemed to contravene the Code of Conduct, this will be treated as a disciplinary matter.

Recording Information

If you are a representative please inform the regional office of the situation. If this is not possible or appropriate go directly to the Safeguarding Leads. If you are a member of staff go directly to the Safeguarding Leads

Use the City & Guilds Group Safeguarding Concerns Report Form (Appendix 4) to record as much information as you can about the situation. What has happened, where and when, who was involved and any contact details, also record what action, if any, has so far been taken. This information should be passed immediately (within 3 working days) to the City & Guilds Group's Safeguarding Leads. You can do this by phone or email. **0207 2943 344** or **safeguarding@cityandguilds.com**.

Please do pass on what information you have, even if the informant has only divulged a little or will not give their details. The information may join up with something else from someone else. It is best not to talk about this information with anyone other than the Safeguarding Leads as rumour spreads quickly, can be damaging and might even hinder any investigation that may result.

What will happen next

When you contact the designated Safeguarding Leads for the City & Guilds Group, they may discuss your concerns with you and decide what action to take. They will not start a safeguarding investigation but will make sure if necessary that the relevant authorities have the information they need to decide themselves what to do next. The Safeguarding Leads will treat all information received with complete discretion, and will maintain as much confidentiality as possible whilst making sure that action is taken to safeguard a child, young person or vulnerable adult. All information given will be treated seriously and with respect for the person providing it.

Information sharing

If the allegation constitutes a criminal offence then the City & Guilds Group will **always** share the information with relevant social care agencies in order to protect the child, young person or vulnerable adult. If there is insufficient information to enable a referral then the reasons for this will be recorded.

The City & Guilds Group recognise their responsibility to protect the identity of anyone reporting suspected or actual abuse and no such disclosure will be made without careful consultation and prior approval at senior level. Gaining approval for disclosure will not delay the consultative and referral process as the welfare of a child, young person or vulnerable adult will always be the paramount consideration.

Further support

It is always possible that reading or talking about safeguarding will cause distress, particularly if you have had direct experience yourself. If you are an employee and would like support, then do make use of the confidential **Employee Assistance Programme**. The service is free and can be contacted 24 hours a day and seven days a week on **0800 282193**. Counselling advice on the telephone or face to face can be made available. The EAP website can be accessed through City Centre.

Any individual requiring further advice or support can contact the **NSPCC Child Protection Helpline.** This is staffed 24 hours a day, 7 days a week on **0808 800 5000**.

6.2 Designated Safeguarding Leads

The responsibilities of the City & Guilds Group Designated Safeguarding Leads are to:

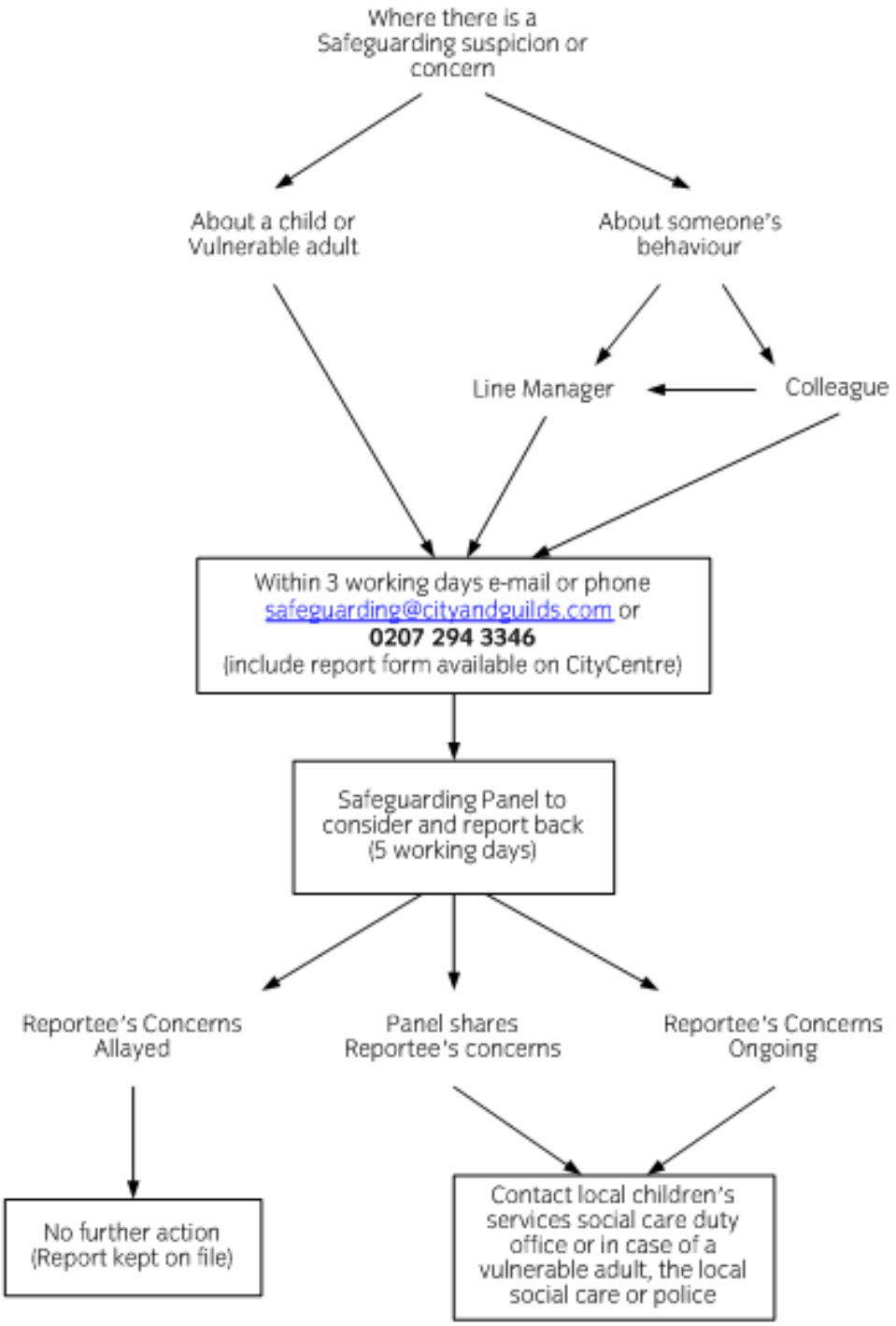
- act as a source of advice on safeguarding matters
- receive copies of the Safeguarding Report forms
- Receive appropriate copies of the *Disclosure Declaration Form*
- Constitute the Disclosure Panel with one other external individual from an adults' or children's care service
- respond to communications made to the Safeguarding email or telephone line
- co-ordinate action within the City & Guilds Group and liaise with health, children, young people or adult services and other agencies about suspected or actual cases of child, young person or adult abuse
- provide guidance and support to those dealing with any issues about safeguarding children, young people or vulnerable adults involving the inappropriate behaviour or actions of a member of City & Guilds Group staff or representatives
- advise on safeguarding training within the City &Guilds Group.

At the time of implementation the Safeguarding leads are:
Jennifer Bernard
Joanna Hurren

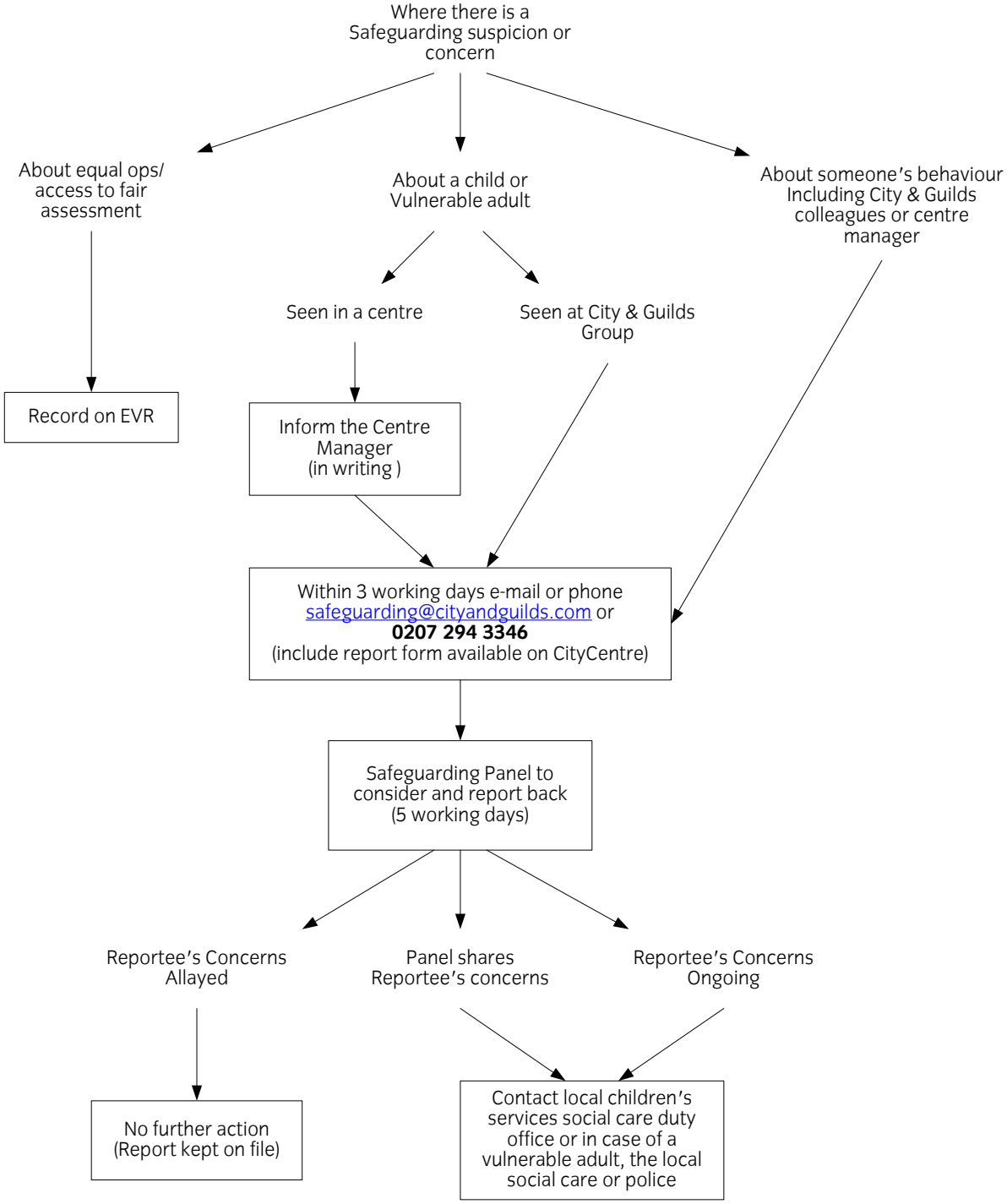
Both Jennifer and Joanna are currently registered Social Workers with between them many years involvement in children's and adult services.

Other registered Social Workers employed by the City & Guilds Group may be co-opted into this group to ensure year around coverage.

Reporting Flow Sheet A (City & Guilds Group Staff)



Reporting Flow Sheet B (Representatives)



7 Implementation

In order to achieve the successful implementation of this policy, the City & Guilds Group will:

- issue the general policy statement to all its staff, representatives, centres and partner organisations to ensure that it should be available on request to learners and other interested parties
- provide development activities appropriate to the needs of staff and representatives on a regular basis
- ensure that issues concerning safety and confidentiality are addressed as an integral part of qualification development, review and assessment guidance
- maintain a safeguarding children, young people and vulnerable adults corporate reference group which will oversee the development and implementation of the policy and to advise on changes and amendments as appropriate
- require that all appropriate City & Guilds Group staff and representatives complete an annual, signed Disclosure Declaration covering offences, cautions, reprimands, warnings etc.
- require centres to treat all City & Guilds Group staff and representatives as visitors, and ensure that they are appropriately accompanied.

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Appendix 1 Key definitions and concepts

Although the legal context is different for vulnerable adults, much of the following information on the types of abuse and neglect of children and young people is also applicable to vulnerable adults.

Abuse and Neglect – Children and young people

It is generally accepted that there are five main forms of abuse. The following definitions are based on those from *Working Together to Safeguard Children* (HM Government 2006) and Safeguarding Children: Working Together under the Children Act 2004.

Abuse and neglect are forms of maltreatment of a child or young person. Someone may abuse or neglect a child or young person by inflicting harm, or by failing to act to prevent harm. Children or young people may be abused in a family, institutional setting or community setting; by those known to them, or more rarely by a stranger. They may be abused by adult/s, another child or children or young people.

Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child or young person. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness. An important indicator of abuse is where bruises or injuries are unexplained or the explanation does not fit the injury.

Emotional Abuse

Emotional abuse is the persistent emotional ill treatment of a child or young person such as to cause severe and persistent adverse effects on the child's or young person's emotional development. It may involve making a child or young person feel or believe they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve serious bullying causing children and young people frequently to feel frightened or in danger, or the exploitation or corruption of children or young people. Some level of emotional abuse is involved in all types of ill treatment of a child or young person, though it may occur alone.

Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution whether or not the child or young person is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may also include non-contact activities, such as involving children or young people in looking at pornographic material or watching sexual activities, or encouraging children or young people to behave in sexually inappropriate ways.

Neglect

Neglect is the persistent failure to meet a child's or young person's basic physical and psychological needs, likely to result in the serious impairment of the child's or young person's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child or young person from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of a child's or young person's basic emotional needs.

Bullying

Bullying may come from another child or young person or an adult. Bullying is defined as - deliberate hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves.

There are four main types of bullying.

1 - physical (e.g. hitting, kicking, slapping),
2 - verbal (e.g. racist or homophobic remarks, name-calling, graffiti, threats, abusive text messages),
3 - emotional (e.g. tormenting, ridiculing, humiliating, ignoring, isolating from the group),
4 - sexual (e.g. unwanted physical contact or abusive comments).

Additional Information

Some children or young people may be particularly vulnerable to abuse. For example there is research which has found that children and young people with special needs are three times more likely to be abused than other children and young people. Reasons for this might be that children and young people with special needs :

- Have fewer outside contacts than others
- Have an impaired capacity to resist or avoid abuse
- Require intimate care from a number of carers which may both increase the risk of exposure to abusive behaviour and make it more difficult to set and maintain physical boundaries
- Use different communication methods or may lack the appropriate vocabulary - which might provide a barrier for a child or young person wanting to communicate about their concerns

Some studies suggest children or young people from minority ethnic groups may be at increased risk of abuse through factors such as stereotyping, prejudice and discrimination.

There is also extensive evidence that children and families from ethnic minority groups often fail to receive an appropriate service from the statutory authorities when concerns are raised about a child's welfare. Over-reaction and inaction have both been shown to be based on misunderstandings and misinterpretations of different cultural patterns, which have led to failure to meet children's or young people's needs.

Other groups of children or young people who might be particularly vulnerable are those who are seeking asylum, looked after, or who are living with parents/carers who misuse drugs and/or alcohol.

Vulnerable Adults Abuse-Definitions

Adult abuse is**:**

- a violation of an individual's human and civil rights by any other person or persons
- any behaviour towards a person that deliberately or unknowingly causes him or her harm, endangers their life or violates their rights.
- Abuse may be physical, sexual, emotional, financial or through neglect or discrimination.
- Abuse may be perpetrated by an individual, a group or an organisation.

"No Secrets" DOH 2000

Financial Abuse, Discriminatory Abuse & Institutional Abuse

- Financial abuse is abuse or misuse of possessions or money. Indicators may be an unusual shortage of money to pay bills, to buy food or to maintain adequate living conditions.
- Discriminatory abuse is harassment or similar discriminatory or derogatory treatment which is racist, sexist or refers to disability.
- Institutional abuse or Practice abuse is neglect due to bad or poor care practice or unsatisfactory professional practice and low standards.

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Appendix 2 Disclosure Declaration Form

I can confirm that I have read and understood the Safeguarding children, young people and vulnerable adults **Code of Conduct and Disclosure Declaration** and due to the nature of my services and for the purposes of the *Rehabilitation of Offenders Act Exceptions Order 1975* am willing to provide details of any criminal convictions and the penalty imposed, whether or not regarded as spent under the *Rehabilitation of Offenders Act 1974*.

I have nothing to disclose: ☐

I wish to disclose the following (please list convictions etc.):

Please detail any criminal proceedings or investigations currently being investigated or pending investigation that involve you:

I agree to abide by the requirements of the Code of Conduct (Appendix 3): ☐

Please enclose this form in a sealed envelope clearly marked Disclosure Declaration and return to City & Guilds to 'Safeguarding Department'.

Name (please print): ……

Signature: …… **Date**: ……

Address …… **Post Code**……

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Appendix 3 Code of Conduct

All City & Guilds Group staff and representatives are required to acquaint themselves with the City & Guilds Group's policies and procedures on Safeguarding Children, Young People and Vulnerable Adults.

Code of Conduct

All staff and representatives **must**:

- listen, value and respect everyone as an individual
- appropriately involve learners/students in decision making
- encourage and praise achievement
- actively contribute to an organisational culture where inappropriate behaviour is not tolerated
- provide an example of the good conduct you wish others to follow
- ensure that whenever possible there is more than one adult present during activities with children, young people and vulnerable adults, or at least that you are within sight or hearing of others
- not give out personal information, or share email addresses, mobile phone numbers etc with any child, young person or vulnerable adult
- report all allegations/suspicions of abuse by seeking further support and guidance, including any allegation made against yourself or other staff
- ensure that any concerns about inappropriate behaviour are quickly and appropriately reported on to the designated Leads within the City & Guilds Group.
- Be aware that some young people and vulnerable adults may behave inappropriately. Any sanctions and approaches to discipline used must be appropriate to age and understanding.

Staff and representatives who come into contact with children, young people and vulnerable adults should always avoid:

- being alone or out of sight of others. Where privacy is required, the door should be left ajar having ensured that others have been informed and are within earshot
- transporting learners by car on ones own
- having unnecessary physical contact
- engaging in or allowing sexually provocative games or activities
- making or permitting suggestive or discriminating remarks to/or about children, young people or vulnerable adults
- meeting children, young people or vulnerable adults outside of organised/formal interaction
- entering a room where learners may be changing their clothes, or are not fully dressed, without first obtaining their clear permission
- participating in, or tolerating any bullying
- sexual relationships between staff/ representatives and learners where the former holds a position of trust over the learner are strictly forbidden and may constitute a criminal offence.

- Taking photographs or videos which include any participant unless authorised by the appropriate member of staff and the learner/parental (for children) consent has been given. This includes the use of camera phones.

Confirmation of understanding

Please sign the **Disclosure Declaration Form** (Appendix 2) to confirm that you have read and understood the conditions and agree to comply with the City & Guilds Safeguarding of children, young people and vulnerable adults **Code of Conduct**.

Appendix 4 Safeguarding Concerns Report Form

Name of Child/Young Person/Vulnerable adult		**Age and D.O.B** (if known)	

Name of Centre/Centre No and Centre Tel No. OR City & Guilds location			
Name of Colleague/Manager whose behaviour is causing concern		**Their work role**	

Are you reporting (please tick as appropriate):

a) your own concerns ☐

or

b) concerns raised with you by someone else ☐

If so, by whom? .....

Description of what has prompted concerns about a child/young person/vulnerable adult OR about the behaviour of another person (please include details of any specific incident, date, times)

Have you or anyone else spoken with the child/young person/vulnerable adult and/or parents/cares/other adult, OR with the identified other person/your manager **(please delete as appropriate).** If so, what was discussed?

To whom reported		**Date and time**	
Your name			
Your position			
Signature		**Date**	

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