

## TSPlearn Safeguarding Code 2021

### Contact Details

Designated Safeguarding Officer: **Lucy Barnett**, [lbarnett@tsplearn.co.uk](mailto:lbarnett@tsplearn.co.uk) 01189 844638

Managing Director: **James Bishop**, [jbishop@tsplearn.co.uk](mailto:jbishop@tsplearn.co.uk) 07973 887940

Quality Manager: **Phil Chipman**, [pchipman@tsplearn.co.uk](mailto:pchipman@tsplearn.co.uk) 07860504669

### 1.0 General policy statement

- 1.1 TSP Learn believes all people, and particularly children, young people and vulnerable adults, have rights as individuals and should be treated with respect.
- 1.2 We will strive to provide a safe environment for all learners while they are studying with us visiting any of our centres or participating in activities for which we have a responsibility.
- 1.3 The Safeguarding Code is based on the following principles:
  - 1.3.1 The welfare of all learners, and in particular, children, young people and vulnerable adults is of primary concern
  - 1.3.2 All learners, whatever their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/or sexual identity will have their relevant welfare needs met and be protected from abuse
  - 1.3.3 It is everyone's responsibility to report concerns about neglect or abuse to the TSP designated Safeguarding Officer. It is the responsibility of TSP - and the police, Social Services Departments and other statutory agencies where appropriate - to conduct an investigation into such matters
  - 1.3.4 All incidents of alleged poor practice, misconduct or abuse will be taken seriously and responded to swiftly and appropriately
  - 1.3.5 All personal data will be processed in accordance with the requirements of the Data Protection Act 2018

### 2.0 Definition of children, young people and vulnerable adults

- 2.1 *The Children Act 1989* defines a child as a person under the age of 18. By common usage, young people are defined as anyone aged between 16 & 18.
- 2.2 The core definition of "vulnerable adult" from the 1997 Consultation "Who Decides?" issued by the Lord Chancellor's Department, is a person aged 18 and over and who is or may be in need of community care services by reason of disability, age or illness; and is or may be unable to take care of unable to protect him or herself against significant harm or exploitation.

*The Safeguarding and Vulnerable Groups Act 2006 Section 59* defines a "vulnerable adult" as someone who has attained the age of 18 and is:

In residential accommodation

In sheltered housing

Receives domiciliary care

Receives any form of health care

Is detained in lawful custody

Is by virtue of an order of a court under supervision by a person exercising functions for the purposes of Part I of the Criminal Justice and Court Services Act 2000 (c. 43)

Receives a welfare service of a prescribed description

Receives any service or participates in any activity provided specifically for persons who fall within subsection (9)

In receipt of payments made to him (or to another on his behalf) in pursuance of arrangements under section 57 of the Health and Social Care Act 2001 (c. 15)

Requires assistance in the conduct of his own affairs.

### 3.0 Definitions of 'abuse' as used in this Safeguarding Code

The definitions of abuse have become more sophisticated as the legal and medical systems have increasingly recognised events and behaviours that infringe on individuals rights and/or do harm. The TSP Safeguarding code uses the Department of Health guidance in its document: *No Secrets: Guidance on Developing and Implementing Multi-agency Policies and Procedures to Protect Vulnerable Adults*

from Abuse (2000) and in the DoH, Home Office and Department for Education and Employment (DfEE) (1999) document, *Working Together to Safeguard Children*.

The DoH (2000) states that:

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

3.1 DoH (2000) gives clear definitions of what constitutes abuse, it can involve any one or more of the following:

3.1.1 **Neglect and acts of omission:** This may include 'ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate heating and nutrition'

3.1.2 **Physical abuse:** This may include 'hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions or the failure to prevent these'

3.1.3 **Sexual abuse:** This may include 'rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting'. Sexual abuse also includes forcing a person to look at pornographic materials

3.1.4 **Emotional/psychological abuse:** Psychological abuse may include 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.

All abuse involves some emotional ill treatment. This category should be used where it is the main or sole form of abuse

3.1.5 **Financial or material abuse:** This may include ‘theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits’

3.1.6 **Discriminatory abuse:** This may include abuse, bullying and harassment based on the individual’s age, sex, disability, religion, race or ethnicity or sexual orientation

3.1.7 **Institutional abuse:** This is the mistreatment of people brought about by poor or inadequate care and support or systematic poor practice

3.1.8 **Radicalisation:** (the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups) For further guidance refer to ‘TSP Learn – Prevent Policy’ located in the TSP Policies and Procedure Manuals on the Quality manual.

3.1.9 **Cyber bullying:** Cyber bullying is any form of bullying which takes place online or through smartphones and tablets

## 4.0 The extent and limits of the provisions of the Safeguarding Code

4.1 TSP’s Safeguarding Code covers and is limited to the following areas of activity:

4.1.1 Recruiting and selecting learners

4.1.2 Inducting learners

4.1.3 Planning and designing individual and group training programmes

4.1.4 Delivering training programmes at centres or in the learner’s workplace

4.1.5 Reviewing learner progress

4.1.6 Assessing learner competence

4.1.7 Implementing equality and diversity undertakings

4.1.8 Health and safety

4.1.9 Dealing with complaints, suggestions and appeals

4.1.10 Monitoring and investigating allegations of prejudice, unfair treatment and abuse

4.1.11 Protection of privacy - confidentiality and data protection

4.1.12 Additional learning support.

## 5.0 Minimum standards for protection of learners

All learners, particularly children, young people and vulnerable adults, are to be cared for and to be protected from abuse in a safe environment in which their rights and needs are respected.

5.1 The senior management team of TSP:

5.1.1 provides leadership and all necessary resources for the protection of learners.

5.1.2 investigates all allegations, concerns and complaints regarding abuse of learners and others.

5.1.3 employs a Designated Safeguarding Officer with dedicated responsibility for safeguarding of learners.

**All TSP’s employees, including temporary and sub-contracted staff:**

5.1.4 are aware of their role in protecting learners from harm and be able to demonstrate they give paramount concern to the health, safety and welfare of children, young people and vulnerable adults.

5.1.5 are aware of their responsibilities in identifying and reporting possible cases of prejudice, unfair treatment and abuse so that learners are safe.

### All children, young people and vulnerable adults:

5.1.6 work in an environment in which everyone, particularly children, young people and vulnerable adults feel safe, secure and valued.

5.1.7 have clear lines of communication to take action if they feel they are the subject of prejudice, unfair treatment or abuse.

5.1.8 are aware of TSP's safeguarding code.

5.1.9 Have access to speak with TSP Learns Safeguarding DSO. Upon induction, all learners are provided with a Safeguarding Card that contains details of our dedicated safeguarding reporting phone line. This is a confidential service whereby learners can discuss issues or concerns with TSP Learn's DSO.

The phone line is monitored daily by the Designated Safeguarding Officer and any messages or contact are reported to the DSO immediately both verbally and via the

Safeguarding Alert (as detailed in section 9)

The DSO will then contact the learner to discuss their concerns and take forward as detailed in section 8.

### 5.1.10 16-18 Learners

TSP Learn's IAG team contacts all learners aged 16-18 on a bi-monthly basis to discuss progress on their programme and to show a clear line of communication to discuss any concerns or worries they may have at work or at home. A log of this contact is maintained by the IAG Manager.

\* 2019 **Lucy Barnett** Operations manager



## 6.0 Internal safeguarding requirements

6.1 All members of staff working closely with learners have to be alert to the requirements of this code. Any suspected abuses must be reported to the Designated Safeguarding Officer (DSO) immediately who will decide what further action to take.

6.2 The failure of staff to report any matters of legitimate concern as described in this code may be subject to TSP's Staff Disciplinary Procedures.

6.3 All staff have a duty to be aware of their responsibility under the safeguarding code and to monitor any and all activity involving children, young people and vulnerable adults and to report any possible breaches in the code.

6.4 If staff, in the course of their work in TSP, have a safeguarding issue brought to their notice, this must be treated as a priority over all other work.

6.5 It is not the responsibility of staff to investigate possible or alleged breaches in the code, only to report matters, orally and in writing to the DSO.

6.6 Allegations involving a member of staff and a person under 18 or a vulnerable adult should be reported to the CEO **James Bishop** or the Quality Manager **Phil Chipman** and to the Designated Safeguarding Officer. (See Section 8.11).

6.7 All divisions and training centres which provide training, resources and/or support for TSP enrolled learners must:

6.7.1 be able to provide evidence of the existence of working procedures for the identification and care of young and vulnerable learners when required. Provide evidence of satisfactory awareness, resources and other provision for additional learning support for these learners

6.7.2 undertake an annual self-assessment detailing its provision for vulnerable learners and improvement plans submitted to the Qops Team

6.7.3 need to provide evidence that they have implemented and monitored health, safety and welfare procedures.

## **7.0 Recording and reporting possible abuse**

7.1 It is important that learners are protected from abuse. All complaints, allegations or suspicions must be taken seriously.

7.2 The procedures outlined in Section 8 must be followed whenever an allegation is made that a person has been abused or when there is a suspicion that a person has been abused.

7.3 A promise of confidentiality should not be given to the victim as the matter may develop in such a way that such undertakings could be compromised.

7.4 If the complainant is the at risk person him/herself, questions should be kept to a minimum necessary to understand what is being alleged and leading questions must be avoided. The use of leading questions can cause problems for the subsequent investigation and any court proceedings.

However evidence needs to be provided on which suspicions or allegations are based.

These could include:

| Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if sustained on part of a body not normally prone to such injuries

| A situation in which an explanation given for an injury seems inconsistent or unlikely

| The child/vulnerable adult describes what appears to be an abusive act involving him/her

| Unexplained changes in behaviour e.g. becoming withdrawn or displaying sudden outbursts of temper

| Inappropriate sexual awareness. Engaging in sexually explicit behaviour

| Distrust of adults, particularly those with whom a close relationship would normally be expected

| Unexplained withdrawal from existing behaviour

| Displaying variations in eating patterns including overeating or loss of appetite

| Sudden loss of weight for no apparent reason. Becoming increasingly dirty or unkempt.

7.5 A full record should be made as soon as possible of the nature of the allegation and other relevant information using the Safeguarding Alert detailed in section 9.0 of the code.

7.6 Some vulnerable persons with Special Educational Needs (SEN) may need different treatment to others e.g. in the way their physical/mental condition might mask possible abuse. Attention may have to be given to those with speech impediments as these can make communication difficult.

7.7 Incident, protection and welfare records will be maintained by TSP as a participant in the national

multi-agency approach to safeguarding young people and vulnerable adults. This ensures that activities and standards support the bigger picture to which individual learners belong.

## **8.0 Action on concerns, complaints and allegations**

- 8.1 You should report any concern, suspicion, allegation or incident of abuse to the Designated Safeguarding Officer (DSO) using the alert form. It should not be emailed or left on a voicemail. <http://goo.gl/forms/O5mNCGKK2p>. See Section 9.
- 8.2 If you do not hear back from the DSO within 48 hours, you should speak to other senior management team members in this order:
- Quality Manger: Phil Chipman **07860504669**
- CEO: James Bishop **07973 887940**
- 8.3 In the first instance the DSO may require more information and potentially refer the learner to a third party. Alternatively the decision could be made to raise the matter with Social Care Services in an informal manner. This will enable checks to be carried out that in some instances may prevent the matter from going to a formal stage. The DSO maintains confidential Safeguarding reports. It should be noted that even informal contacts may be recorded by Social Care Services.
- 8.4 Vulnerable adults have the right to decline assistance. Even if the vulnerable adult does decline assistance, the DSO may still seek advice from Social Care Services.
- 8.5 The DSO can discuss with Social Care Services what action needs to be taken and who to inform. A note of that conversation should be taken.
- 8.6 A written record of the date and time of the referral shall be made and must include the name and position of the person to whom the matter is reported. The telephone report must be confirmed in writing to Social Care Services within 24 hours.
- 8.7 Guidance with regard to monitoring a specific incident or circumstances may be obtained from the DSO.
- 8.8 An oral, and then written report, will be maintained by the Designated Safeguarding DSO will retain a copy of:
- The report
  - Any notes, memoranda or correspondence dealing with the matter
  - Any other relevant material.
- 8.9 Copies of reports, notes etc will be kept securely for 3 years.
- TSP Learn's DSO will record all action taken on the Safeguarding Log entry created by the initial Safeguarding Alert (see section 9) TSP Learns DSO and Senior Management Team have access to the log and details are reviewed at monthly Senior Management Team meetings.

### **Allegations about Members of Staff**

- 8.11 Any suspicion, allegation or actual abuse of a person by a TSP employee must be reported to the Qops Team as soon as possible. If, within 48 hours of the initial concern arising, it has not been possible to contact the CEO\*, the matter must be reported to the DSO or to another member of the Senior Management Team.



\* Since 2013 James Bishop

## 9.0 Internal Safeguarding Alert system

To report an incident or circumstances of possible abuse log on to:

<http://goo.gl/forms/O5mNCGKK2p>

Below is the standard Safeguarding report found at the above link.

### Safeguarding Alert

As well as completing this form you should contact the following staff members within 48 hours, in the following order:

1. Designated Safeguarding Officer (DSO): Tracy Higgins 07715 121794
2. Quality Director: Steve Starling: 07790 554891
3. Chief Executive Officer: James Bishop : 07973 887940

If you cannot contact these staff members talk to your line manager.

If you consider there to be an imminent and substantial risk to a person under 19 or a vulnerable adult you should contact either the police or Social Services in the learner's area.

Your username will be recorded when you submit this form.

Who is this report about? (child or vulnerable adult name and contact details)

Your answer

Which site or address is this person at?

Your answer

What is the type of the disclosure you are reporting?

Choose

Who do you think may be abusing this person?

Your answer

When do you think abuse may have occurred?

Your answer

Where do you think abuse may have occurred / may be occurring?

Your answer

#### Evidence

What evidence do you have to substantiate your concerns? Bear in mind that most abuse will have one or more of the signs listed below and you should use these (and TSP's Safeguarding Code) to provide as complete a picture as possible. However, where there appears to be only one sign, such as unusual bruising or particular difficulties in making friends, this should still be reported.

Evidence could include:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if sustained on part of a body not normally prone to such injuries.
- A situation in which an explanation given for an injury seems inconsistent or unlikely.
- The child/vulnerable adult describes what appears to be an abusive act involving him/her.
- Unexplained changes in behaviour e.g. becoming withdrawn or displaying sudden outbursts of temper.
- Inappropriate sexual awareness.
- Engaging in sexually explicit behaviour.
- Distrust of adults, particularly those with whom a close relationship would normally be expected.
- Unexplained withdrawal from existing behaviour
- Displaying variations in eating patterns including overeating or loss of appetite.
- Sudden loss of weight for no apparent reason.
- Becoming increasingly dirty or unkempt.

Log your evidence here

Your answer

SUBMIT

## 10.0 Mandatory training and standardisation requirements of staff

10.1 All staff must take part in regular bi-monthly Safeguarding and Prevent updates

10.2 The Designated Safeguarding Officer will hold, or working towards, a Level 2 qualification in Child and Adult Safeguarding (Designated Persons).

### Standardisation

10.3 During team meetings staff will receive training related to the topics outlined in the Safeguarding Issues section of the current Keeping Children Safe guidance. However where appropriate we may choose to replace a topic with something that is considered timely or more relevant.

As of 2021 these issues are:

- A. Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE)
- B. Child Criminal Exploitation (CCE)

- C. Child Sexual Exploitation (CSE)
- D. Female Genital Mutilation (FGM)
- E. Mental Health
- F. Peer on peer abuse (child on child)
- G. Serious violence

## **11.0 Recruitment, induction and supervision of staff**

- 11.1 TSP will provide a single central record which shows its recruitment and vetting checks; this should be undertaken before employment and relates to staff identity, qualifications and criminal records. The record should include:
  - 11.1.1 Identity - name, address and date of birth
  - 11.1.2 Qualifications checks for qualification which are a legal requirement of the job i.e. those posts where a person must have QTS
  - 11.1.3 Evidence of permission to work for those who are not nationals of a European Economic Area (EEA) country
  - 11.1.4 Economic Area (EEA) country
  - 11.1.5 List 99 check
  - 11.1.6 Enhanced DBS disclosure date that the check was evidenced.
- 11.2 In addition professional and character reference checks and checks on previous employment history will be carried out.
- 11.3 Enhanced DBS checks undertaken by TSP relate to staff who are providing education and are regularly caring for, training, supervising or being solely in charge of persons aged under 18 or persons under the definition 'vulnerable adults'.
- 11.4 TSP will seek written evidence that supply staff from agencies have been Enhanced DBS checked, and also check the identity of any person provided by an agency.
- 11.5 Overseas staff will be subject to Enhanced DBS checks - or List 99 where appointed before 2002. In addition, criminal records information should be sought from countries where individuals have worked or lived.
- 11.6 Volunteers and non-employees who are risk-assessed as working regularly with children, or who care for, train, supervise or are in sole charge of children should have an Enhanced DBS check
- 11.7 The Senior Management Team reviews its policies and procedures annually.

## **11.0 Internet usage blacklist**

- 11.1 All internet usage provided at both our administrative office and from our mobile phones is screened for adult or sensitive material which is blocked according to the Blacklist maintained by British Telecommunications.
- 11.2 If we have concerns we may monitor the specific usage of a member of staff. They will be informed that this will be happening before it takes place.