



## Internal Safeguarding Vulnerable People Procedures

This document supports the **Safeguarding Young People and Vulnerable Adults Policy** and should be consulted when any allegations are made against AccXel, its staff, learners and anyone connected with the vulnerable young people or adults engaged in any of its activities or training from us.

**Reference to legislation:** Keeping Children Safe in Education Statutory Guidance for Companies and Companies (April 2014); Children Act 2004; The Prevent Duty

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Sections A-C are found in the Safeguarding Young People and Vulnerable Adults Policy.

Annex A supporting documents

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### **D Reporting and Dealing with Allegations of Abuse against Members of Staff**

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

#### **1 Introduction**

1.1 In rare instances, staff in educational settings have been found responsible for abuse of a young person or vulnerable adult. Because of their frequent contact with

young people, staff may have allegations of abuse made against them. The company recognises that an allegation of 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 those investigations are thorough and not subject to delay.

1.2 The company recognises that the Children Act 1989 states that the welfare of the young person 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 the company will do so with sensitivity and will act in a careful, measured way.

1.3 The company also recognises that the Sexual Offences (amendment) Act 2000 established a criminal offence of the abuse of trust affecting teachers and others who are in a relationship of trust with 16-18 year olds; a relationship of trust being one where a member of staff or volunteer is in a position of power or influence over a pupil or student by virtue of the work or nature of the activity being undertaken.

The legislation is intended to protect young people in education who are over the age of consent but under 18 years of age.

The principle of equality embedded in the legislation applies irrespective of sexual orientation: neither homosexual nor heterosexual relationships are acceptable within a position of trust.

## **2 Receiving an Allegation from a Young Person or Vulnerable Adult**

2.1 A member of staff who receives an allegation about another member of staff from a young person or vulnerable adult should follow the guidelines in Part C for dealing with disclosure.

2.2 The allegation should be reported immediately to the Managing Director. If the allegations are against the Managing Director, the report should be made to the Head of Education with lead responsibility, who will inform the Senior Management Team.

2.3 Obtain written, signed and dated, details of the allegation from the person who received it. The written details should be countersigned and dated by the Managing Director (or designated person).

2.4 Record information about times, dates, locations and names of potential witnesses.

## **3 Initial Assessment by the Managing Director (or designated person)**

3.1 The Managing Director (or designated person) should make an initial assessment of the allegation, consulting with the Local Safeguarding Boards as appropriate.

3.2 It is important that the Managing Director (or designated person) does not investigate the allegation.

3.3 AccXel will follow the guidance from the appropriate Local Safeguarding Board

## **4 Enquiries and Investigations**

4.1 Safeguarding/Child protection enquiries by Social/Children's services or the police are not to be confused with internal, disciplinary enquiries by the company. The company may be able to use the outcome of external agency enquiries as part of its own procedures. The safeguarding agencies, including the police, have no power to direct the company to act in a particular way; however, the company should assist the agencies with their enquiries.

4.2 The company shall hold in abeyance its own internal enquiries while the formal police or Social/Children's services investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform to the existing staff disciplinary procedure or the disciplinary procedure for senior post holders.

4.3 If there is an investigation by an external agency, for example the police, the Managing Director (or designated person) should normally be involved in, and contribute to, the inter-agency strategy discussions. The Managing Director is responsible for ensuring that the company gives every assistance with the agency's enquiries. They 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 they should consult with a representative, for example, a trade union officer.

4.4 The Managing Director shall consult the Local Safeguarding Board before, in any way, communicating with any persons connected to the investigation /allegation. The matter will not be discussed, nor statements made regarding the allegation/investigation, inside or outside the organisation before the investigation is concluded.

4.5 The Managing Director (or designated person) shall keep a written record of the action taken in connection with the allegation.

## **5 Suspension of Staff**

Suspension will not be automatic. Advice will be taken from the Local Safeguarding Team. AccXel will ensure members of staff receive support and guidance in line with the direction received.

## **6 The Disciplinary Investigation**

Only once the investigation is concluded will disciplinary action commence if it is deemed necessary. The disciplinary investigation will be conducted in accordance with the existing staff disciplinary procedures.

## **7 Allegations without Foundation**

7.1 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's Board in order that other agencies may act upon the information.

7.2, In consultation with the Local Safeguarding Board the Managing Director will:

- Inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or safeguarding action will be taken. Consideration should be given to offering counselling/support.

- Inform the parents/carers of the alleged victim that the allegation has been made and of the outcome.
- Where the allegation was made by a young person or vulnerable adult other than the alleged victim, consideration to be given to informing the parents/carers of that person also.
- 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.

## **8 Records**

It is important that documents relating to an investigation are 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. If a member of staff is dismissed, or resigns before the disciplinary process is completed, they must be informed about the Company's statutory duty to inform the DBS.

Child protection records are to be kept for a minimum of 25 years.

## **9 Monitoring Effectiveness**

Where an allegation has been made against a member of staff, the Senior Management Team must, 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 the Company's procedures and policies. Consideration should also be given to the training needs of staff. A report will be made to the Managing Director setting out any recommendations. It is recommended that this be done with guidance from the Local Safeguarding Board.

## **10 Physical Contact with Students/Restraint**

It is not realistic to suggest that staff should never touch Students, and they have the right to use reasonable force to control or restrain Students in certain circumstances. Use of reasonable force, Advice for head teachers, staff and governing bodies DOE 2013 outlines what types of incidents may require the use of force and what constitutes reasonable force in the following terms:

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with Students.
2. Force is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. Control means either passive physical contact, such as standing between Students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two Students are fighting and refuse to separate without physical intervention.
6. Company staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student.

Reasonable force can be used to prevent pupils/Students from hurting themselves or others, from damaging property, or from causing disorder.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used:

- Remove disruptive Students from the classroom where they have refused to follow an instruction to do so.
- Prevent a student behaving in a way that disrupts a company event or a company trip or visit.
- Prevent a student leaving where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Prevent a student from attacking a member of staff or another student, or to stop a fight in the company grounds; and
- Restrain a student at risk of harming themselves through physical outbursts

**The company cannot use force as a punishment** – it is always unlawful to use force as a punishment.

Power to search Students without consent.

In addition to the general power to use reasonable force described above, authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”.

- Knives and weapons.
- Alcohol.
- Illegal drugs.
- Stolen items.
- Fireworks.
- Pornographic images and any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

If the student refuses to volunteer to a search and the situation warrants it the company will contact the police.

## **E Recruitment and Selection Procedures**

The Company will ensure that its recruitment and selection procedures are regularly reviewed to take account of the following:

- They should apply to staff, senior post holders and volunteers who may work with children.
- The post or role should be clearly defined.
- The key selection criteria for the post or role should be identified.

- Vacancies should be advertised widely to ensure a diversity of applicants.
- Require documentary evidence of academic/vocational qualifications.
- Obtain professional and character references.
- Verify previous employment history.
- Disclosure and Barring Service checks/ Barred List checks in line with the DBS guidance.
- Use a variety of selection techniques (e.g. qualifications, previous experience, interview, reference checks).

A DBS disclosure should be obtained before an individual begins work. Where an individual is allowed to begin work pending receipt of the DBS disclosure, the Company should undertake a risk assessment and ensure that the individual is appropriately supervised, does not undertake one to one activity and that all other checks, including the Barred List, have been completed.

If any offence is disclosed, which may pose a safeguarding risk, the Managing Director and Senior Management Team will hold a meeting regarding the suitability of the appointment based on the information received.

In the event of a disclosure being made concerning a member of the Senior Management Team a decision will be made as to the suitability of their appointment by the Managing Director.

## **F Safeguarding and Promoting the Welfare of Young People in Education**

Working together to Safeguard Children (2013) streamlines previous guidance documents to clarify the responsibilities of professionals towards safeguarding children and strengthen the focus away from processes and onto the needs of the child. The definition for safeguarding and promoting the welfare of children in Working Together to Safeguard Children 2013 is:

1. Safeguarding children - the action we take to promote the welfare of children and protect them from harm - is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

2. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

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

AccXel recognises we have a statutory duty to safeguard and promote the welfare of young people and vulnerable adults. Consequently, staff play an important part in safeguarding young people and vulnerable adults from abuse by early identification of those Students who may be vulnerable or at risk of harm and by educating Students, about managing risks and improving their resilience through the curriculum.

We will endeavour to maintain a safe environment for young people and vulnerable adults, will seek advice from Local Safeguarding Boards on how to manage situations where there are welfare concerns.

### **G Services or Activities provided by another Body on Company Premises**

Where services or activities are provided by another body on AccXel premises, AccXel will seek assurance that the body concerned has appropriate policies and procedures in place in regard to safeguarding young people and vulnerable adults.

### **H. Safeguarding, Bullying and Internet Safety**

AccXel regards its computer systems as a vital and integral part of its business and expects its employees to use computers responsibly and for the purposes of our business. The business has policy statements for IT. Please be aware that all internet usage is monitored and the AccXel reserve the rights to review all access at its own discretion.

Cyber bullying is the use of Information Communications Technology (ICT), particularly mobile phones and the internet, deliberately to upset or harass someone else.

If a young person or vulnerable adult reports that s/he is being bullied or harassed or has been subject to any other form of abuse either face to face, or through internet or mobile phone technology we will follow the procedure as outlined in section C.

### **J. Safeguarding and Forced Marriages**

A forced marriage is a marriage in which one or both spouses do not (or, in the case of some adults with learning difficulties or disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

The Forced Marriage (Civil Protection) Act 2007 provides for three types of applicant who may apply for a forced marriage protection order. They are the victim, anyone on their behalf with the permission of the court and a relevant third party. A relevant third party such as a local authority may apply on behalf of a victim and does not require the leave of the court.

Following the Government's consultation, on 8 June 2012, the Prime Minister announced that the Government has decided to make Forced Marriage a criminal offence.

In All Cases if a member of staff suspects or is approached by a student who is being forced into marriage follow the guidelines in section C and seek the guidance of the Local Safeguarding Board.

### **K. Female Genital Mutilation**

Female genital mutilation (FGM) is a collective term for all procedures involving the partial or total removal of external female genitalia for cultural or other non-therapeutic reasons. The procedure is typically performed on girls aged between four and 13 years, but in some cases FGM is performed on new-born infants or on young women before marriage or pregnancy. The age at which girls undergo FGM varies according to the community. FGM is illegal in the UK. It is also illegal to take a child abroad to undergo

FGM. FGM is considered child abuse in the UK and causes physical, psychological, and sexual harm.

AccXel will follow the guidelines published on the DfE website and as with other forms of abuse staff are asked to be vigilant to the risk of it being practised and to report any concerns to Local Safeguarding Board.

#### **L. Protection from Extremism and Radicalisation**

AccXel will ensure that its staff are adequately trained to recognise and refer concerns with regard to student radicalisation using normal safeguarding procedures. We will work with our partners in FE to ensure there is a standardised approach to the information given to students and to the training and updating to staff.

This policy has been agreed by the AccXel Senior Management Team and agreed. It will be reviewed every two years or after significant changes to the centres business or staff.

  
**Signed**

**Date:** 07/01/2024

Annex A

Supporting Documents

- Keeping children safe in education Statutory guidance for companies (April 2014);
- Working Together to Safeguard Children (2013);
- Local Safeguarding Children Board Procedures Updated
- Guidance for Individuals Working with Children and Young People - What to do if you are worried a child is being abused;
- Children Acts 1989, 2004;
- Safeguarding Vulnerable Groups Act 2006;
- Safe From Bullying in Further Education Companies (DIUS, 2009);
- The Forced Marriage (Civil Protection) Act 2007;
- Multi-agency practice guidelines: Handling Cases of Forced Marriage; and
- Multi-agency practice guidelines: Female Genital Mutilation (2011).
- The Prevent Duty Guidance for England and Wales, 2015

Annex B

CPD and training

<https://www.elearning.prevent.homeoffice.gov.uk/>  
<https://safeguarding.dudley.gov.uk/safeguarding/learning-zone/free-online-training-courses/>