

SAFEGUARDING OF CHILDREN AND VULNERABLE ADULT POLICY AND PROCEDURE

1.0 Introduction

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

- Children Acts 1989 and 2004
- Education Act (2002)
- Working Together to Safeguard Children (March 2015)
- Framework for the Assessment of Children in Need and their Families (2000)
- What to do if You are Worried a Child is being Abused (March 2015)
- Keeping Children Safe in Education: Statutory guidance for schools and college (March 2015)
- Counter-Terrorism and Security Act (2015)

Magic Beans Group will keep its policy and procedures on children 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.

Within Magic Beans Group, any student (Child or Adult) in danger of radicalisation or demonstrating extremist tendencies is deemed to be vulnerable and appropriate support under the PREVENT strategy or through CHANNEL will be sought.

1.2 This policy deals with the protection of Children and Vulnerable Adults. Children are those under 18 years of age, or, children in the care of our students on placement if relevant

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 of a type listed in paragraph (3) below has a disability of a type listed in paragraph (4) below'.

(2) The services are -

- (a) accommodation and nursing or personal care in a care home;
- (b) personal care or nursing or support to live independently in his/her own home;
- (c) any services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body;
- (d) social care services; or
- (e) any services provided in an establishment catering for a person with learning difficulties.

(3) The conditions are -

- (a) a learning or physical disability;

- (b) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or
- (c) a reduction in physical or mental capacity.
- (4) The disabilities are -
 - (a) a dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
 - (b) severe impairment in the ability to communicate with others; or
 - (c) impairment in a person's ability to protect himself from assault, abuse or neglect.

A broader definition may also include a learner who has social emotional problems, and/or exhibits challenging behaviour

The Police Act 1997 (Enhanced Criminal Record Certificates) (Protection of Vulnerable Adults) Regulations 2013 require employers to carry out Disclosure and Barring Service Checks before employees are allowed to come into contact with vulnerable adults. Magic Beans Group is required under this legislation to apply for an enhanced check from the Disclosure and Barring Service (DBS) for staff working with such students. It is Magic Beans Group policy that all existing, and newly recruited staff are required to undergo a DBS enhanced check. This includes apprentices employed at Magic Beans Group.

2.0 Safeguarding Strategy

2.1 Magic Beans Group will:

Take a preventive approach to protecting young people and vulnerable adults from potential harm, damage, radicalisation or being drawn into terrorism (violent and non-violent extremism)

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 at Magic Beans Group.

Take all reasonable measures to ensure that risks 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 "Whistleblowing"
- Listening to learners and valuing their feedback
- Reacting to and reporting abuse
- Development of staff confidence
- Development of a culture of vigilance

3.0 Policy Statement

3.1 Magic Beans Group holds as one of its highest priorities the health, safety and welfare of all children, young people and vulnerable adults involved on courses or activities which come under the responsibility of the organisation

3.2 Magic Beans Group and all its staff have a collective and individual duty of care to ensure that its staff fulfil their responsibilities to prevent the abuse of children, young people and vulnerable adults and to report any abuse discovered or suspected.

3.3 This Safeguarding of Children 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.

3.4 Magic Beans Group will advise children, 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.

3.5 Magic Beans Group will work with appropriate local and national agencies, to ensure that children, young people and vulnerable adults are safeguarded through the effective operation of Magic Beans Group' Safeguarding children and vulnerable adult procedures.

Magic Beans Group adopts in totality the Department for Children, Schools and Families (DCSF) commissioned document "Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings" as good practice guidance.

A consultative approach will be adopted with external agencies to ensure good practice and the best outcomes for our learners.

3.6 Magic Beans Group recognises that any child, young person or vulnerable adult can be subject to abuse or radicalisation and all allegations of abuse or concerns about radicalisation will be taken seriously and treated in accordance with Magic Beans Group' procedures.

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

3.8 Magic Beans Group recognises its responsibility to implement, maintain and regularly review the procedures that are designed to prevent or notify suspected abuse.

3.9 Magic Beans Group is committed to supporting, resourcing and training those who work with or who come in to contact with children, young people and vulnerable adults and to providing appropriate supervision.

3.10 Magic Beans Group 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.

3.11 All staff will undertake training to equip them to carry out their responsibilities for Safeguarding Children, young people and vulnerable adults effectively including the PREVENT strategy. They will be kept up to date by refresher training at a

maximum of three year interval. The designated senior officer and designated senior leads will undertake refresher training annually to keep their knowledge and skills up to date.

3.12 Magic Beans Group has one designated senior officer (DSO), and two designated senior leads (DSL's) who are responsible for co-ordinating action within Magic Beans Group, and liaising with other agencies.

All referred cases will be reported to the DSO for information and/or advice and recorded on the secure safeguarding database for monitoring purposes. Appendix B contains the names and contact details of the DSO and DSL's.

3.13 Magic Beans Group operates safe recruitment procedures and ensures that all appropriate checks are carried out on new staff and volunteers who will work or come into contact with children including enhanced Disclosure and Barring Service (DBS) checks, Protection of Vulnerable Adults (POVA), Proceeds of Criminal Act (POCA) and list 99.

3.14 Any deficiencies or weaknesses with regard to safeguarding of children, young people and vulnerable adult arrangements will be brought to the attention of the CEO and remedied without delay.

4.0 Definition of Abuse

Children and Young People

4.1 Physical Abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, female genital mutilation 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.

4.2 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 children 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 children. 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 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, though it may occur alone.

4.3 Sexual Abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not 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 (fondling). They may include noncontact activities, such as involving children in looking at, or in production of, sexual on-line images, watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

4.4 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 care-givers)

Ensure access to appropriate medical care or treatment

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

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

Vulnerable Adults

4.6 **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.

4.7 **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.

4.8 **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.

4.9 **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.

4.10 **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.

4.11 **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.

4.12 **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.

5.0 Safeguarding Children and Vulnerable Adults Procedures and guidelines

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

5.2 Magic Beans Group will take steps to identify vulnerable young people and adults on admission to a course. Teachers 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 students defined as vulnerable and such students will come under the provisions of this policy

6.0 Advice to Staff on when to take Action and How

Children, 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 students.

6.1 It is the responsibility of **all** staff working within Magic Beans Group to record and refer concerns regarding the safeguarding of children, young people and vulnerable adults even if they are just suspicions or overheard rumours, but not to discuss it with anyone other than one of the designated officers. Out of hours referrals (after 17.00 and at weekends can be made via which is redirected to the Magic Beans Group officer on duty)

6.2 If a child, young person or vulnerable adult comes to you with a report of apparent abuse or a concern over radicalisation or extremism, you should listen carefully to him/her, using the following guidelines. When listening staff must:

- Allow them to speak without interruption
- Never trivialise or exaggerate the issue
- Never make suggestions
- Never coach or lead the 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

6.3 Once you suspect any abuse or extremism / radicalisation you should immediately (within a maximum of two hours) 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 children, young people or vulnerable adults.

6.4 If a designated officer cannot be contacted within two hours of the initial concern, the person making the report should refer the matter to a member of the senior management team or CEO.

6.5 With regard to children or young people, the designated officer must discuss the matter with the Local Authority Designated Officer (LADO), who will determine if it is a safeguarding matter. If it is a safeguarding matter, Social Services will take control of the situation, including such things as whether to inform parents/carers.

6.6 With regard to vulnerable adults, if it is decided by the designated officer that further action should be taken, they may:

- Seek further advice from the LADO
- Make a referral to Social Services
- Report the matter to the police if a crime is suspected

6.7 Magic Beans Group' designated officer will ask the referring member of staff to produce a full written record within 24 hours, which should:

- Include the name and position of the person who reported the matter
- Identify if the matter is a direct disclosure from a child, young person or vulnerable adult, a suspicion or an overheard conversation
- Provide a factual account of what has been overheard or what has been disclosed, including any questions they needed to ask to clarify understanding
- 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
- Be signed, dated and given to the designated officer who will store it in a secure place.

6.8 Detailed information about a case will be confined to the safeguarding team (detailed below), the Managing Director (MD), and, (if not implicated), parents/carers.

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

7.0 Confidentiality

7.1 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.

7.2 All conversations regarding a child or vulnerable adult should be held in private.

7.3 Magic Beans Group complies with the requirements of the Data Protection Act 1998, and Data Protection (Amendment) Act 2003 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
- ☑ Data Protection Act 1998 and Data Protection (Amendment) Act 2003

Each of these has to 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.

7.3 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.

8.0 Allegations against a member of staff

The primary concern of Magic Beans Group 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, Magic Beans Group designated officers will work in conjunction with the LADO in order to ensure that even apparently less serious allegations are seen to be followed up and examined objectively by someone independent of Magic Beans Group.

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.

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

8.2 In the event that any member of staff suspects any other member of staff of abusing a student, it is their responsibility to bring these concerns to the MD and a designated officer, except where the suspect is either of the aforementioned.

If the allegation concerns the MD, the matter should be discussed with one of the designated officers, who will call an emergency meeting of the safeguarding team. Normal procedures for Child and Vulnerable Adult Protection will be followed.

If the allegation concerns all of the designated officers, the matter should be discussed with the MD, who will follow the normal procedure for Child and Vulnerable Adult Protection as

outlined in Section 6.

8.4 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 take place with the designated officer being asked to represent Magic Beans Group

9.0 Managing allegations against other students

When an allegation made by one student against another raises safeguarding concerns, standard safeguarding processes will be followed by the DSO and any other staff involved.

9.1 The DSO will need to involve the LADO, as social services may already be aware of safeguarding concerns relating to the individuals concerned.

9.2 If a potential criminal offence has taken place, the police should be informed at the earliest opportunity. If appropriate, parents/carers will be informed. It may be appropriate to suspend the student who is being complained about for a period of time whilst the investigation is conducted.

9.3 If the complaint is not accepted by the police or social services, the DSO will still conduct a thorough investigation into the complaint. If it is decided that a safeguarding risk is present, a risk assessment will be prepared along with a robust monitoring plan. This plan will be monitored, and dates set for reviews with everyone concerned.

10.0 Type of Investigations

Criminal Investigations - If a crime is suspected, an investigation will not be carried out by Magic Beans Group, 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 Magic Beans Group.

Disciplinary Investigations - If a decision is made to pursue an allegation of abuse against a member of staff, this will be dealt with under Magic Beans Group' disciplinary policy, in addition to other safeguarding processes.

10.1 Magic Beans Group 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.

11.0 Magic Beans Group' responsibilities to staff following an allegation

11.1 Staff who are accused of a breach of the code set out in Appendix A may be subject to disciplinary procedure.

11.2 Where an allegation from a Child or Vulnerable Adult occurs, an investigation will be carried out in accordance with the procedures set out in section 8.0 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 the individual.

11.3 Magic Beans Group should inform the accused member of staff as soon as possible after initial consultation has taken place. However this should not be before a discussion with the LADO or police, if needed, has taken place and agreement has been reached as to what information can be disclosed to the member of staff.

11.4 The member of staff should be advised to:

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

11.5 Whilst the case is ongoing, Magic Beans Group must arrange to provide appropriate support to the member of staff.

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

11.7 Magic Beans Group may also take the decision to pursue an allegation of abuse through the disciplinary procedure. Discussion should be held with the relevant local agencies involved to ensure that their investigation is not compromised by doing so. Employees should only be suspended following careful consideration.

11.8 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 Magic Beans Group agrees not to pursue the disciplinary action must not be used in these cases.

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

12.0 Record Keeping and Timekeeping

12.1 Magic Beans Group 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.

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

12.3 This policy will be reviewed annually by the senior management team.

13.0. Safeguarding code of behaviour and conduct

13.1 Magic Beans Group recognises that it is not practical to provide definitive instructions that would apply to all situations at all times whereby staff come into contact with children and vulnerable adults, and to guarantee the protection of children and staff. However, the appended Safeguarding Code of Conduct sets out the standards of behaviour required of staff in order to fulfil their roles within Magic Beans Group. This code should assist in the protection of children, vulnerable adults and members of staff, and should be fully understood by all staff. The code applies to all staff including unpaid volunteers and apprentices working at Magic Beans Group.

Safeguarding team members are:

- Wendy Lees: DSL (Designated safeguarding Lead)
- Clare Parker Doyle: MD (Managing Director)
- Kam Chauhan: DSO (Designated safeguarding Officer)
- Sam Cook: DSO (Designated Safeguarding Officer)

Associated policies include:

- Safer recruitment policy
- Safeguarding code of conduct
- Image use policy
- Prevent duty risk assessment
- Prevent strategy
- DBS check risk assessment
- Employment of people with a criminal record
- Bullying and harassment policy
- Protection of vulnerable adults (additional policy)