

Safeguarding Policy

1. Introduction

Datalaw regards the health, safety and welfare of all young people and vulnerable adults engaged in apprenticeships, courses, and other activities, as one of its highest priorities.

The organisation recognises and fully accepts its moral and statutory duty to safeguard and promote the welfare of young people and vulnerable adults and its duty to protect staff from unfounded allegations of abuse. It is committed to not only ensuring the safety and welfare of young people and vulnerable adults but also to raising awareness of safeguarding issues.

Datalaw will take all reasonable measures to ensure that any risk of harm to learners' health is minimised and will take all possible action to address concerns about the welfare of any student in full partnership with other local agencies.

We will ensure:

- A safe environment for all learners and staff
- Those suffering or at risk of suffering significant harm or abuse are identified and referred to the necessary agencies as appropriate
- All apprentices learn about safeguarding, prevent and British Values
- All apprentices learn about our safeguarding procedures and how to keep themselves and others safe

We will do this by:

- Appointing and training a Designated Safeguarding Lead (DSL) and ensuring all staff working with apprentices are trained in safeguarding and prevent.
- Raising awareness of issues relating to the welfare and safeguarding of young people and vulnerable adults.
- Establishing a Code of Conduct for staff working with apprentices to minimise the risk of unfounded allegations.
- Ensuring all staff working in regulated activity read and understand 'Keeping Children Safe in Education' (Part 1) and Annex A.
- Ensuring staff recognise the signs of abuse or that an individual may be at risk of significant harm.
- Promoting a safe learning environment in the workplace and in the virtual classroom.
- Engaging with employers to ensure their commitment to safeguarding in the workplace.

- Working with other agencies as appropriate (e.g. Safeguarding Partners) where an individual is being, or at risk of being, significantly harmed.
- Providing a framework for reporting and dealing with concerns and disclosures. (See Appendix A)
- Embedding safeguarding and prevent in the delivery of learning and in assessments.
- Embedding British values into the curriculum and assessment process.
- Establishing clear procedures for the reporting and handling of allegations of abuse against staff.
- Requiring staff to undertake mandatory safeguarding and prevent training upon employment with annual updating.

2. Scope

This policy applies to all staff, including senior managers and directors, paid staff, consultancy staff, agency staff, volunteers or anyone working on behalf of Datalaw.

3. Definitions

For the purposes of this policy, the following definitions apply;

Safeguarding – protecting children, young people and vulnerable adults from maltreatment, preventing impairment of their physical and mental health or development and ensuring they are growing up in circumstances consistent with the provision of safe and effective care

Child Protection – any activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm

Child/Young Person – anyone under the age of 18

Vulnerable Adult – for the purposes of this policy, an individual under the age of 25, with specific personal or situational needs, which increase their risk of suffering significant harm

Significant Harm – The Children’s Act introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interest of the children. Some children may be in need of help because they are suffering or likely to suffer significant harm.

4. Underpinning Legislation and Guidance

The legislative frameworks around our policy are:

Working Together to Safeguard Children 2018 reaffirms safeguarding as everyone’s responsibility and the sharing of information between agencies.

Keeping Children Safe in Education 2020 requires all staff to read and understand their responsibilities if engaged in 'regulated' activities with young people.

The Prevent Duty 2015 requires specified authorities, including education, in the exercise of their functions to have due regard to the need to prevent people from being drawn into terrorism.

Children's Act 2004, which is fundamental to people working with children and young adults in the UK

Education Act 2002 requires that governing bodies of FE providers have a statutory duty to make arrangements to safeguard and promote the welfare of children and young people

Sexual Offences Act 2003 makes it is an offence for a person over 18 (e.g. a lecturer or other member of staff) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual.

Safeguarding Vulnerable Groups Act 2006 sets out the type of activity in relation to children and adults at risk for which employers and individuals will be subject

Protection of Freedoms Act 2012 which changed the definition of Regulated Activity including who is eligible for a barred list check.

5. Associated Policies

This policy should be read in conjunction with the following Datalaw policies and guidelines;

- Prevent Policy
- Staff Code of Conduct
- Whistleblowing Policy
- Health and Safety Policy
- IT and E-Safety Policy

6. Types of abuse

The following are recognised as types of abuse, although any act which harms a young person or vulnerable adult should also be considered:

Physical Abuse - may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating. It may be done deliberately or recklessly, or be the result of a deliberate failure to prevent an injury occurring

Neglect - the persistent or severe failure to meet a young person's or vulnerable adult's physical and/or psychological needs, which may result in serious impairment of their health or development

Sexual Abuse involves a young person or vulnerable adult being forced or coerced into participating in or watching sexual activity of any kind. Any apparent consent or awareness is irrelevant

Emotional Abuse – persistent emotional ill treatment or rejection; includes abusive or offensive electronic communications. This causes severe and adverse effects on behaviour and emotional development, resulting in low self-esteem. Some degree of emotional abuse is present in all forms of abuse.

Financial Abuse - in intimate or parental relationships is a way of controlling a person's ability to acquire, use, and maintain their own money and financial resources

Extremism and Radicalisation – Extremism is defined as “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; and/or calls for the death of members of our armed forces, whether in this country or overseas.” Radicalisation is defined as “the way in which a person comes to support terrorism and encourages other people to believe in views that support terrorism”

Modern Slavery and Human Trafficking - the use of violence, threats or coercion to transport, recruit or harbour people in order to exploit them for purposes such as forced prostitution, labour, criminality, marriage or organ removal.

Domestic Abuse - Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.

Child Sexual Exploitation - Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator.

Child Criminal Exploitation - Criminal exploitation of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity: drug networks or gangs groom and exploit children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns.

Forced Marriage – describes a marriage in which one or both of the parties are married without their consent or against their will. Different from an arranged marriage, in which both parties' consent

Female Genital Mutilation - all procedures involving partial or total removal of the external female genitalia for nonmedical reasons. FGM is illegal in England and Wales under the FGM Act 2003

Bullying - is a term used to describe behaviour that hurts or harms someone. It includes name calling, pushing, hitting, spreading rumours, or threatening or undermining someone. It can happen anywhere; at home, in the office or on-line. (cyber-bullying) It is usually repeated over a long period of time and can hurt a young person or vulnerable adult both physically and emotionally

Mental Health - all staff should also be aware that mental health problems can, in some cases, be an indicator that a young person or vulnerable adult has suffered or is at risk of suffering abuse, neglect or exploitation. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem.

7. Safeguarding Training

Datalaw is committed to ensuring that those linked to the Apprenticeship programmes understand their safeguarding responsibilities and keep their knowledge up to date. For this reason, employees directly involved in apprenticeship training are required to carry out safeguarding training via e-learning and attend organised face-to face training as arranged.

Relevant staff and contracted trainers / assessors must complete an online safeguarding training package within 3 months of taking up post, and after that at 3-yearly intervals. There will also be regular refresher training for the team on safeguarding young people and vulnerable adults, including reports on responses, confidentiality and reporting.

Apprentices within Datalaw will undergo a full health and safety induction. Both safeguarding and prevent will be covered at this induction and will be reinforced throughout the programme.

8. Designated Safeguarding Lead

Datalaw have a nominated a Designated Safeguarding Lead (DSL) who has been trained to the required level. The DSL has lead responsibility for dealing with safeguarding issues.

The DSL will be responsible for:

- Being the Single Point of Contact for staff, learners and Safeguarding Partners in relation to all safeguarding matters.
- Ensuring that this policy is compliant with statutory responsibilities and is reviewed annually.
- Ensuring that individuals who work with, or have contact with, young people and vulnerable adults (i.e. assessors) receive basic training in safeguarding and the prevent duty.
- Overseeing the referral of cases of suspected abuse or allegations to the relevant authorities and liaising with such agencies
- Liaising with the Safeguarding Partners and the DfE Prevent Co-Ordinator to understand the local and national risks and ensuring that these are communicated to staff and learners.
- Overseeing any allegations made against staff and liaising with the Local Authority and DBS as appropriate.
- Maintaining secure records of any safeguarding referral, complaint or concern (even where that concern does not lead to a referral) and ensuring that those records are kept securely for at least 10 years and/or in line with the organisation's GDPR policy

9. Safer Recruitment

Datalaw operates safer recruitment and employment practices. Staff checks and critical process undertaken include:

- Enhanced Disclosure and Barring Service (DBS) check (required prior to working in 'regulated' activity with young people or vulnerable adults)
- Where a conviction is recorded, the DSL will carry out a risk assessment and decide whether to confirm or reject the individual's appointment. (Anyone that is barred from working with children or vulnerable adults will NOT be appointed)
- Two employment/education references including the most recent employment
- Prohibition from teaching check
- Evidence of identity is obtained, including the right to work in the UK
- Qualifications are checked and verified with original certificates
- Areas of concern in the CV or application will be addressed during the interview
- Applicants sign the application form to declare the information they have provided is true.

This information will be held on a single central record held by the Designated Safeguarding Lead.

10. Allegations against Staff

Datalaw expect all staff to behave in a professional and appropriate manner. The Staff Code of Conduct provides staff with clear guidelines on how to behave and how to avoid unfounded allegations. Breaches of this Code of Conduct may result in disciplinary proceedings.

The primary concern in the event of an allegation is to ensure the safety of the young person or vulnerable adult. In all cases, action will be taken quickly, confidentially and professionally, with all parties clear that suspension is not an indicator of guilt, but a required part of a process.

In the event that a member of staff suspects any other member of staff of abusing a student, it is their responsibility to report these concerns to the DSL except when they are the person against whom the allegation is being made. In this instance the report should go to the Managing Director.

The DSL will contact the Local Authority and seek the advice of the Designated Officer in all situations where a member of staff has been accused of or is suspected of abuse. and where the accuser is a young person under the age of 18. The DSL will also contact the DBS to advise them of any subsequent dismissals, regardless of prosecution.

We all have a responsibility to make sure concerns about young people and vulnerable adults are passed to the DSL without delay so actions can be taken to protect them. If anyone is concerned that a young person or vulnerable adult is at risk of being abused or neglected, they should not ignore their suspicions and should not assume that someone else will take action to protect that person.

For the purposes of this policy, abuse includes:

- physical abuse
- neglect
- sexual abuse
- emotional

Other more specific risks and concerns to be aware of include; Domestic Violence, Criminal Exploitation (County Lines) Sexual Exploitation, Human Trafficking, Radicalisation, Female Genital Mutilation, Forced Marriage, Hate Crime and Bullying. It is important to note that a level of emotional abuse is present in all forms of abuse.

If a young person or a vulnerable adult tells you about possible abuse or discloses issues which indicate potential abuse, you should:

- listen carefully and stay calm
- not interview them, but use open questions in order to be sure that you understand what they are telling you
- not put words into their mouth
- reassure them that by telling you, they have done the right thing
- inform them that you must pass the information on, but that only those that need to know about it will be told
- inform them of whom you will report the matter
- make a detailed note of the date, time, place, what they said, what they did and their questions
- Contact the DSL as soon as possible and report your concerns/the disclosure. the DSL will then make a decision on further action.

Designated Safeguarding Lead at Datalaw is: Sarah Gill

Email: sarah.gill@datalaw.org

Tel: 0151 236 2024