

Protecting Children and Adults Safeguarding Policy

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1. Introduction

- 1.1 UK Skills Academy (UKSA) is committed to safeguarding all children, young people and adults that it comes into contact with. Whilst the organisation has a statutory obligation it also has a moral duty to ensure it functions in a way that safeguards and promotes the welfare of its staff, customers, service users and learners.

2. Purpose / Aim of Policy

- 2.1 The purpose of this policy and its subsequent procedures are to outline a clear framework to protecting and safeguarding children, young people and adults so that all staff and those working on behalf of UKSA are aware of their roles and responsibilities in identifying concerns, sharing information, and taking prompt action.

3. Scope

- 3.1 This policy applies to all staff, including senior managers, paid staff, volunteers and sessional workers, agency staff, learners, customers, service users, supply chain, contractors, or any other persons who may work on, visit or receive training on UKSA premises or at work placements.
- 3.2 We expect everyone to have read, understood and adhere to this policy and its related procedures.

4. Governing Legislation and Frameworks

- 4.1 The principle pieces of legislation and inter-agency frameworks governing this policy and procedures are:
- The Children's Act 1989 and 2004
 - Data Protection Act 1998
 - Mental Capacity Act 2005
 - Safeguarding Disabled Children: Practice Guide 2009
 - The Equality Act 2010
 - The Care Act 2014
 - Counter Terrorism and Security Act 2015

- Special Educational Needs and Disability Code of Practice 2015
- Prevent Duty 2015
- Working Together to Safeguard Children 2018
- Keeping Children Safe in Education 2020

5. Linked Policies

- Whistleblowing Policy
- Code of Conduct
- Bullying and Harassment Policy
- Complaints Procedure
- Individual User Agreement

6. Safeguarding Children & Young People

6.1 HM Government 'Working Together to Safeguard Children (2018) inter-agency guide defines safeguarding and promoting children's welfare as:

- Protecting children from maltreatment
- Preventing impairment of children's health or development
- Ensuring that children are growing up in circumstances consistent with the provisions of safe and effective care
- Taking action to enable all children to have the best outcomes

6.2 A child is defined as anyone who has not reached their 18th birthday. Children are therefore seen as children and young people.

7. Principles to Safeguarding Children and Young People

7.1 The 'Working Together to Safeguard Children' guide also highlights effective safeguarding arrangements in every local area should be underpinned by two key principles:

- Safeguarding is everyone's responsibility – each professional and organisation should play their full part
- A child-centred approach – services should be based on a clear understanding of the needs and views of young children

8. Safeguarding Adults

8.1 Safeguarding means protecting an adult's right to live safely, free from abuse and

neglect. The Care Act 2014 places specific safeguarding duties to an adult who:

- Has needs for care and support (whether or not the local authority is meeting any of those needs);
- Is experiencing, or at risk of abuse or neglect and;
- As a result of those care and support needs is unable to protect themselves from either the risk of abuse or experiencing abuse or neglect

8.2 An adult with care and support needs may be:

- An older person
- A person with physical disabilities, a learning difficulty or a sensory impairment
- Someone with mental health needs, including dementia or a personality disorder
- A person with a long-term health condition
- Someone who misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living

9. Principles to Safeguarding Adults

9.1 The six principles below have been incorporated into the Care Act 2014 statutory guidance and should inform all safeguarding practice:

- **Empowerment** - people being supported and encouraged to make their own decisions and give informed consent
- **Prevention** - it is better to take action before harm occurs.
- **Proportionality** - the least intrusive response appropriate to the risk presented.
- **Protection** - support and representation for those in greatest need
- **Partnership** - local solutions through services working with their communities.
- **Accountability** – transparency in delivering safeguarding

10. Policy Statement

10.1 UKSA believes that all individuals have an equal right to protection from abuse, regardless of their age, gender, race, religion, ability, language, background or sexual identity and consider the welfare of the individual as paramount.

10.2 The organisation will take every reasonable step to ensure that children, young

people and adults are protected. We will safeguard individuals by:

- Valuing them, listening to and respecting them
- Providing a safe environment for children, young people and adults to learn in
- Identifying individuals who are suffering, or likely to suffer significant harm, and report concerns swiftly to relevant agencies
- Working in partnership with other relevant agencies to support multi- agency safeguarding work
- Responding effectively to any circumstances giving grounds for concern, or where formal complaints or expressions of anxiety are relayed
- Providing safeguarding training to all staff to ensure they are aware of their responsibilities and are knowledgeable of the types and signs of abuse
- Recruiting all staff safely by ensuring that all the necessary checks are made
- Regularly monitoring and evaluating how our policies, procedures and practices are working to safeguard children and adults

11. Prevent

11.1 Prevent is a key part of the Government's Counter Terrorist Strategy. It is our duty to have regard to the need to prevent people from being drawn into terrorism. Preventing radicalisation remains part of our commitment to keeping children, young people and adults safe. We see no difference between safeguarding children, young people and adults from radicalisation than from other forms of harm.

11.2 We will ensure this through our vision, values and rule; we will uphold British (National) values of;

- Democracy
- Rule of Law
- Individual Liberty and Respect
- Tolerance of Different Faiths, Beliefs and Lifestyles

11.3 We will also ensure that:

- Staff understand the issues of radicalisation, can recognise the signs of vulnerability or radicalisation and know how to refer their concerns
- UKSA and its staff respond to preventing radicalisation on a day-to-day basis

- All staff conduct is consistent with preventing radicalisation
- We work with partners, including local authority and police and make referrals where appropriate to agencies in regard to concerns about radicalisation
- All staff address the issues involved in radicalisation

12. Private Fostering

12.1 Private fostering is when a child under 16 (under the age of 18 if disabled) is cared for by someone who is not their parent or a *close relative. Private fostering is a private arrangement entered by a parent and another individual for a period of more than 28 days. It sits outside current statutory arrangements and prospective private foster carers are not vetted by children's social care agencies.

*Appendix A – Definition of a Close Relative

12.2 UKSA will ensure all its employees, supply chain, and contractors are aware of our responsibility to inform children services if we become aware that an individual has arranged or been involved in arranging a private fostering arrangement of children. This is to ensure that all essential welfare checks for the child / children are completed plus other support services like benefits, parenting and support advice are offered, and bringing families in crisis back together.

13. Safeguarding Allegations Against an Employee

13.1 In rare incidences where an allegation has been made about the conduct of a member of staff towards a child or an adult with care and support needs whilst carrying out their work, we will liaise with the relevant Local Authority Designated Officer (LADO).

13.2 The LADO will be advised of all cases where it is alleged that a person who works with children or adults with care and support needs has;

- Behaved in a way that has harmed, or may have harmed a child or adult
- Possibly committed a criminal offence against, or related to, a child or adult
- Behaved towards a child, children, or adults in a way that indicated that they may be unsuitable to work with children or adults
- An association with anyone who poses a risk to children or adults; or

- Where there are any suspected domestic abuse concerns where children or adults may be involved

14. Recording and Information Sharing

- 14.1 All safeguarding concerns, decisions and actions will be recorded promptly and saved securely. This includes retaining a copy of a referral and evidence of prompt completion of any agreed actions to protect a child or adult.
- 14.2 Information sharing decisions will be recorded whether or not the decision is taken to share. Reasons to share should also include what information has been shared and to whom.
- 14.3 Consideration must be given about what information to share and the impact of disclosing information on the individual or any third party. Any information shared must be proportionate to the need and level of risk. It must also be accurate, relevant, and adequate to the purpose of sharing the information.
- 14.4 From the outset of identifying safeguarding concerns we will be open and transparent with the individual about why, what, how and with whom information will, or could be shared. We will also seek their agreement to share information, unless it is unsafe or inappropriate to do so.
- 14.5 All information should be shared in a timely manner to reduce the risk of harm, and in an appropriate and secure way.

15. Accountability / Implementation

- 15.1 UKSA's Director of Quality and Safeguarding holds the overarching accountability for the organisation's safeguarding arrangements
- 15.2 A Senior Executive Officer / Director will hold the *Safeguarding Board lead with strategic responsibility for safeguarding across UKSA. They will also ensure any organisational blocks to meeting legislative requirements, this policy and compliance processes are reported to the Board to address.
- 15.3 Functional Directors must ensure service specific procedures are implemented and reviewed to ensure compliance with this policy and our statutory obligations. Directors must also ensure safeguarding roles within their functions of responsibility are supported by the provision of sufficient time, funding, and support to fulfil our children's and adults safeguarding responsibilities effectively.

- 154 The Director of Quality and Safeguarding will hold accountability for UKSA's safeguarding policy and must ensure policies are contemporary with legislative requirements and that processes across UKSA are supporting swift and effective practices.
- 155 An operational Director will be identified as safeguarding lead to oversee the management of safeguarding allegations and the safer recruitment of staff.
- 156 All line managers, are responsible for following through the related safeguarding procedures and ensuring their staff have the sufficient training and case management support.
- 157 Whilst all service users must be informed of UKSA's safeguarding policy and complaints procedures, line managers must ensure that all young persons and adults with special educational needs and disabilities next of kin or advocate and employment placements, are also all informed of these policies.

16. Training and Caseload Review Meetings

- 161 All UKSA employees are required to undertake children and adult safeguarding and prevent training relevant to their role.
- 162 Specialist safeguarding roles will attend appropriate training to support them in fulfilling their duties. Where required this training will be sourced externally.
- 163 Safeguarding training will be repeated as required and whenever changing legislation and responsibilities requires it. All operational staff and safeguarding leads must attend / complete at least one safeguarding training event every two years.
- 164 Staff caseload review meetings will include reviewing of safeguarding practice to ensure every staff member reflects on the quality of their practice, receives appropriate support and attends the required training.

17. Safer Recruitment

- 17.1 UKSA will have in place safer recruitment practices to ensure those recruited are the best candidates for the role and are suitable to work with children and adults with care and support needs.
- 17.2 UKSA will also adhere to safer recruitment procedures to utilise sessional, volunteers and agency workers. This includes undertaking the appropriate level

of vetting and referencing.

18. Children and Young Persons (15 to 18-year olds) on UKSA premises

18.1 Thorough risk assessments must be undertaken to ensure that when young people (15-18-year olds) are attending UKSA premises they are safe, supported and their presence is managed to minimise the risk of vulnerability.

18.2 Due to health and safety and wider safeguarding requirements children under the age of 16 years who are not participating within a programme should not be brought onto UKSA premises. This also includes the children of UKSA staff.

19. Definition of Abuse and Neglect

19.1 Abuse may be defined as *“any act, or failure to act, which results in a breach of a vulnerable person’s human rights, civil liberties, physical and mental integrity, dignity or general wellbeing whether intended or through negligence, including sexual relationships or financial transaction to which the person does not or cannot validly consent, or which are deliberately exploitative. Abuse may take many forms”* (Council of Europe 2005)

19.2 The World Health Organisation defines child abuse and child maltreatment as *“all forms of physical and or emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship responsibility, trust or power”*.

19.3 Child 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 and development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home and abandonment); protect a child from physical and 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 being unresponsive to, a child’s basic emotional needs.

19.4 Adult neglect occurs when a person deliberately withholds, or fails to provide, appropriate and adequate care and support needed by another adult. It may be through a lack of knowledge or awareness, or through a decision not to act when

they know the adult in their care needs help. It may impair the health or well-being of an adult. Possible signs are, having pain or discomfort, being very hungry, thirsty or untidy, failing health.

20 Types of Abuse and Neglect

Physical abuse such as hitting, slapping, pushing, misuse of medication, restraint, hair pulling.

Physical harm may also be caused when a parent or carer pretends the symptoms of, or deliberately causes ill health to a child whom they are looking after. This is known as **fabricated or induced illness** by a carer.

Inadvertent physical abuse arising from poor support or care e.g., bruising from poor moving and handling is classified as 'neglect'

Restraint - using force or threatening to use force to make a person do something they are resisting, or where a person's freedom of movement is restricted

Sexual abuse – includes rape, indecent exposure inappropriate looking or touching, sexual teasing or innuendo, harassment and subjection to sexual pornography or witnessing sexual acts.

Domestic abuse – violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality. It includes 'honour' based violence, stalking behaviours, emotional, sexual, financial, psychological and physical abuse.

Psychological abuse – emotional abuse, threats of harm or abandonment, humiliation, deprivation of contact from others, verbal abuse, cyber bullying, blaming and controlling.

Financial or material abuse – coercion, theft, and fraud, possessions or benefits.

Discriminatory abuse – verbal abuse, unequal treatment, inappropriate use of language, slurs, treating a person in a way that is inappropriate to their age and / or culture background, deliberate exclusion.

Organisational abuse – neglect and poor care practice

Neglect and acts of omission – failure to provide access to appropriate needs, care and support or educational services, ignoring medical, emotional or physical care needs.

Self-neglect - either unable or unwilling to provide adequate care for

themselves, or obtain necessary care to meet their needs, declining essential support.

- 20.1 Any or all these types of abuse may be perpetrated as a result of deliberate intent, negligence or ignorance. More often adults with care and support needs and children are abused by someone who is known to them. An abuser may be a paid carer or volunteer, a partner, relative, friend or child, a care worker or other professional or another adult who is receiving services.
- 20.2 Whilst there is a strong correlation between key stalking behaviours* and domestic homicides / domestic abuse, stalking also occurs outside of intimate or interfamilial relationships (Dr Jane Monckton-Smith Homicide Research Group 2017)

21 Peer-on-Peer Abuse

- 21.1 Children and young people can abuse their peers. Alertness to the risk of peer on peer abuse is paramount to preventing, identifying and responding to it. Staff must never dismiss abusive behaviours as a normal part of growing up, or “banter” and develop high thresholds before taking action. A significant proportion of sex offences are committed by teenagers, and, on occasions, committed by younger people. Peer-on-peer abuse must be taken as seriously as abuse by adults.

22 Barriers to Recognising Abuse in Children and Young People with Special Educational Needs and Disabilities

- 22.1 Children and young people with special educational needs and disabilities are more vulnerable to abuse than non-disabled children. Some of our learners, service users and customers may have life-long developmental difficulties, complex learning needs and autism. Due to the complexity of needs staff must be alert of the additional barriers that exist in relation to disabled children when recognising the signs, symptoms and indicators of all aspects of abuse.
- 22.2 Additional barriers that may exist which staff might not be consciously aware of include:
- Over identifying with the child's / young person's parents / carers and being reluctant to accept that abuse or neglect is taking place
 - Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to a child's disability without further explorations

- Not being able to understand the child / young person's method of communication
- A lack of knowledge about the child's / young person e.g. not knowing their usual behaviour

Related Areas to Safeguarding

1. Forced Marriage

- 1.1 The tradition of arranged marriages has operated successfully within many countries and communities. A clear distinction must be made between a forced marriage and an arranged marriage. In arranged marriage's the families of both spouses take a leading role in arranging the marriage but the choice whether to accept the arrangements remains with the individuals. In forced marriages at least one party does not consent to the marriage and some element of duress is involved. Forcing someone to marry in the UK is a criminal offence.
- 1.2 Most cases of forced marriage involve young women and girls aged between 13 and 30 years. However, there is increasing evidence to suggest that as many as 15% of victims are male. This includes heterosexual, as well as gay, bi and transsexual men.

2. Child Sexual Exploitation

- 2.1 Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' e.g. food accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and / or another or others performing on them, sexual activities. Child sexual exploitation can occur using technology without the child's immediate recognition; for example, being persuaded to post sexual images on the Internet / mobile phones without immediate payment or gain.
- 2.2 In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social / economic and / or emotional vulnerability (National Working Group for Sexually Exploited Children and Young People (NWG) 2008).
- 2.3 Sexual exploitation results in children and young people suffering harm and may be supported to recover whilst others may suffer serious life-long impairments which may, on occasion, lead to their death, for example through suicide or murder.

3. Female Genital Mutilation (FGM)

- 3.1 Female genital mutilation is a collective term for procedures which include the removal of part or all of the external female genitalia for cultural or other non-therapeutic reasons. This practice is not required by any major religion and medical evidence indicates that female genital mutilation causes harm to those who are subjected to it. Girls may be circumcised or genitally mutilated illegally by doctors or traditional health workers in the UK or Ireland or sent abroad for the operation.
- 3.2 Female circumcision, excision or infibulation (FGM) is illegal in both Ireland and UK.

4. Modern Slavery / Trafficking

- 4.1 Modern Slavery includes exploitation in the sex industry, forced labour, domestic servitude in the home and forced criminal activity. These types of crimes are often called human trafficking. It can be perpetrated against men, women, and children, and include victims that have been brought from overseas, and vulnerable people in the UK and Ireland, being forced to work illegally against their will in many different sectors, including brothels, cannabis farms, nail bars and agriculture. Threats, use of force or other forms of coercion, abduction, abuse of power or position of vulnerability are just some of the ways perpetrators will force their victims to concede.

5. Honour Based Violence

- 5.1 Honour' based violence is a crime committed when family members of acquaintances feel that dishonour (shame) has been brought to their family or community by doing something that is not in keeping with traditional beliefs of their culture. For example; having a relationship with someone from a different culture or religion, wearing clothes or taking part in activities that might not be considered traditional within their particular culture, or wanting to leave an arranged marriage or forced marriage.

6. Domestic Abuse

- 6.1 Domestic abuse is defined as an incident or pattern of incidents of controlling, coercive or threatening behaviours, violence or abuse by someone who is or

has been an intimate partner or family member regardless of gender or sexuality. It includes 'honour' based violence, emotional, sexual, financial, psychological and physical abuse.

7. Stalking

7.1 Stalking can be defined as a pattern of repeated unwanted behaviour that causes an individual to feel distressed, scared, and / or fear violence. It differs from harassment, in that the perpetrator will be obsessed with, or fixated on, the individual they are targeting. Such as repeatedly damaging property, watching or spying including tracking devices, contacting workplaces, colleagues, friends close to the victim, online monitoring, blackmail, making threats to hurt those close to the victim, including their children, repeatedly sending unwanted letters or gifts and sexual and physical assault.

8. Hate Crime

8.1 Hate crime or incidents means any incident that is perceived by the victim, or any other person to be racist, homophobic, or due to a person's religion, beliefs, gender identity or disability. Anyone can be a victim of hate crime or incidents regardless of race, age, disability, sexuality or gender. Lesbian, gay, bisexual and transgender (LGBT) individuals could face additional concerns around homophobia and gender discrimination. Individuals may be concerned that they will not be taken seriously or recognised as a victim. Abusers may also control their victims by threatening to 'out' them to friends and family or support services.

9. Extremism and Radicalisation

9.1 Extremism can range from incitement of social, racial or religious hatred through to advocating and justifying the use of violence to achieve fundamental change in society.

9.2 Radicalisation is the context of extremism and refers to the process by which people come to support violent extremism and in some cases, join terrorist groups. It is important to note however that having radical views is not wrong or illegal. It is when radical views cross over to incitement of hatred and justification of violence that it moves into criminality.

9.3 HM Government defines 'extremism' as a vocal or active opposition to fundamental British Values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. The HM Government definition also includes calls for death of members of its armed forces, whether in this country or overseas.

10. Cyber Abuse / Sexting

10.1 Cyber bullying is facilitated through electronic technology which includes devices and equipment such as cell phones, computers and tablets. Communication tools are also utilised such as social media sites, chat and websites. Examples of cyber bullying are rumours sent via e-mail or posted on social networking sites and embarrassing pictures, videos, and fake profiles.

10.2 Children, young persons and adults who are being bullied in this way have difficulty removing themselves from this behaviour as cyber bullying can take place 24 hours a day, 7 days a week and can reach a person when he or she is alone. Messages and images can be posted anonymously and distributed quickly to a very wide audience. It can be difficult or in some cases, impossible to trace the source. It is also extremely difficult to delete inappropriate or harassing messages, texts or pictures once they have been posted or sent.

11. Gangs

11.1 A gang is defined as a relatively durable group who have collective identity and meet frequently. They are predominately street-based groups of young people who see themselves (and are seen by others) as discernible groups, engaging in criminal activity and violence which can be integral to the group's activity laying claim over territory (this is not just geographical territory but also includes illegal economy) and in conflict with other similar gangs.

11.2 The risk posed to young people involved in gangs are being exposed to violence, weapons, drugs and sexual exploitation.

11.3 Evidence suggests that gangs are predominately male with an average age of 20 years. They have extensive criminal histories with the average age of the first conviction being at 15 years old. However, there is a reported increase in female members in gangs. There is often pressure for girls to associate with young boys in gangs to 'link' with gang members to attain status for their own protection and perhaps benefit from a criminal lifestyle. Sexual exploitation and

abuse is a risk for girls. For example, rape by gang members as a form of retaliation or as an act of violence is said to occur quite frequently in some areas and reports to police are rare due to fear of intimidation.

12. Bullying

12.1 Whilst there is no legal definition of bullying it is often described as repeated behaviour which is intended to hurt someone either emotionally or physically and is often aimed at certain people because of their race, religion, gender or sexual orientation or any other aspect such as appearance or disability. It can happen anywhere, including school, university and in the work place. Bullying can take many forms including, name calling, damaging belongings, making things up to get someone into trouble, threats, intimidation, stealing money, posting insulting messages, or rumours on the internet etc.

13. Mate Crime

13. This term is understood to refer to the befriending of people who are perceived by perpetrators to be vulnerable, for the purpose of taking advantage of, exploiting and /or abusing them. The relationship is likely to be of some duration and, if left unchecked, may lead to a pattern of repeat and worsening abuse. Mate crimes are likely to happen in private, often in the victim's homes. It can also occur via social media, where victims are financially or sexually exploited after being befriended online. Whilst this crime can affect many people, individuals with learning disabilities, mental health, older people and those with substance abuse issues are all at greater risk.

Appendix A

Definition of a 'Close Relative' – Private Fostering

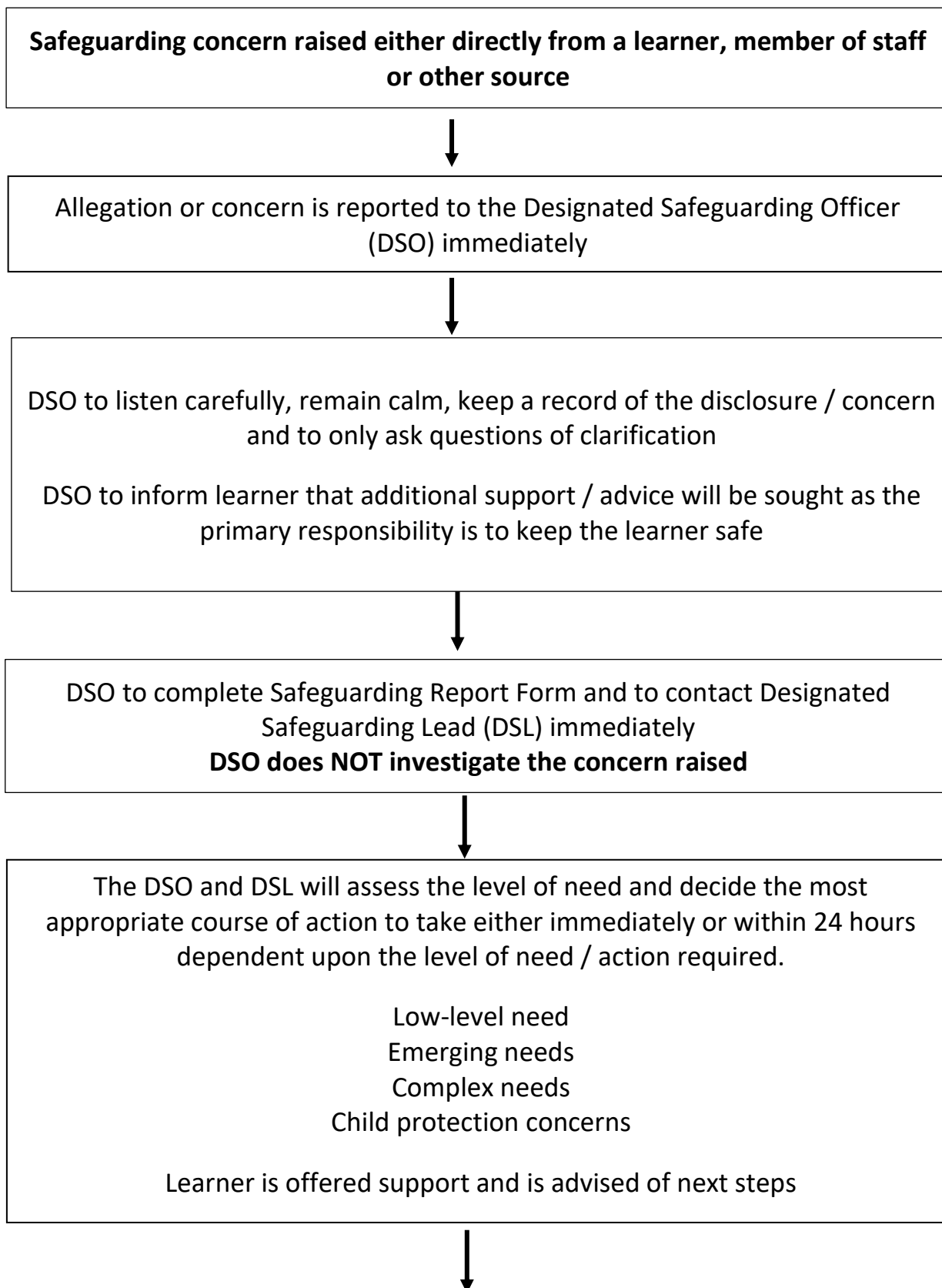
Private fostering is when a child under 16 (under the age of 18 if disabled) is cared for by someone who is not their parent or a 'close relative'. This is a private arrangement made between parent and carer for a period of 28 days or more. Close relatives are defined as step-parents, grandparents, brothers or sisters, uncles or aunts (whether half or full blood, marriage / affinity). A cohabitee of the mother or father would not qualify as a close relative, neither would extended family such as great aunts or uncles or parent's cousins.

Legal Obligations

Privately fostered children are safeguarded by the Children Act associate regulations. It is an offence not to notify the local council of a private fostering arrangement. Professionals in the education, health and social care fields therefore have a shared responsibility to work together to ensure that all privately fostered children are well cared for and are safeguarded from harm.

Appendix B

Safeguarding Reporting Process



If necessary, and where appropriate, the DSL will refer the incident to an external agency (Local Safeguarding Children Partnership / Police / Social Care) for investigation.



Learner to be kept continuously informed.