



SAFEGUARDING POLICY AND PROCEDURE

Introduction

LETS recognise that it has a statutory duty to report disclosures of allegations of abuse and radicalisation. It also has a moral duty to promote and safeguard the welfare of staff and Apprentices. This includes helping to protect them from situations in which they are abused.

The Policy addresses all aspects of Safeguarding within the work of LETS. This document is designed to underpin the culture of the Safeguarding requirements to ensure learner and staff welfare.

LETS complies with relevant parts of the following legislation ensuring all documentation and details remain sensitive:

- Human Rights Act 1998;
- the Equality Act 2010;
- Special Educational Needs and Disability Act 2001
- Sexual Offences Act 2003
- Protection of Children Act 1999
- Criminal Justice and Court Services Act 2000
- Safeguarding of Vulnerable Groups Act 2006
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Links to other policies

The remainder of this policy will relate to the Safeguarding provision, services and opportunities available to learners at LETS. We recommend that this policy is understood in the context of the wider maintenance of all elements of safeguarding its staff, learners and stakeholder engagement, particularly in relation to the following policies:

- Prevent Duty
- Equality and Diversity Policy
- Complaints Policy
- Data Protection Policy

Also refer to the Safeguarding process for actions and escalation.

Issue and version SafeguardingNo1:v2	Date: 05/12/19	Review Date: 05/12/20	Authorised: Operations Director
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LETS is Safeguarding against abuse by:

- a) Establishing a safe learning environment in which all learners can learn and develop.
- b) Developing and using safe recruitment procedures and to ensure that all staff members will be checked for relevant criminal convictions prior to recruitment. An enhanced disclosure (DBS) check will be processed. A satisfactory check will need to be received by the company before an individual commences work.
- c) Ensuring that all applicants are required to complete and sign an application form.
- d) Seeking references from all applicants.
- e) Helping to equip learners and staff with information and awareness to keep themselves safe.
- f) Maintaining clear procedures to identify and report suspected cases of abuse.
- g) Ensuring all staff are aware of these procedures and trained in their use as appropriate.
- h) Providing appropriate support to learners who have been abused.

Please refer to Appendix 1 for definitions of abuse and neglect.

Safeguarding Against Radicalisation

LETS recognises its duty under the Prevent Duty agenda and understands the positive contribution it can make towards protecting its learners from radicalisation and/or violent extremism.

LETS has a Prevent Policy and continue to:

- Empower its learners to create communities that are resilient to extremism.
- Protect the wellbeing of particular learners’ who may be vulnerable into being drawn into violent extremism or crime.
- Promote values of openness and tolerance which is characteristic of British values (British values is defined as “**democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs**”).

The Prevent Policy identifies that the allegations, suspicions or concerns of radicalisation will be tackled using the safeguarding policies and embedded in the LETS culture. Radicalisation is the process by which individuals come to support terrorism or violent extremism.

LETS recognises that it has a duty to report any concerns around the welfare and wellbeing of its learners. These concerns will be reported using the Safeguarding Policy and Procedures.

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Roles and Responsibilities

LETS has a Safeguarding Officer who is be responsible for:

- Implementing and promoting this Policy;
- Updating the Policy annually along with the Prevent Policy;
- Ensuring that the Policy is monitored and reviewed in accordance with changes in legislation and guidance on the protection of learners;
- Acting as the main contact within the LETS for the protection of its staff and learners;
- Ensuring that appropriate LETS members are provided with information, advice and training on the protection of adults in a vulnerable situation;
- Establishing and maintaining contacts with our partners which include the Police, Social Services and Prevent Coordinators (Channel);
- Maintaining confidential records of relevant cases and action taken.
- Ensuring that all members of staff are clear of their own role and responsibility when reporting any suspected case of abuse. All cases must be referred to the Safeguarding Officer (SO).
- LETS will provide Safeguarding Training to relevant personnel to ensure that they have the necessary awareness to safeguard learners. These personnel include all staff who come in contact with a learner.
- Learners are made aware of who the Safeguarding Officer is, how they will be supported and what the Safeguarding Officer's (SO's) responsibilities are within LETS, through their Apprenticeship Induction programme.

Safeguarding procedure for Staff

If a learner tells a member of staff that abuse is taking place they should be acknowledged, taken seriously and listened to.

As soon as it becomes clear that the learner is talking about a situation of abuse, they should be gently stopped and informed that if they continue, the staff member has a legal obligation to pass information on to the Safeguarding Officer. **Staff cannot and must not promise confidentiality to a learner.**

It is important not to ask too many questions; **staff must not under any circumstances investigate any accusations.** As soon as it is possible, staff should write down the factual details of what has been said using the Safeguarding Form. There should be only one copy of this form (it cannot be photocopied) then given as soon as possible to the SO. No other paper or electronic copies should be kept.

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- Staff must contact the SO as soon as possible, but certainly the same day, to explain the situation and pass on the written notes. The SO will outline the action that needs to be taken so that this can be explained to the learner. It may be appropriate for the SO to meet the learner.
- **Staff must not take any further action themselves or disclose any information to anyone else.** This includes contacting outside agencies.
- As far as possible, the wishes and views of the learner will be taken into account.
- If a member of staff has suspicions that a learner is suffering abuse, they must discuss these concerns with the SO where possible and not take any independent action.
- All contact with outside agencies regarding safeguarding issues of abuse must be conducted by the SO.
- If the learner suffering abuse is over 18 but we are aware that there may be **siblings or children under 18 who may be at risk** the SO must be informed.
- LETS will liaise with the appropriate authority and support them with enquiries in relation to the safeguarding and well-being of the learners.
- Please refer to Appendix 4 for the conduct of professional relationships between staff and learners.
- Please refer to Appendix 3 for Reporting e-Safety incidents workflow.

Allegations of a learner abusing another learner

If a learner has been accused of being involved as an abuser within a child abuse allegation, the SO must be contacted as soon as possible. The SO will contact the appropriate authority immediately as this is a criminal act and a view needs to be taken as if a prosecution will take place. In this instance both parties next of kin is informed and it is likely that the accused learner will be suspended immediately. If they are not suspended a risk assessment will need to take place immediately so that a judgement can be made as to that individual's range of activity within LETS, prior to the outcome of any investigation being known.

Allegations of abuse against a member of staff

Any allegations of abuse made against a member of LETS staff should be dealt with under guidelines contained in Appendix 2. In relation to the learner all previously outlined procedures will be followed, with the learner being referred to the SO.

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Bullying and Harassment

LETS is committed to ensuring that learners are entitled to receive education and training free from threat, oppression, or abuse. Tutors will reinforce the view that both bullying and harassment are unacceptable and inconsistent with LETS objectives.

All staff will set a good example to learners and promote mutual co-operation and respect within the LETS community and make plain LETS's attitude towards bullying and harassment.

LETS will provide specialist advice and guidance on bullying and harassment during the induction period and through its Apprenticeship provision.

Any incidents of bullying will be reported to the tutor who may seek advice from the SO. Staff will act, without delay and positively; when bullying or harassment of any kind are reported or observed.

Disclosure and Barring Service (DBS)

We complete a staff verification process prior to recruitment for all staff who come in contact with learners.

Forced Marriage

A forced marriage is where one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used. Forced marriage is different from, and should not be confused with, an arranged marriage. To force a person to marry someone against their will is an abuse and a criminal offence. The Government has established a Forced Marriage Unit (FMU) to offer support and guidance to agencies. If you suspect that one of your learners is being placed in a potential forced marriage situation, please refer to the SO immediately.

Guidelines for Safe Working Practice

Further document "Guidance for Staff on Safeguarding in FE/HE" has been produced and should be read in conjunction with this policy. This document provides valuable guidance to all staff about how they need to conduct themselves.

Training

The SO receives training in Safeguarding to a Level 3 standard. Delivery personnel will be trained to a Level 2 standard. Annual refresher training will be actioned.

Data Protection and Record Keeping

Confidential records will be kept for all learners regarding any alleged or suspected abuse. Staff should report any such suspicions or any disclosed safeguarding issues using the Safeguarding Forms. No records of situations of alleged or suspected abuse must be kept in public areas; this

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includes e-mail communication regarding a possible safeguarding issue that must be deleted. Any information about individuals will be kept confidential.

Information Sharing and Confidentiality

LETS acts appropriately with regard to confidentiality whilst still complying with stated duties of cooperation and integrated working between appropriate external agencies, including Channel, the Local Safeguarding Board and the Police while acting in the best welfare interests of learners.

Confidential information will not be shared without prior consent except in specific circumstances where LETS's legal duties prevent this. Information will be used by the SO in connection with their duties. At times this may include disclosure to other relevant external professional authorities.

Information will only be shared on a need-to-know basis, after confirming the identity/authority of the person concerned. No information regarding a learner should be disclosed via an incoming enquiry call. No information may be shared with any party unless part of an investigation by the authorities, and information should only be disclosed in person having checked the identity and integrity of the officer concerned.

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Appendix 1 Definitions of Abuse and Neglect

Physical Abuse

May involve hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or otherwise causing physical harm. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child or vulnerable adult.

Sexual Abuse

Forcing or enticing a child or young person to take part in sexual activities, whether or not the child or vulnerable adult is aware of what is happening. The activities may involve:

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

Emotional Abuse

The persistent emotional ill-treatment of a vulnerable adult to cause severe and persistent adverse effects on their emotional development. It may involve:

- a) Conveying to vulnerable adults that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of the other person.
- b) Developmentally inappropriate expectations being imposed on vulnerable adults.
- c) Causing vulnerable adults frequently to feel frightened or in danger.
- d) The exploitation or corruption of vulnerable adults.

Some level of emotional abuse is involved in all types of ill-treatment of a vulnerable adult, though it may occur alone.

Neglect

The persistent failure to meet a vulnerable adult's physical and psychological needs, likely to result in the serious impairment of their health or development. It may involve:

- a) Failing to provide adequate food, shelter and clothing
- b) Failing to provide protection from physical harm or danger
- c) Failing to ensure access to appropriate medical care or treatment
- d) Neglect of a vulnerable adult's basic emotional needs

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e) Failure to ensure satisfactory education.

Financial Abuse

This includes theft, fraud, exploitation, the misuse of possessions and pressure applied in relation to financial transactions.

Discriminatory Abuse

This is based on a person's disability and includes making hurtful comments and harassing them.

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Appendix 2

Procedure for dealing with allegations made against a member of staff

Safeguarding enquiries by the Police or other enforcement and professional organisations are not to be confused with internal disciplinary enquiries. LETS may be able to use the outcome of external agency enquiries as part of its own procedures.

LETS will hold in abeyance its own enquiries while the formal Police investigations proceed.

The Police may act independently of LETS particularly where the allegation is unconnected to the member of staff's professional life. The Police may wish to interview other members of staff to enable them to gather the evidence.

Any internal enquiries will conform to LETS Staff Disciplinary Procedures.

Suspension of Staff

Suspension of staff member(s) should not be automatic. Suspension can only be carried out after consultation with our HR consultant. Suspension may be carried out at any stage of the investigation. It is a neutral, not disciplinary, act and will be on full pay. Consideration should be given to alternatives e.g. paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties. Suspension should only occur for a good reason, for example;

- a) Where a vulnerable adult is at risk.
- b) Where the allegations are potentially sufficiently serious, to justify dismissal, on the grounds of gross misconduct.
- c) Where necessary for the good and efficient conduct of the investigation.

Prior to suspension a Director will interview the member of staff. If the Police are engaged in an investigation the officer in charge of the case should be consulted.

The interview is not intended to establish a member of staff's innocence or guilt but given the opportunity for the member of staff to make representations about possible suspension. The member of staff will be given time at the meeting to consider any information given to him/her and prepare a response.

The suspended member of staff should be given appropriate support during the period of suspension. They will be provided with information and developments in the case at regular intervals.

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The suspension will remain under review in accordance with LETS's Disciplinary policy.

Staff Disciplinary Investigation

The disciplinary investigation will be conducted in accordance with the existing staff disciplinary procedures.

Any substantiated cases will be reviewed by the Local Authority Designated Officer (LADO) and the case manager at LADO to identify any improvements required by the LETS policy or process.

Allegations without Foundation

False allegations may be indicative of problems of abuse elsewhere.

In consultation with the SO and /or the nominated colleague, the Senior Management Team shall:

Inform a member of staff against whom the allegation is made, orally and in writing, that no further disciplinary or safeguarding action will be taken

Inform the learner that the allegation has been made to the individual in question and once investigated the outcome reached

Prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken.

Records

For safeguarding matters relating to staff members only: It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome. If disciplinary action is taken, details will be retained on the member of staff's personal file, in accordance with LETS's disciplinary procedure.

If a member of staff is dismissed or resigns or otherwise ceases to provide their services before the disciplinary process is completed, they should be informed that LETS may make a referral to the DBS for consideration of inclusion on the barred list. There is a legal duty to refer the dismissal/removal of a member of staff for safeguarding reasons to the Disclosure and Barring Service (DBS).

If an accused person resigns or ceases to provide their service, this should not prevent an allegation being pursued. A settlement/compromise agreement must not prevent referral to DBS. Detailed records should be confidentially stored until retirement or for a period of 10 years and not provided to the accused.

Cases where an allegation found to be false, unsubstantiated or malicious should not be included in employer references.

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Appendix 3

eSafety Incident

An eSafety incident is one where the misuse of technology has had a negative impact on the safety, security or wellbeing of learners or staff members. Such incidents may include the use of company internet and PC facilities to view inappropriate material such as under-age content, access to chat rooms for a malicious purpose or 'grooming'.

This can be completed on a computer by taking a "screenshot". Type the computer number, the username and the name of the person taking the screenshot under the image before saving this file in a safe location (e.g. a password protected mobile device), and in the presence of a witness to demonstrate you have not tampered with the evidence. Sign a print-out of the evidence file and have the witness countersign it. Then remove the computers involved from the network and store them securely.

Laws that may be contravened include the Computer Misuse Act 1990, The Protection from Harassment Act 1997, the Malicious Communications Act 1988 and Section 127 of the Communications Act 2003.

Phone telephone number 999 and ask for the Police if urgent, otherwise speak to the **Safer Neighbourhood Team**, and inform of the evidence/materials you have found.

Reports can be logged via Internet Watch Foundation – www.IWF.org.uk, and click "report criminal content".

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Appendix 4 Conduct of Professional Relationships between Staff and Learners

As an equal opportunity employer, LETS recognise the importance of promoting and preserving the integrity of professional relationships between staff and learners. Professional relationships are essential in assisting LETS to conduct its activities in a spirit of openness, fairness, consistency of treatment, mutual trust and respect. These guidelines apply to all employees at LETS working under a permanent, temporary, or variable hours' contract of employment. Relationships covered by these guidelines include:

- a) Contractual
- b) Sexual/romantic
- c) Financial
- d) Social
- e) Family
- f) Business/commercial

This list is not exhaustive.

The guidelines cover any issues where such relationships raise concerns about safety, conflict of interest, trust and/or confidentiality. Potential areas of concern include:

- a) Access to confidential information
- b) Accommodation
- c) Assignment work
- d) Evaluation
- e) Marking
- f) Research
- g) Tutoring
- h) Discipline
- i) Academic Guidance
- j) Assessment

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- k) Counselling
- l) Learning
- m) Supervision
- n) Teaching

This list is not exhaustive.

Relationships between Staff and Learners

Staff have a professional and ethical responsibility to protect the interests of learners, to respect the trust involved in the staff/learner relationship and to accept the constraints and obligations inherent in that responsibility. The development of staff/learner relationships should be governed by professional ethics.

LETS will not accept staff entering into any personal relationships with a learner. Any relationship formed between a member of staff and learner, within LETS setting or context, develops from a position of unequal power. Such a relationship is likely to create problems in maintaining the boundaries or professional and personal life. A relationship of this kind can also disrupt the teaching and learning environment for other learners and colleagues. Staff must discourage the development of inappropriate patterns of behaviour with learners by the maintenance of an appropriate distance.

Procedure

Should any personal relationship begin to develop, or if a member of staff has concerns about how a learner perceives their relationship with them, the staff member must discuss this with their line manager or another relevant member of staff in the first instance.

All staff have a responsibility to formally and confidentially raise concerns about the inappropriate behaviour of other members of staff with their line manager and where appropriate the relevant Manager.

To avoid any misconceptions about relationships, false allegations and to deter inappropriate situations from developing, staff are strongly discouraged from socialising outside LETS with learners, particularly on a one to one basis.

Where there is evidence that a relationship may not be truly consensual, a complaint will be handled under the appropriate policy/procedure.

Summary

This policy and procedure will be reviewed annually or on any occasion that an incident occurs to evaluate its effectiveness, or at any time that legislation and process change.

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