

Safeguarding Learners Policy and Strategy

Last review date: 17th January 2022

Date for next review: 16th January 2023

Reviewer: Robin Lockwood, CEO

Signature:

A handwritten signature in blue ink, appearing to be 'R. Lockwood', written over a light grey grid background.

Summary

This policy and any associated procedures are a summary of our key responsibilities under safeguarding and welfare of learners. It is based primarily on the statutory guidance issued by the Department for Education; Keeping Children Safe in Education, 2021 (KCSE.)

KCSE provides a greater level of detail if required. This policy places an expectation on all staff to be familiar with part 1 of the document and for those staff with specific safeguarding duties or responsibilities to be familiar with the entire document. Elements of the document have been re-iterated in this policy for convenience and attention drawn to relevant paragraphs where required for further clarification.

The intention is for this document to provide the day to day guidance required for staff to provide effective safeguarding. Clarification where required should come from reference to the KCSE publication and/or discussion with a Designated Safeguarding Officer.

This policy must be reviewed annually or after changes to legislation or updates.

Minimum Expectations

Designated Safeguarding Officers	Other Staff
Leadership and Management	
Read this policy and apply as required	Read this policy and apply as required
Read the full KCSE Documentation	Read part 1 of the KCSE Documentation
Be aware of the external agencies that need to be contacted and liaise with them as required.	Be aware of who the Safeguarding leads are and keep them informed as required.
Act quickly and appropriately should you become aware of or suspect an safeguarding issue.	

Context

Seta is committed to working with all its employers and other partners in carrying out its responsibilities with a view to safeguarding and promoting the welfare of learners (see definition in appendix A) who undertake their training with Seta.

Seta will ensure all learners undertake their training in an environment where they are safe from harm, such as illness, abuse or injury. The organisation's safeguarding policy takes a preventative and precautionary approach to the processes and procedures that are necessary to be in place to protect all learners from any potential harm or damage.

Values and beliefs

In addition to Seta's statutory responsibilities with regard to safeguarding learners the organisation has a set of values and beliefs that shapes its commitment and drive to ensure all our learners undertake their training in a safe and friendly environment, this includes:

- The right of all learners to learn and train in a safe and caring environment.
- The right of all learners to expect an adult in a position of authority to listen to them when they need to express themselves.
- All learners should be valued and respected as individuals.
- Any form of bullying, harassment or discrimination is strictly unacceptable.

Commitment

Seta is committed to:

- Fulfilling its duty in safeguarding and promoting the welfare of learners and recognises its role in identifying cases of suspected abuse and making referrals to the appropriate investigating agency.
- Taking seriously its obligations under the every Child Matters agenda and strives to help children and young people achieve the following five outcomes:
 - Being healthy
 - Staying safe
 - Enjoying and achieving
 - Making a positive contribution
 - Achieve economic well being
- Having in place a designated member of staff with lead responsibility for safeguarding children, and ensure that they receive appropriate training and development.

- Operating a safe recruitment procedure that will ensure all appropriate checks are carried out on staff that work with learners.
- Ensuring all staff have clearly defined roles with regard to safeguarding learners and receive the appropriate safeguarding training.
- Developing and implementing procedures and guidance for Seta staff and other employees who work with or come into contact with our learners.
- Having in place procedures to deal with allegations against Seta staff and other employees who work with or come into contact with Seta learners.
- Undertaking an annual review of its policy and procedures relating to safeguarding and how the duties have been discharged.

BACKGROUND

Seta has a statutory responsibility as set out in Section 175 of the Education Act 2011 to ensure that its functions are carried out with a view to safeguarding the welfare of children, young people and vulnerable adults. In addition Seta must take note of any guidance issued by the Secretary of State in considering what arrangements they need to take.

SAFEGUARDING STRATEGY

Our strategy to implement the Safeguarding policy is focussed on the following strategic aims:

Safe Recruitment

Ensure the process for staff recruitment is carried out systematically and robustly to prevent unsuitable people from working with our learners. This will involve ensuring that all prospective employees:

- Provide evidence of qualifications achieved.
- Complete DBS Disclosure at Enhanced level with barring check.
- Provide evidence of identity, nationality, residency and right to work status.
- Ideally provide a minimum of two references, one from previous employer.
- Be interviewed by an individual or panel where at least one of the interviewers is a Lead Safeguarding contact.

Maintain a single central record for all DBS/recruitment data.

Staff roles and responsibilities

Ensure that:

- All job descriptions and person specifications contain statements relating to safeguarding the welfare of our learners.

- A senior member of staff is designated to take lead responsibility for dealing with child protection issues, providing advice and support to other staff, liaising with the local authority, and working with other agencies.
- That clear roles and responsibilities are defined for:
 - Managerial staff
 - Central support staff (financial/administration)
 - Front line staff who work with employers and learners

Specific Legal Duties under Safeguarding:

Female Genital Mutilation

If a member of staff discovers that an act of FGM appears to have been carried out on a girl under the age of 18, they **must personally** report this to the police. Unless they have good reason to they should also consider and discuss any such case with the Lead Safeguarding contacts (the CEO and/or the Centre Manager).

Referral to DBS

Seta has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- The harm test is satisfied in respect of that individual;
- The individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and the individual has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left.

The list of relevant offences is set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 (amended.)

Refer to Keeping Children Safe in Education 2019 for information about what constitutes a regulated activity and Annex F, of same document for additional guidance.

The legal duty applies equally in circumstances where an individual is deployed to another area of work that is not regulated activity, or they are suspended.

Referrals must be made as soon as possible after the resignation, removal or redeployment of the individual.

Information Sharing

In line with paragraph 78 of KCSE 2021, Data Protection legislation (DPA 2018 and GDPR) **must not be allowed to stand in the way** of the need to promote the welfare and protect the safety of children.

Staff training

Incorporate staff training into Seta's overall training plans to ensure that:

- Those staff with designated roles receives training in safeguarding learners and inter-agency working to standards approved by the Local Safeguarding Board, and that refresher training is provided every two years.
- All staff who work with learners will receive training to ensure they are aware of their responsibilities for safeguarding learners and are familiar with Seta's policies and procedures. Refresher training will be held at a maximum of every three years.

Work Placements

For all non-employed learners ensure the vetting process for the approval of work placements take into account safeguarding issues and that:

- The vetting of work placements must include health and safety, equality and diversity and safeguarding arrangements.
- All staff approving work placements must have received training in safeguarding learners.
- Employers recruiting apprentices or taking learners on long-term placements (more than fifteen days) must commit to safeguarding the learners welfare by endorsing the Seta's safeguarding policy.
- All nominated workplace coaches, mentors and/or work place supervisors must receive information and advice on Seta's policy and good practice procedure for working with children and young people from Seta staff and be briefed about what to do if they are concerned about a learner's welfare.
- Anyone in the workplace who is specifically designated as having responsibility for training, coaching, supervising or being in sole charge of a learner should be subject to disclosure procedures if:
 - The learner has special needs or is aged under 16.
 - Where the workplace supervisor or a colleague will have substantial unsupervised/one-to-one access to the learner (e.g. sole trader).
 - Has a residential component.
- The review of learner's progress must involve the employer and cover health and safety, equality and diversity and safeguarding arrangements.

Allegations of abuse against Seta staff and anyone in the workplace

Any allegation and concerns against Seta staff will be taken seriously and fully investigated in accordance with guidance set out in 'Safeguarding Children and Safer Recruitment in Education' and Seta's disciplinary procedure.

Seta will fulfil its legal duty as outlined above to inform the Vetting & Barring Service of any individual (paid employee, volunteer or other) who poses a threat to children, young people or vulnerable adults.

Seta will also work closely with employers to investigate any allegation against an employee in the workplace where a learner is undertaking their training through a programme delivered by Seta.

Reporting incidents

All staff who have knowledge of, or a suspicion that, a child is or has been suffering significant harm must refer their concern to one of the Lead Safeguarding Officers as soon as possible. The learner will be advised that information cannot be kept confidential and will be passed on to the designated member of staff within Seta in the first instance. See appendix B for guidelines and appendix C for documentation to be completed.

In any instance a member of staff can go directly to the local safeguarding team for advice / action without fear of repercussion.

Information and support

Ensure learners receive information and instruction on safeguarding reporting procedures and that safeguarding is re-enforced.

Incorporating safeguarding into Quality Policy

Ensure that the quality procedures and documents, particularly appertaining to the learner and employer journey are regularly updated and checked. To do this they will be embedded within the Seta QMS for ISO 9001:2015 and internally and externally audited.

PROCESSES, PROCEDURES AND GUIDANCE

The safeguarding learner's policy is supported by processes, procedures and guidance to ensure the policy is effectively implement throughout Seta and all organisations that work in partnership with the company.

POLICY CONTEXT

Seta's safeguarding policy does not operate in isolation, there are a number of other associated policies, procedures, legislation and guidelines relevant to the safeguarding policy, and these are:

- Complaints procedure
- Equality and Diversity
- Harassment and Bullying
- Prevent Radicalisation and Extremism
- Health and Safety
- Quality Policy

- Keeping Children Safe in Education (Sept 21)

ROLES AND RESPONSIBILITIES

To ensure the policy is fully implemented it is essential roles and responsibilities are clearly defined for all staff with regard to safeguarding learners. Outlined below are the roles and responsibilities for the Board of Directors and all personnel.

Board of Directors

Ensure:

- Seta has developed and implemented a safeguarding policy and procedures in accordance with guidelines set out in the DfES Safeguarding Children and Safer Recruitment.
- Fulfils its statutory responsibility as set out in Section 175 of the Education Act 2011 to ensure that its functions are carried out with a view to safeguarding the welfare of all its learners.
- Seta implements any guidance issued by the Secretary of State in considering what arrangements they need to take.

Chief Executive Officer (CEO)

Ensure:

- That the policy and procedures for safeguarding learners are implemented and followed by staff.
- All staff receives the appropriate training to equip them to carry out their duties and responsibilities competently.
- That sufficient time and resources allocated to enable designated person(s) to fulfil their responsibilities.
- All staff feels confident to raise concerns about poor and unsafe practice in accordance with agreed whistle blowing policies.
- Ensure the recruitment process incorporates the requirement for safe recruitment.
- Updates all job descriptions and person specifications to incorporate responsibility relating to safeguarding the welfare of children and young people.
- Accept leadership responsibility as appointed by the board of directors for Seta's safeguarding arrangements
- That a member of staff is appointed Lead Designated Safeguarding Officer and sufficient deputy officers are appointed to ensure availability of an officer at all times.
- That the Designated Safeguarding lead(s) is part of the written job description of appointed individuals covering the responsibilities.

Lead Designated Safeguarding Officer (LDSO)

- Ensure internal checks (OTLA) to identify evidence of safeguarding policies being implemented and good practice captured and recorded.
- Advises CEO on proposed changes to the safeguarding policy.
- Promote positive safeguarding procedures and practice within Seta.
- Offer advice to managers and staff on appropriate procedures to follow with regard to:
 - Recruitment
 - Staff training
 - Learner and employer awareness
 - Reporting incidents
 - Allegations of abuse against Seta staff and anyone in the workplace
- Ensure the correct procedures are followed when it is identified a learner is at risk of abuse and/or radicalisation as per the Prevent Duty. (See also Prevent Extremism and Radicalisation policy.)
- Undergo training to provide them with the knowledge and skills to carry out their role, updated every two years
- Maintain CPD, this must be done at regular intervals and at least annually to keep up with any developments relevant to the role.

Tutors and other delivery staff

- Undertake appropriate training in line with existing job description ensuring that this done at least every three years.
- Provide advice and support to employers on do and don't of working with young people when appropriate
- Provide training and instruction to learners on the safeguarding procedures
- Feedback any concerns and allegations to the Lead Safeguarding Officers.

Business Development Consultants

- Undertake appropriate training in line with existing job description ensuring that this is done at least every three years.
- Provide advice and support to employers on do and don't of working with young people when appropriate.
- Provide training and instruction to learners on safeguarding reporting procedures.

- Risk assess placement to identify whether DBS check is required.
- Feedback any concerns and allegations to the Lead Safeguarding Officers.

Workplace mentor/coach/supervisor (not employed by Seta)

- Be conversant with Seta policy and procedures with regard safeguarding
- Feedback any concerns and allegations to the Lead Safeguarding Officers.
- Participate in the review process.

All Seta employees

In addition to specific roles for each occupation within Seta it is each employee's responsibility to read Keeping children safe in education Part 1: Information for all school and college staff

Learners and Apprentices

- To take reasonable care for themselves and other persons who may be affected by their acts or omissions
- Familiarise themselves with the types of abuse that that young people could be subject to.
- Understand the risks associated with radicalisation and how to identify the strategies used by those who are attempting to radicalise young people.
- Undertake the appropriate training delivered by Seta including the completion of the induction and ongoing development booklet
- Know the procedure to follow if they have concerns regarding the behaviour of any member of staff or learners.

Appendix A

Definition

With regard to the organisations safeguarding learner's policy a learner is any person undertaking training with Seta. The decision to involve all learners within the policy has been taken because the majority of Seta's learners are aged between 16-19 and therefore the organisation did not want to have in place a policy that only applied to under 18 year olds and vulnerable adults.

The organisation is also aware that a learner could commence their training aged sixteen (therefore classified as a child in law) but be 18 when their training is completed and fall outside the classification of a child and therefore out of the scope of the policy.

Please note:

In law a child is a child until their 18th birthday and this applies to all domestic legislation.

A vulnerable adult is a person who has attained the age of 18 and:

- Is receiving any form of health care.
- Is receiving a service or participating in an activity which is specifically targeted at people with age related needs, disabilities or prescribed physical or mental health conditions or expectant or nursing mothers living in residential care.
- Age-related needs include needs associated with frailty, illness, disability or mental capacity.

Appendix B

Guidelines on dealing with suspicions or allegations of abuse in relation to safeguarding learners

1. Definition of Abuse

Abuse under Seta's safeguarding learners policy includes:

- **Physical abuse**, including hitting, slapping, pushing, kicking or inappropriate sanctions.
- **Sexual abuse**, encouraging relevant individuals to look at pornography, harassing them by making sexual suggestions or comments, or sexual acts (Rape, Penetration and Assault) where the individual has not consented, or could not consent or was pressured into consenting.
- **Psychological abuse**, including 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.
- **Neglect and acts of omission**, including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or education services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
- **Financial or material abuse**, including theft, fraud, exploitation, pressure in connection with will, property or inheritance or financial transactions, or misuse or misappropriation of property, possessions or benefits.
- **Discriminatory abuse**, including racist, sexist, that based on a person's disability, and other forms of harassment, slurs or similar treatment.

Other abuses include:

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. It is an appalling and indefensible practice and is recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights.

The pressure put on people to marry against their will can be physical (including threats, actual physical violence and sexual violence) or emotional and psychological (for example, when someone is made to feel like they're bringing shame on their family). Financial abuse (taking your wages or not giving you any money) can also be a factor.

Female genital mutilation (FGM)

Also known as female genital cutting and female circumcision, is the ritual removal of some or all of the external female genitalia. The practice is found in Africa, Asia and the Middle East, and within communities from countries in which **FGM** is common.

However, there were 5,700 new cases of female genital mutilation recorded in England in 2015-16, the first annual statistics show.

The figures, published by the Health and Social Care Information Centre and covering the period of April 2015 to March 2016, show that in 18 cases the practice had been undertaken in the UK.

The most common time when FGM was undertaken was between the ages of five and nine, accounting for 43% of the total number of cases where the age at the time of being cut was known.

Up skirting

Typically involves taking a picture under a person's clothing without them knowing with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence.

Child Sexual Exploitation

Child sexual exploitation (CSE) is a type of **sexual** abuse. **Children** in exploitative situations and relationships receive something such as gifts, money or affection as a result of performing **sexual** activities or others performing **sexual** activities on them.

Child Criminal Exploitation (County Lines)

Exploitation of children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns.

“Honour-based” violence (HBV)

Incidents or crimes against a young person which have been committed to protect or defend the honour of the family and/or community. Can include FGM, forced marriage, breast ironing and other forms of abuse. All forms of HBV are abuse and should be handled and escalated as such.

2. Detecting abuse

There are a number of ways in which suspicions of abuse may be raised or actual abuse brought to your attention, these include:

- A learner may confide in you that they are being abused
- A colleague or employer may report to you that a learner has confided in them that they have been abused or that they have a suspicion that a learner is being abused.
- A learner may display signs of physical abuse.
- The behaviour of, or a change in the behaviour of a child may suggest that they are being abused.
- A colleague may confide in you that they have abused a learner.
- The behaviour of, or a change in the behaviour of a colleague, may suggest that they are abusing a learner.

3. Dealing with a suspicion or awareness of abuse

If you have a suspicion or are aware that a learner is being abused you must act quickly by appropriately and professionally.

To assist in the reporting procedure please ensure that you:

DO	DO NOT
<ul style="list-style-type: none"> • Be accessible and receptive. • Protect the scene of any incident • Listen carefully. • Reassure learner that they are right to tell. • Negotiate getting help. • Find help quickly • Make careful records of what was said using learners own words as is practicable following disclosure. Date, time and sign record. This record would be used in any subsequent legal proceedings. • Advise the person you need to take notes, and that you can't promise to keep these to yourself. Explain who may be privy to the details. • Ask questions to clarify any points, but be careful not to lead. 	<ul style="list-style-type: none"> • Jump to conclusions. • Try to get the learner to disclose all the details. • Speculate or accuse anybody. • Make promises you cannot keep. • Give your opinion, just state the facts as reported to you.

If you suspect abuse has taken place or abuse has been brought to your attention you are obliged to take action but you must also ensure at all times the welfare of the learner is paramount and the interests of the person(s) whom the allegation has been made are protected.

Where practical you should obtain the following information:

- Contact details of the learner.
- Details of the allegations or suspicion including where known name of the alleged abuser and the circumstances, which brought the alleged abuse to your attention.
- The information should be recorded on the attached form (appendix A)

4. Reporting suspicions or allegations of abuse

You should immediately report any suspicion or allegation of abuse to one of the Designated Safeguarding Officers (DSO). Where a situation is urgent, and the DSO cannot be contacted, the matter should be referred to the local safeguarding team for action / advice.

Where an individual does refer to a DSO, and the DSO doesn't perceive the situation as one that the safeguarding team need to be involved in, where the individual disagrees, they can, without any threat of discipline, contact the local safeguarding team themselves.

The DSO may:

- Provide appropriate support for the learner.

- Report the suspicion or allegation to the relevant agencies that may include the Police and/or Social Services and/or Vetting & Barring Service.
- Make a written record of the contact at any of these agencies to which the case is reported.
- Provide appropriate support for the person against whom the allegations have been made.
- Confirm to the person who originally reported the allegation that action has been taken.
- Inform CEO of any report or suspicion.

5. Person against whom the allegations have been made

The CEO may consider whether it is appropriate to take any action against the individual in accordance with staff and Learner disciplinary procedures. The individual will be notified in writing if any such action is to be taken.

With regard to suspicion or allegation related to an employee working within a partner organisation e.g. sub-contractor or placement provider/employer the CEO or designated Director will approach the head of the organisation with the aim of:

- Informing the company of the action taken by Seta including to whom the allegation or suspicion has been reported.
- Agreeing the appropriate action to protect the health and welfare of the learner.

APPENDIX C

Dealing with Allegations of abuse against Seta staff

Should an allegation be made against a member of staff then the process of reporting will be to inform the Lead Safeguarding officer or the CEO as soon as possible who will investigate any allegations and protect any learner(s) that may be at risk.

APPENDIX D

Lead Designated Safeguarding Officers (LDSO) at Seta

Robin Lockwood

Chief Executive Officer

Tel: 01914162860

Email: robin.lockwood@seta.co.uk

David Jones

Centre Manager

Tel: 01914162860

Email: dave.jones@seta.co.uk

When learners in immediate danger call Police Central unit

Phone 101

To report or seek urgent advice regarding a safeguarding concern, including forced marriage;

Sunderland Safeguarding children partnership on 0191 5205560 (available 8.30am to 5.00pm Monday - Thursday, 8.30am to 4.30pm Friday); or the Out of Hours Team on 0191 520 5552 (also available 24 hours Saturday and Sunday)

South Tyneside Council on 0191 424 5010 (Monday to Thursday - 8.30am to 5pm, Friday - 8.30am to 4.30pm) 0191 456 2093 (Outside of the stated time)

Gateshead Council's Children's Services (in confidence) on: 0191 433 2653 (office hours: Monday - Friday, 8.30am to 5pm) 0191 477 0844 (out of hours, at night, at weekends and bank holidays)

Newcastle's Safeguarding partnership Initial Response Service – 0191 277 2500 Emergency Duty Team – 0191 278 7878

Durham County Council Social Care Direct - 0191 383 5752

Appendix C

RECORD OF ALLEGATION OR SUSPICION OF ABUSE OR SAFEGUARDING ISSUE

Date of report		Time report completed	
To: Responsible Person			

Allegation or suspicion of abuse or safeguarding issue

Name of Complainant	Name and contact details of Learner	Place of alleged suspicion of abuse or safeguarding issue

Details of allegation or suspicion

In the box below please give as much information about the allegation or suspicion or safeguarding issue, including if you suspect abuse what alerted your attention to the situation. Please include all names of the people involved.

<i>Details of incident/allegation.</i>

Name person reporting incident (capitals)	
Signed:	Dated:
Centre:	Tel No:
Email address:	
Please return to Robin Lockwood (robin.lockwood@seta.co.uk) or David Jones (dave.jones@seta.co.uk)	