**SAFEGUARDING (Protection of vulnerable adults & children) POLICY**

**PURPOSE**

This policy aims to promote the welfare of learners, staff and other relevant persons, with the particular reference to the protection of children and vulnerable adults from abuse and significant harm. The Safeguarding Vulnerable Groups (SVG) Act, The Children Act (POCA) and Working Together to Safeguard Children Act will be the main points of reference.

**SCOPE**

This policy applies to BESA Group employees where the work undertaken requires contact with children or vulnerable adults. It also includes learners, staff and other relevant persons.

Although not employees of the BESA Group, agency staff and contractors will be required to comply with the policy.

INTRODUCTION

BESA has a statutory and moral duty to ensure that the Association safeguards and promotes the welfare of children and vulnerable adults throughout all of its activities.

BESA is committed to review and update its policies and procedures annually to reflect statutory legislation and to achieve a safe and healthy working environment.

**DEFINITIONS**

• Child is classified as a person under 18 years of age.

• Vulnerable Adult is described as someone who is unable to effectively protect him or herself from harm or exploitation. This is a person of 18 years and above who may have some kind of physical, mental or sensory disability or where English is not their first language.

• Abuse is the misuse of power and authority by one person over another, types of abuse may include:

• Physical: May involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child or Vulnerable adult.

Physical harm may also be caused when a parent or carer fabricates the symptoms of or deliberately induces illness in a child or Vulnerable adult.

• Sexual: Involves forcing or enticing a child or vulnerable adult to take part in sexual activities, including prostitution, whether or not the child or Vulnerable adult is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children and vulnerable adults in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging them to behave in sexually inappropriate ways.

• Emotional: The persistent emotional maltreatment of a child or vulnerable adult such as to cause severe and persistent adverse effects on their emotional development. It may involve conveying to them that they are worthless or unloved, inadequate, or valued only in so far as they as meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on them. These may include interactions that are beyond the child’s or vulnerable adult’s developmental capability as well as overprotection and limitation of exploration and learning, or preventing them in participating in normal social interaction. It may involve seeing or hearing the ill treatment of another. It may involve serious bullying causing them to frequently feel frightened or in danger, or the exploitation or corruption of children and vulnerable adults.

• Neglect: The persistent failure to meet a child’s or Vulnerable adult’s basic physical and /or psychological needs, likely to result in serious impairment of their health or development. Neglect may occur during pregnancy as a result of material substance misuse. Once a child is born, neglect may involve a parent or carer failing to provide adequate food and clothing, shelter including exclusion from home or abandonment, failing to protect a child or Vulnerable adult from physical and emotional danger, failure to ensure adequate supervision including the use of inadequate care-takers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of or unresponsiveness to, a child’s or vulnerable adult’s basic emotional needs.

**RESPONSIBILITIES**

Designated Responsible Person - the Designated Safeguarding Lead (DSL) with responsibility for protection issues is the General Manager for Training & Skills, supported by the Designated Safeguarding Officer(s). The DSL will take the lead in raising awareness within the company of issues relating to the welfare of children and vulnerable adults.

There may be situations where the DSL is not available and/or the situation directly involves them, in these circumstances the point of contact is the Designated Safeguarding Officer (DSO), and the Director of training and skills.

Any training requirements that are identified will be supported by the appropriate agencies in line with current legislation. Information pertaining to this will be cascaded to employees, keeping them updated with advice and support relating to child protection and vulnerable adults.

Where notification or referral is received of suspected abuse or allegations, the DSO/DSL will consult with the Regional Local Authority Designated Officer (LADO) for England or Local Authority (LA) in Wales and advise other relevant agencies accordingly.

Accurate records of such referrals (child protection/vulnerable adults) will be maintained by the DSO.

• Human Resources Function

 During the recruitment and selection process BESA will ensure that Disclosure & Barring Service (DBS) checks (England & Wales) or Protection of Vulnerable Groups (PVG) Scheme checks (Scotland) are carried out for all new applicants, new employees, existing employees, temporary staff and volunteers who have contact with children / vulnerable adults. To facilitate these checks the Director of People & Culture has procured an external agency to carry out checks for disclosures.

Disclosures are carried out for all new applicants, whose duties will include regularly caring for, training, supervising or being solely in charge of learners aged under 18 years of age and / or vulnerable adults (this will include any persons who have lived or worked overseas). In addition to checks a minimum of two references are obtained for all new applicants prior to their appointment.

Where BESA has reason for concern over an issue identified during a check, any necessary advice and support will be sought from the relevant bodies and the DSL/DSO.

• Staff

All staff have a mandatory obligation to familiarise themselves with this policy. However, staff working directly with, or who have access to the personal data of children and vulnerable adults will be expected to undertake child protection training, where necessary.

All members of staff have a legal duty to report any disclosure, allegation or suspicion of abuse. Allegations must not be investigated by the individual, but must be reported to the DSO or DSL immediately by telephone and then confirmed in writing (for example e-mail and no signatures are required by the person making the disclosure).

**REPORTING & DEALING WITH ALLEGATIONS OF ABUSE**

The welfare of the individual concerned, including the welfare of any others who may be at risk, must always take precedence over confidentiality. Therefore the procedure must be followed, by law, irrespective of any request to maintain confidentiality.

The legalisation within the Public Interest Disclosure Act 1998 (Whistle Blowing) applies where listed within the section “43B Disclosures Qualifying for Protection” within the act, for further details refer to: http://www.legislation.gov.uk

Parents or carers will be informed that a referral is going to be made, unless informing may itself place the child or vulnerable adult, professionals or others at risk e.g.

• Where Sexual abuse is suspected or disclosed

• Where fabricated or induced illness is suspected

• Where there are fears for the safety of a child or vulnerable adult or others when informing parents, carers or others

Where a decision is made not to inform parents or carers of a referral, the reasons for this will be recorded in writing and a copy will be held by the DSO.

• Allegations against a BESA Group Employee

When an allegation has been made against an employee, the DSO or DSL must be notified immediately by telephone and then confirmed in writing (for example e-mail).

The DSO/DSL will consult and conduct validity checks with the Director of Human Resources and notify the LADO or LA accordingly for further advice.

The disciplinary process will commence as per the company disciplinary policy and an investigation will be carried out to establish the facts. In the event that this does not constitute a criminal act, the BESA disciplinary process will continue and the appropriate action will be taken.

If an allegation is unfounded due to the evidence, reasonable belief or false accusation, BESA will advise LADO or LA and the employee that no further action will be taken based on investigation and offer counselling and support as required. BESA will also advise the alleged victim of the outcome and a record will be kept within the employees file.

Where an allegation is considered to be either a potential criminal act, or it is indicated that the child or vulnerable adult has suffered and that they are likely to experience significant harm, the matter will be reported immediately to LADO or LA.

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered.

• Allegations against a Non BESA Group Employee

When an allegation has been made against others, for example a college tutor, family member etc. to a member of BESA Group Staff, the DSO or DSL must be notified immediately by telephone and then confirmed in writing (for example e-mail).

The DSO/DSL will report this to the LADO or LA as appropriate for guidance.

Where an allegation is considered to be either a potential criminal act, or it is indicated that the child or vulnerable adult has suffered and that they are likely to experience significant harm, the matter will be reported immediately to LADO or LA.

**ASSOCIATED DOCUMENTS**

Safeguarding Incident Reporting Form