



SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS

POLICY AND PROCEDURES

JUNE 2018

(Review date: June 2019)

In line with the Equality Act 2010 TMP College recognises and responds to its responsibility to eliminate all forms of unlawful or unfair discrimination on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity.

1. Policy

The Music Projects has a statutory and moral duty to safeguard and promote the welfare of children and vulnerable adults.

The Policy and Procedures outlined in this document have been produced in accordance and are fully compliant with the following legislation and guidance:

- Freedoms Act 2012
- Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children (2010)
- Equality Act 2010
- Vetting and Barring 2009
- Independent Safeguarding Authority 2009
- Safer Practice, Safer Learning (DfES, 2007)
- Safeguarding Vulnerable Group Act 2006
- 'What to do if you're worried a child is being abused' (Dfes, 2006)
- "Safeguarding Adults: A National Framework of standards for good practice and outcomes in adult protection work" (Association of Directors of Social Services 2005),
- Mental Capacity Act 2005
- Children's Act (1989 and 2004)
- Every Child Matters (2004)
- Sexual Offences Act 2003
- The Framework for the Assessment of Children in Need and their Families (2000)
- "No Secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse" (Department of Health 2000), "

- The Local Authorities' Safeguarding Procedures and the Human Rights Act (1998)
- Data Protection Act 1998
- Sex Offenders Act 1997

Purpose

The purpose of this policy is to clarify roles, responsibilities and procedures for TMP staff with respect to the safeguarding of children and vulnerable adults.

Scope

The following policy and reporting procedures apply to all personnel working in and on behalf of TMP (including contracted employees and sub-contracted provision and off-site delivery partners). This policy focuses on workplace responsibilities and in giving knowledge, understanding and guidance to staff about the responding to and reporting of safeguarding concerns. It also gives guidance to staff on keeping safe and working within professional boundaries and legislative requirements at all times.

The Policy and Procedure will specifically focus on:

- Child protection
- Protection of vulnerable adults
- Safer recruitment
- Dealing with allegations and suspicions
- Dealing with an abuse of trust
- A Code of Ethics and Practice for all staff
- Safeguarding

Background

Aims

The Music Projects is committed to the well-being and development of all its students. TMP recognises its contribution and duties towards safeguarding all its students, especially those who are vulnerable. TMP acknowledges that promoting safeguarding is the responsibility of all staff and accepts that abuse of children and vulnerable adults does occur. TMP believes that all children and vulnerable people should have equality in the services they receive and be able to do so in an environment that is safe, secure and welcoming.

Safeguarding is a term used to describe the overall safety and well-being of an individual and for the purposes of this policy and set of procedures includes:

- Protecting children and young people from maltreatment
- Preventing the impairment of children and young peoples' health and wellbeing
- Ensuring that children and young people are growing up in circumstances consistent with the provision of safe and effective care
- Protecting vulnerable adults from maltreatment and exploitation

Objectives

TMP will strive to:

- Provide a safe environment in which children/ young people and vulnerable adults can learn
- Provide clear guidelines and procedures for all staff so that they can respond appropriately to safeguarding concerns
- Deliver staff training which keeps all staff up-to-date with procedures and safeguarding issues
- Identify children/young people and vulnerable adults who are suffering, or likely to suffer, significant harm.
- Act promptly and diligently on any safeguarding concerns
- Offer supervision to staff to help them support students who are the victims of abuse.
- Take appropriate action to see that such children/young people and vulnerable adult are kept safe, including referral to external agencies where this is deemed appropriate
- Liaise with the appropriate key partners and develop collaborative working practices which facilitate and promote the safeguarding of children and vulnerable adults both within TMP and within the wider community
- Refer concerns that a child/young person and vulnerable adult may be at risk of significant harm to external agencies e.g Children's Services, Adult Services and/or the police.

This policy will be reviewed and updated annually to monitor its effectiveness and in order to update any changes in current legislation.

2. Definitions

Definition of a child

Someone under the age of 18, a person aged 18, 19 or 20 who (a) has been looked after by a local authority at any time after attaining the age of 16 or (b) has a learning disability. This complies with recommendations given in the DfES document "Safeguarding Children in Education" (2004) Paragraph 9 (2)

Definition of a vulnerable adult

Someone who is aged 18 or over and:

- Is unable to protect him or herself against significant harm or exploitation
- Is or may be in need of community care services by reason of mental or other disability, increasing frailty or illness
- Is or may be unable to take care of him or herself

(No Secrets DH 2000)

TMP also acknowledges that specific social or cultural groups of people may also be at greater risk of harm and will therefore be more vulnerable, such as (but not exclusively):

- Those young people who are in or leaving public care
- Asylum seekers who are under 18 and/or who are independent from their parents
- Those who are under the supervision of the youth offending or probation service

3. Categories of Abuse or Harm for children and vulnerable adults

Abuse is a violation of an individual's human and civil rights by any other person or persons. Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act or neglect or omission to act, or it may occur when a vulnerable person is persuaded to enter into financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can happen in any relationship and result in significant harm to, or exploitation of, the person subjected to it. *(DoH, 2000)*

As well as the definitions outlined below a student may be deemed to be neglected or abused if someone fails to act in order to prevent harm. These categories apply to both children and vulnerable adults and are as follows:

Children

Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a young or vulnerable person. "Munchausen Syndrome by Proxy" may also constitute physical abuse, whereby a parent or carer feigns the symptoms of, or deliberately causes ill health in a child.

Psychological or Emotional Abuse

This is the persistent psychological or emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's psychological development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of psychological or emotional abuse is involved in all types of ill treatment of a child, although this abuse can occur in isolation.

Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child 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 in looking at pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Neglect

Neglect is the persistent failure to meet a child's basic physical and psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of a child's basic emotional needs.

Vulnerable Adults

Physical Abuse

Physical abuse may involve hitting, slapping, pushing, kicking, rough handling or unnecessary physical force either deliberate or unintentional, misuse of medication, restraint or inappropriate sanctions.

Sexual Abuse

This includes rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent to, or was pressured into consenting. Sexual abuse can occur between people of the same sex and it can also occur within a marriage or any long-term relationship. A relationship of trust should exist between a member of staff or a volunteer and the person for whom they are caring. It would be seen as a betrayal of that trust, and therefore abusive, for that member of staff or volunteer to have a sexual relationship with the person they are caring for.

Psychological Abuse

This includes 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.

Financial or Material Abuse

This may include theft, fraud, exploitation or pressure in connection with wills, property, enduring power of attorney, inheritance or financial transactions. This also includes the inappropriate use, misuse or misappropriation of property, possessions or benefits. Typical signs may be loss of jewellery or personal property; lack of money to purchase basic items; inadequate clothing; loss of money from wallet or purse, etc.

Neglect and Acts of Omission

This may include the deliberate withholding of or failure to provide the help or support a person needs to carry out activities of daily living. It includes the failure to provide appropriate intervention or support to help a person, who does not have the capacity to assess risk or to deal with situations which are dangerous for them or others

Discriminatory Abuse

This may include abuse, bullying and harassment based on the individual's age, sex, disability, religion, race or ethnicity or sexual orientation (DoH, 2000). Recognised signs may be very similar to psychological and emotional abuse.

Self Neglect

This is not a direct form of abuse but staff need to be aware of it in the general context of risk assessment/risk management and to be aware that they may owe a duty of care to a vulnerable individual who place him/herself at risk in this way

Other Areas of Safeguarding Concern

- Risky behaviours
- Drug or alcohol misuse
- Unsafe sexual activity

- Involvement in relationships which may cause concern
- Use of manipulation or coercion into unsafe practices or risky situations
- Potentially dangerous environments, e.g. workshops

4. The Music Project's Commitment

TMP will ensure the following commitments are made:

- Staff will be informed that procedures are in place and that these must be followed if staff become aware of a safeguarding issue
- Copies of the Safeguarding Policy and other Procedures will be made easily accessible and will be available both electronically and in paper format
- Appropriate reporting documentation will be easily accessible in both electronic and in paper format
- A member of staff will be nominated to act as a link person for co-ordinating and liaising with other agencies. Other staff will be named as key contacts with regard to safeguarding issues and these names will be circulated to all staff and will be easily accessible. These staff will receive specific training and guidance
- Appropriate training will be delivered to all staff to ensure they are aware of the procedures to be followed, as well as the importance of TMP's other related policies.
- Training will also ensure that all staff are aware of a range of safeguarding issues, including health-related risky behaviours and will seek to develop the skills of staff in identifying and supporting students with these issues

5. Responsibilities

TMP's Managing Director will have overall responsibility for Safeguarding and will have received training in child protection issues and will keep up to date with developments in child protection issues.

He is responsible for:

- Overseeing the referral of cases of suspected abuse or allegations to Children's Services/Adult Services or other relevant agency
- Providing advice and support to other staff on issues relating to child and vulnerable adults protection

- Maintaining a proper record of any child protection/ vulnerable adult referrals, complaints or concerns
- Ensuring that staff receive briefings and basic training in child and vulnerable adult protection and are aware of TMP Safeguarding procedures
- Ensuring that parents, carers and sponsors of children/young people in TMP are aware of TMP's policy for safeguarding children and young people
- Liaising with Children's Services, Wigan Local Authority and other relevant agencies
- Ensuring that employers and training organisations that receive young people from TMP on placements put appropriate safeguards in place in line with the most recent government guidance
- Ensuring that volunteers comply with TMP's DBS requirements
- Ensuring that a procedure is in place for visitors to sign in

Staff working in TMP

Training and briefings are delivered to staff. All new staff receive safeguarding training within 3 months of joining TMP.

6. Dealing with disclosures and suspicions of abuse

All staff must be vigilant in matters relating to safeguarding students. Staff may find themselves having a suspicion about a student's safety or may have to deal with an actual disclosure.

TMP staff should be prepared to alert or raise a concern about abuse

This means:

- Recognise signs of abuse against vulnerable adults and children
- Respond to disclosure
- Report a concern, disclosure or allegation
- Record initial information

For the purposes of these procedures, a suspicion is considered to be based on serious concerns about an individual's well-being. This might include changes in an individual's behaviour (including becoming withdrawn, displaying extremes of emotion, inappropriate behaviour and language) and appearance (including bruising, marks, weight loss, generally looking unkempt).

A disclosure would be a situation where you are presented with an allegation or information which gives you reason to believe that an individual is or is likely to be at risk of significant harm.

Staff should report any concerns to the Managing Director who has overall responsibility for safeguarding at TMP.

They should not investigate concerns or allegations themselves.

By reporting a concern, a member of staff is not being asked to verify or prove that information is true.

7. Information Sharing

- TMP staff cannot offer absolute confidentiality to students

Information may need to be shared only with nominated members of staff, if:

- a young person or vulnerable adult is at risk of harm or of harming others
- a young person or vulnerable adult has made a clear serious breach of TMP Acceptable Behaviour Procedure
- there is information that a student under the age of 18 is being abused
- there is information that a student with a learning difficulty or disability of any age is being abused
- an individual may present a risk to children, young people or a vulnerable adult

If a member of staff finds themselves in a disclosure situation with a student they should inform the student as soon as possible that they have a duty to follow TMP procedures and inform an appropriate person.

- If at any time a member of staff is unsure of who they can share confidential information with, they should discuss this with the Managing Director who has overall responsibility for Safeguarding.
- TMP keeps information about staff, learners and other parties to allow it to operate as a successful organisation and meet its legal obligations. To comply with the Data Protection Act 1998 ("the Act), information must be collected and used fairly, stored safely and not

disclosed to any other person unlawfully. To do this, TMP must comply with the Data Protection Principles in the Act.

- Where there are concerns that a child, young person or vulnerable adult is, or may be, at risk of significant harm, their needs must always come first. The priority must always be to protect the child, young person or vulnerable adult.

8. Safe Recruitment of Staff

TMP is committed to safeguarding and promoting the welfare of children and young people and vulnerable adults and expects all staff, sub contractors and volunteers to share this commitment.

The recruitment procedure is designed to recruit and select the best candidates for a vacancy and takes account of all relevant legislation including the Safeguarding Children and Safer Recruitment in Education Guidance 2007 and the Protection of Freedoms Act 2012. Recruitment procedures will be updated as vetting and barring arrangements develop in order to ensure we not only meet our legal duties but go beyond compliance whenever possible to reduce the risk of harm.

- They apply to staff and volunteers who may work with children frequently or intensively
- The key selection criteria for the post or role are clearly identified
- Vacancies are advertised widely in order to ensure a diversity of applicants
- Recruits are required to provide documentary evidence of academic/vocational qualifications
- Suitable professional/character references are required
- The selection procedure includes verification of previous employment history
- Criminal Records Bureau disclosure in line with the new definition of Regulated Activity /List 99 checks are carried out on successful interviewees
- The selection procedure includes a variety of selection techniques (eg qualifications, previous experience, interview, reference checks)

9. Record Keeping

The Music Projects will:

- Keep clear, detailed, written records of concerns about children, young people or vulnerable adults (noting the date, event and action taken) even where there is no need to refer the matter to Children's or Adult's Social Care (where applicable)
- Ensure all records clearly indicate statements of fact, opinion and second or third hand information
- Ensure all records are kept secure and in locked locations

The Music Projects will keep all safeguarding records, including those for vulnerable adults, as advised by the guidelines above.

10. Liaison with other Agencies

TMP will work to develop effective links with other services and agencies and co-operate as required with their enquiries regarding child and vulnerable adult protection matters. This includes attendance at case conferences, core groups, strategy meetings, review conferences and the submission of written reports where required.

11. Dealing with Allegations made about a Member of Staff

The procedures apply to all TMP staff, whether teaching, administrative, management or support, as well as to volunteers. The word staff is used for ease of description.

Arrangements are in place to ensure that staff who come into regular contact with children/young people adopt DBS checks and provide their staff with briefing on Safeguarding Children, Young People and Vulnerable Adults. External agencies whose staff provide support to students with learning difficulties and/or disabilities are required to provide written confirmation that their staff are DBS-cleared.

In rare instances, staff of education institutions have been found responsible for child abuse. Because of their frequent contact with children and young people, staff may have allegations of child abuse made against them. TMP recognises that an allegation of child abuse made against a member of staff may be made for a variety of reasons and that the facts of the allegation may or may not be true. It is imperative that those dealing with an allegation maintain an open mind and that investigations are thorough and not subject to delay.

TMP recognises that the Children Act 1989 states that the welfare of the child is the paramount concern. It is also recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Therefore, those dealing with such allegations within TMP will do so sensitively and will act in a careful, measured way.

In appropriate circumstances TMP will offer support to an employee to ensure that as far as possible their health and well being is maintained. This may include referral to a specialist service if necessary.

Receiving an allegation

A member of staff who receives an allegation about another member of staff should report the allegation immediately to the Managing Director who has overall responsibility for safeguarding who should:

- obtain written details of the allegation from the person who received it, that are signed and dated and
- record information about times, dates, locations and names of potential witnesses

Initial assessment of the allegation

The Managing Director should make an initial assessment of the allegation, consulting with relevant staff, namely the Company Secretary who has relevant experience. Where the allegation is considered to be either a potential criminal act or indicates that the child has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to Children's Services and if necessary Wigan Police.

The Managing Director will appoint an appropriate member of staff to investigate the allegation. The initial assessment should be on the basis of the information received and is a decision whether or not the allegation warrants further investigation.

Other potential outcomes are:

- The allegation represents inappropriate behaviour or poor practice by the member of staff and is neither potentially a crime nor a cause of significant harm to the child. The matter should be addressed in accordance with TMP disciplinary and dismissal procedures.
- The allegation can be shown to be false because the facts alleged could not possibly be true.

Enquiries and investigations

Child protection enquiries by social services or the police are not to be confused with internal, disciplinary enquiries by TMP. TMP may be able to use the outcome of external agencies' enquiries as part of its own procedures. The child protection agencies, including the police, have no power to direct TMP to act in a particular way. However, TMP will assist the agencies with their enquiries.

TMP shall, except in cases where the offences have been admitted, hold in abeyance its own internal enquiries while the formal police or social services investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform with the existing staff disciplinary and dismissal procedures.

If there is an investigation by an external agency, for example the police, the Managing Director will normally be involved in, and contribute to, the inter-agency strategy discussions. The Managing Director is responsible for ensuring that TMP gives every assistance to the agency's enquiries. He will ensure that appropriate confidentiality is maintained in connection with the enquiries, in the interests of the member of staff about whom the allegation is made. The Managing Director shall advise the member of staff that he/she should consult with a representative, for example, a trade union.

Subject to objections from the police or other investigating agency, the Managing Director shall:

- inform the child/young person or parent/carer making the allegation that the investigation is taking place and what the likely process will involve. If the young person is aged under 16 (i.e. statutory school age) the contact will be made with the young person's sponsor, not the parent/carer, in line with the Children's Services procedure
- ensure that the parents/carers or sponsor of the child/young person making the allegation have been informed that the allegation has been made and what the likely process will involve
- inform the member of staff against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve

The Managing Director shall keep a written record of the action taken in connection with the allegation.

Suspension of Staff and the Disciplinary Investigation

The suspension of staff shall be conducted in accordance with TMP's disciplinary and dismissal procedures.

Allegations without Foundation

False allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the Local Safeguarding Children Board in order that other agencies may act upon the information. This is compliant with the Data Protection Act and consistent with the recommendations included in the Bichard Report 2004. It supersedes the usual requirements under TMP Disciplinary and Dismissal Policy.

In consultation with the designated senior member of staff, the manager shall:

- inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or child protection action will be taken. Consideration should be given to offering counselling/support.
- inform the parents/carers or sponsor of the alleged victim that the allegation has been made and of the outcome.
- Where the allegation was made by a child/young person other than the alleged victim, consideration to be given to informing the parents/carers or sponsor of that child/young person.
- 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

Documents relating to an investigation will be retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken, details retained on the member of staff's personal and confidential file. Where the allegation is found to be without foundation, a record of the allegation, investigation and outcome should be retained. This is compliant with the Data Protection Act and supersedes the usual requirements under TMP Disciplinary and Dismissal Policy and is consistent with the recommendations contained in the Bichard Report.

If a member of staff is dismissed or resigns before the disciplinary process is completed, he/she should be informed about TMP's statutory duty to inform the Secretary of State for Education.

Monitoring Effectiveness

Where an allegation has been made against a member of staff, the Managing Director together with the senior staff member will, at the conclusion of the investigation and any disciplinary procedures, consider whether there are any matters arising from it that could lead to the improvement of TMP's procedures and/or policies and/or which should be drawn to the attention of the Local Safeguarding Children's Board. Consideration will also be given to the training needs of staff.

Safeguarding Children, Young People and Vulnerable Adults

Staff Guidelines/Reporting Procedures

If a disclosure about abuse is made to you by or concerning a young person aged up to 18 years or a vulnerable adult of any age:

- Phone: 07575220354- 24 hours/day 7 days/week
- Complete Safeguarding Referral form
- Send Safeguarding Referral form to the named person dealing with the case

If an applicant is on probation the Offender Manager must contact Martin Heaton who will complete a risk assessment before they can enrol.

When talking to students

Do	Don't
<ul style="list-style-type: none">• Take young person seriously/tell them this• Reassure what has happened isn't their fault.• Explain who you might have to tell/keep them fully informed	<ul style="list-style-type: none">• Promise confidentiality/discuss with others except on a needs to know basis• Interrogate/ ask unnecessary questions• Panic

Keep yourself safe

Do	Don't
<ul style="list-style-type: none">• Maintain professional boundaries with students at all times	<ul style="list-style-type: none">• Start a sexual relationship with a student -if they are under 18 (it's unlawful)• Give your personal email/ mobile/social networking details to students• Reply to emails from students late at night or at the weekend.• Take a student home

Procedures for Managing Director who is responsible for Safeguarding

(Martin Heaton)

When an allegation of abuse is made by a child or a vulnerable adult to a member of staff or they have a suspicion about a student's safety they should ring 07725617574.

Phone numbers for Children/ Adult/Mental Health Services and Police for the surrounding areas of Pemberton are on the staff notice board.

See full policy for definitions of a child, vulnerable adult and categories of abuse or harm.

When a call is received:

- Ask the member of staff what the situation is and what their concerns are.
- Ask member of staff when talking to the student to follow guidance in the Safeguarding policy/procedures.
- Make a judgement and give advice and guidance to staff.
- Take appropriate action as necessary e.g ring Children Services/Adult Services or emergency services.
- Organise a taxi if needed to ensure the student gets home safely.
- Ask member of staff to complete the safeguarding referral and report form.
- Give staff guidance on how to accurately and factually record the allegation or suspicion (e.g don't give own opinion)
- Complete the safeguarding referral form giving details of actions taken, advice given and reasons why.

Safeguarding: Referral Form

Part A

To be completed by reporting member of staff and sent to safeguarder dealing with the case

Reporting member of staff name		Position		Phone No	
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Student's Name:		Date of Birth		Age	
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Address:	
	Postcode:
Student's mobile no.	Home/parents contact phone no.:
Social Worker / Other (specify):	

Course:
Tutor:

What is the situation? (Has the student got any siblings or children of their own? If so what are their ages? -

What is your concern?

Name of staff member you have passed it on to:

Date:

Please store this in a confidential place ensuring data protection.

Safeguarding: Report Form

To be completed by safeguarder dealing with the case and sent to Martin Heaton

Your name:	
Date:	

Give details of any actions you have taken/ advice given and reasons why