

Safeguarding Children, Young People and Vulnerable Adults Policy



Policy Statement

Transferable Skills Training (TST) aims to develop procedures and good practice to ensure that each person can demonstrate that there is an understanding of duty to safeguard and promote the welfare of all young people and vulnerable adults within TST assure the safe and secure provision for children, young people and vulnerable adults within the organisation.

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PURPOSE

This document outlines TST's policy on identifying and responding to concerns regarding the safeguarding and protection of children and young people, with a specific section on the protection of vulnerable adults. This policy, with the associated procedures, provides guidance for all staff and volunteers who may come across concerns of this nature within the context of their work at TST.

The policy seeks to promote effective multi-agency working in light of the Children Act 2004 and Working Together to Safeguard Children (2015).

TST works with young people, vulnerable adults and the elderly. Although the legislative and policy base is different when responding to the safeguarding needs for adults, most of the principles and procedures for staff are the same as those for children and young people.

DEFINITION OF SAFEGUARDING

In relation to children and young people, TST adopts the definition used in the Children Act 2004 and Working Together to Safeguard Children (2015), which define safeguarding and promoting children and young people's welfare as:

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

The above statutory guidance defines child protection as part of safeguarding and promoting welfare. Child protection is the activity undertaken to protect specific children and young people who are suffering, or are likely to suffer, significant harm.

For the purposes of this policy, TST's responsibilities cover:

- Identifying specific safeguarding concerns that need to be raised with a senior manager.
- Responding to specific child protection concerns about children and young people at risk of significant harm that are likely to need to be referred through to social care services and/or the police.

AIMS AND OBJECTIVES

TST will ensure there is a clear focus on the safety and welfare of children, young people and vulnerable adults. This focus will be consistent throughout the organisation.

All staff and volunteers are required to complete an on-line basic safeguarding training and assessment programme, supplemented by regular refresher training, and to attend safeguarding training focussing on specific aspects of safeguarding. Staff and volunteers are therefore expected to have a good understanding of safeguarding concerns, including potential abuse and neglect of children, young people and vulnerable adults.

At whatever level a risk is identified, TST will seek to ensure that appropriate steps are taken to safeguard the person concerned.

All staff and volunteers must maintain a proper focus on safeguarding children, young people and vulnerable adults, and this must be reflected both in sound individual practice and in our internal policies and guidance. All permanent staff and volunteers must:

- Give highest priority to safety and welfare
- Recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children and young people
- Respond appropriately to disclosure by a child, or young person, of abuse
- Respond appropriately to allegations against staff, other adults and against themselves
- Understand and implement safe practice in carrying out their duties
- Be alert to the risks which abusers, or potential abusers, may pose and vigorously pursue concerns
- Contribute, as necessary, to all stages of TST's safeguarding and protection processes.

TST'S RESPONSIBILITIES

TST does not investigate individual child protection cases or referrals. TST is not a statutory authority for the conduct of enquiries into specific child protection concerns; therefore, all staff and volunteers should follow the procedures to ensure that all allegations or suspicions of abuse or significant harm are reported to the children's services department of the relevant local authority (see Appendix 1 for contact details). We will share all relevant information with the respective statutory child protection agencies (children's services and/or police) without delay and within agreed protocols. The reasons for action taken, or not taken, by TST, will be clearly recorded.

TST will ensure that it fulfils its responsibilities to work jointly with others to safeguard and promote the welfare of children and young people, and, where necessary, to help bring to justice the perpetrators of crimes against children and young people.

SAFEGUARDING VULNERABLE ADULTS

The legal and policy basis for responding to concerns regarding the safeguarding and welfare of vulnerable adults is different from that of children and young people under 18. Working Together to Safeguard Children 2015 only applies to children and young people until they reach the age of 18. Any incidents or concerns relating to a person of 18 years and over are not covered by Local Safeguarding Children Boards or their procedures.

Government guidance in relation to adults is contained in the document "No Secrets" and the previous Protection of Vulnerable Adults (POVA) guidance (now Adults' List guidance). Good practice guidance is also available through the Association of Directors of Social Services (ADSS) publication – Safeguarding Adults: A national framework of standards for good practice and outcomes in adult protection work.

However, it is important to be aware that following amendments to the Safeguarding Vulnerable Groups act 2006, by the Protection of Freedoms Act 2012, adults are no longer deemed vulnerable because of their personal attributes, characteristics or abilities. An adult is considered "vulnerable" if they receive a health, personal or social care service from a professional. Personal services would include, for example, help with financial matters, feeding, washing or dressing.

In this policy, the term “vulnerable adults” is used for any person over the age of 18 who meet the statutory definition in paragraph 18 above. However, all staff and volunteers have a duty of care towards any of TST’s clients, and must report any concerns to a senior member of staff.

DEFINITION OF ABUSE OF VULNERABLE ADULTS

The definition of abuse of adults is contained in The Care Act 2014, and “No Secrets”, paragraph 2.5. Abuse is a violation of an individual’s human and civil rights by another person or persons. Abuse may consist of a single or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or 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 consent, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

Within this context abuse can take the form of:

- Physical abuse – including hitting, pushing, kicking, misuse of restraint or inappropriate sanctions
- Sexual abuse – including sexual assault or acts to which the adult did not, or could not, consent
- Psychological abuse – including emotional abuse, threats, deprivation of contact, humiliation, intimidation, coercion, verbal abuse, isolation or withdrawal from services
- Financial or material abuse – including exploitation and pressure in connection to wills, property, inheritance or financial transactions
- Neglect or acts of omission – including ignoring medical or physical care needs, withholding of medication or adequate nutrition and failure to provide access to appropriate health, social care or educational services
- Discriminatory abuse – including racist, sexist and other forms of harassment

TST’S RESPONSIBILITIES

TST is committed to working with other agencies to ensure that our clients are safeguarded. People who use services have a right to live and work in environments free from abuse, neglect and discrimination.

TST does not investigate issues of concern in relation to vulnerable adults. Local authorities and the police hold the lead responsibility for responding to allegations of abuse in relation to adults, and in coordinating the local interagency framework for safeguarding adults.

TST will bring to the attention of the local authority social services and the police any concerns in relation to safeguarding or allegations of abuse identified through any part of its work.

PREVENT

The Prevent strategy aims to stop people becoming terrorists or supporting terrorism. While it remains rare for children and young people to become involved in terrorist activity, young people from an early age can be exposed to terrorist and extremist influences or prejudiced views. As with other forms of safeguarding strategies early intervention is always preferable. Schools and colleges, working with other local partners, families and communities, play a key role in ensuring young people and their communities are safe from the threat of terrorism.

Prevent should be seen as part of the existing school or college safeguarding framework; a local approach to ensuring the safety and well-being of all children and young people from birth to age 19. Each area of the UK has adopted their own definition of safeguarding, but these often include the following phrases: protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and taking action to enable children in need to have optimum life chances.

Schools and colleges should be safe spaces in which children and young people can understand and discuss sensitive topics, including terrorism and the extremist ideas that are part of the terrorist ideology and learn how to challenge these ideas. The 2014 Government extremism task force identified risks around radicalisation within educational institutions and it is important that Prevent is actively supporting these institutions to protect children from harm and ensure that they are taught in a way that is consistent with the law and British values.

The TST PREVENT strategy and policy can be found at Section 8 in the TST policies handbook to ensure that TST staff form part of the wider safeguarding system for children and vulnerable adults. This system is described in statutory guidance Working Together to Safeguard Children (2015) and Keeping Children Safe in Education (October 2014). Radicalisation is listed as a specific safeguarding issue within statutory guidance and is addressed within the Government Prevent Strategy.

SAFEGUARDING PROCEDURES

Recruitment and Training

All staff and volunteers will go through the following procedures:

- Enhanced DBS check
- References check
- Initial online safeguarding training
- Safeguarding policy to read
- On-going refresher training

Reporting A Concern

Any member of staff or volunteer who has a safeguarding concern regarding a client must report the incident in the first instance to the Designated Safeguarding Lead – Ossie Glover (DSL). It may then be necessary to complete a TST Safeguarding Information and Incident Form, detailing their specific concerns and any evidence for these. This report is submitted to the Designated Safeguarding Lead (DSL) who will then pass onto senior management who will decide what action, if any, needs to be taken.

All actions or non-actions must be recorded in the TST Safeguarding Information and Incident Form in writing and must be sufficiently robust to form an audit trail for scrutiny later. The records should show clearly any discussions between members of staff, other individuals and agencies.

Background

For the purpose of this document the terminology has been modified to reflect the TST training. For ease of use the terms Children, young people or adults has been replaced by the word 'learner' and is non-gender specific. The terms 'adults' has been replaced by 'teachers', and relates to all training, instructional and support roles. All Teachers who come into contact with learners in their work have a duty of care to safeguard and promote their welfare.

The Children Act 2004, through the Stay Safe outcome of Every Child Matters Change for Children programme, places a duty on organisations to safeguard and promote the well-being of learners. This includes the need to ensure that all Teachers who work with or on the behalf of learners in these organisations are competent, confident and safe to do so.

The vast majority of teachers who work with learners act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for the learners in their care. However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of teachers can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there are teachers who will deliberately seek out, create or exploit opportunities to abuse learners. It is therefore essential that all possible steps are taken to safeguard learners and ensure that the teachers working with them are safe to do so.

Some concerns have been raised about the potential vulnerability of teachers in this area of work. It has been suggested that there was a need for clearer advice about what constitutes illegal behaviour and what may be considered as misconduct. This document has been produced in response to these concerns. This document will provide practical guidance for anyone who works with, or on the behalf of TST regardless of their role, responsibilities or status. It seeks to ensure that the duty to promote and safeguard the wellbeing of learners is in part, achieved by raising awareness of illegal, unsafe and inappropriate behaviours.

Whilst this guidance has attempted to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by TST. It is expected that in these circumstances teachers and Designated Safeguarding Leads within TST will seek advice from senior colleagues of the justification for any such action already taken or proposed.

The guidance contained in this document has due regard to current legislation and statutory guidance.

Everyone working with learners should be familiar with local procedures and protocols for safeguarding the welfare of learners. Teachers have a duty to report any cadet protection or welfare concerns to the designated safeguarding lead in their establishment.

Using the guidance

This guidance document is intended to supplement but not replace or take priority over advice or codes of conduct produced by TST.

This is a generic document that should complement existing professional procedures, protocols and guidance which relate to specific roles, responsibilities or professional practices.

Purpose of Guidance

It is important that all teachers working with learners understand that the nature of their work and the responsibilities related to it, place them in a position of trust. This practice guidance provides clear advice on appropriate and safe behaviours for all teachers working with learners in a paid or voluntary capacity, in all settings and in all contexts. The guidance aims to:

- Keep learners safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- Assist teachers working with learners to work safely and responsibly and to monitor their own standards and practices;
- Support the DSL in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided;
- Support TST in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
- Support safer recruitment practice;
- Minimise the risk of misplaced or malicious allegations made against Teachers who work with learners;
- Reduce the incidence of positions of trust being abused or misused.

Each establishment should be familiar with, and know how to access, their Local Safeguarding Children's Board's policy and procedures.

Underpinning principles

- The welfare of the learner is paramount
- It is the responsibility of all teachers to safeguard and promote the welfare of learners. This responsibility extends to a duty of care for those teachers who volunteer their time to work with learners.
- Teachers should work and be seen to work, in an open and transparent way
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- Teachers should continually monitor and review their practice and ensure they follow the guidance contained in this document.

Definitions

Learners: throughout this document references are made to Learners in relation to "children and young people". These terms are interchangeable and refer to all learners in TST regardless of age.

Teacher: refers to any adult tutor or support member of staff who whether paid or voluntarily works with or on behalf of, learners, at any level.

Designated Safeguarding Lead: the term DSL refers to an adult member of staff who has responsibility for managing the safeguarding of staff and learners including the supervision and training of teachers, support staff and other volunteers at any level.

TST: The term 'TST' refers to the organisation which in the context of this document the term 'TST' is also taken to include 'employing' the paid and unpaid services of employees and volunteers.

Safeguarding: Process of protecting children from abuse or neglect, preventing impairment of their health and development and ensure they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.

Duty of Care: The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of a cadet involved in any activity or interaction for which that individual or organisation is responsible. Any person in charge of, or working with learners in any capacity is considered both legally and morally to owe them a duty of care.

How to use the Document

This document is relevant to both individuals and organisations working with or on behalf of learners.

Each section provides general guidance about a particular aspect of work undertaken with learners, specific guidance about what behaviours should be avoided and which are recommended. Some organisations may need to adapt or add to the guidance to meet their specific practices or contexts.

The document has however been modified for TST and whilst generic most if not all the content, is applicable to all teachers who work with learners.

It is recommended that organisations and settings who provide services for learners use this guidance to develop and promote safer working practice by ensuring that all teachers are made aware of its contents and have access to it.

Incorporating the use of this document in recruitment and selection processes will help to prevent and deter unsuitable people from working with children and young people. Providing TST and teachers with clear guidance on appointment and revisiting this through induction, supervision, performance management, training programmes etc, will also help to ensure a safer learner environment. The DSL and teachers will be better placed to deal with unsuitable or inappropriate behaviour if their expectations have been made clear and reinforced throughout a person's training and there is evidence that this has been done.

Individuals should follow this guidance in their day to day practice. It should also be referred to when taking on new tasks, different duties or additional responsibilities.

Guidance for Safe Working Practice

Context

All teachers who work with learners have a crucial role to play in shaping their lives. They have a unique opportunity to interact with learners in ways that are both affirming and inspiring. This guidance has been produced to help teachers working in all settings to establish safe and responsive environments which safeguard learners and reduce the risk of teachers being unjustly accused of improper or unprofessional conduct.

'Unsuitability'

The guidance contained in this document is an attempt to identify what behaviours are expected of teachers who work with learners at TST. Teachers whose practice deviates from this guidance and/or their professional conduct may bring into question their suitability to work with learners.

Duty of Care

All teachers who work with, and on behalf of learners are accountable for the way in they exercise authority; manage risk; use resources; and safeguard learners.

Whether working in a paid or voluntary capacity, teachers have a duty to keep learners safe and to protect them from sexual, physical and emotional harm. Learners have a right to be treated with respect and dignity. It follows that teachers are expected to take reasonable steps to ensure the safety and well-being of learners. Failure to do so may be regarded as neglect.

The duty of care is in part, exercised through the development of respectful and caring relationships between teachers and learners. It is also exercised through the behaviour of the teacher, which at all times should demonstrate integrity, maturity and good judgement.

Everyone expects high standards of behaviour from teachers who work with learners. When individuals accept such work, they need to understand and acknowledge the responsibilities and trust inherent in that role.

TST also have a duty of care towards their teachers, both paid and unpaid, under the Health and Safety at Work Act 1974. This requires them to provide a safe working environment for teachers and provide guidance about safe working practices. The Human Rights Act 1998 sets out important principles regarding protection of individuals from abuse by state organisations or people working for those institutions. Teachers who are subject to an allegation should therefore be supported and the principles of natural justice applied.

Confidentiality

Teachers may have access to confidential information about learners in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. These details must be kept confidential at all times and only shared when it is in the interests of the cadet to do so. Such information must not be used to intimidate, humiliate, or embarrass the cadet concerned.

If a teacher who works with learners is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff or the Designated Safeguarding Lead (DSL). Any actions should be in line with locally agreed information sharing protocols.

The storing and processing of personal information about children and young people is governed by the Data Protection Act 1998. TST should provide clear advice to teachers about their responsibilities under this legislation.

Whilst teachers need to be aware of the need to listen to and support children and young people they must also understand the importance of not promising to keep secrets. Neither should they request this of a learner under any circumstances.

Additionally, concerns and allegations about teachers should be treated as confidential and passed to the DSL or senior member of staff without delay.

Making a Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not inappropriate behaviour for teachers in all circumstances. There may be occasions and circumstances in which adults have to make decisions or take action in the best interests of the learner which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the learners in their charge. Such judgements, in these circumstances, should always be recorded and shared with the DSL. In undertaking these actions individuals will be seen as acting reasonably.

Teachers should always consider whether their actions are warranted, proportionate and safe and applied equitably.

Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all teachers working with learners are in positions of trust in relation to the people in their care. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.

A relationship between a teacher and a learner cannot be a relationship between equals. There is potential for exploitation and harm to vulnerable people. Teachers have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Teachers should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

Propriety and Behaviour

All teachers working with learners have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of learners. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

There may be times, for example, when a teacher's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in TST or indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Teachers in contact with learners should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour of a teacher's partner or other family member may raise similar concerns and requires careful consideration by the DSL as to whether there may be a potential risk to people in TST.

Dress and Appearance

A person's dress and appearance are matters of a personal choice and self-expression. However, teachers are part of TST. As such, they should always dress in ways which are appropriate to their role.

Teachers who work with learners should always ensure that they always take care to dress appropriately for the task, activities and work they may be undertaking.

Teachers who dress in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations.

Personal Living Space

No learner should ever be invited or be in the home of a teacher who works with them, unless they are a parent or family member. Any other reasons must be firmly established and agreed with the DSL.

Gifts, Rewards and Favouritism

The giving of gifts or rewards to learners should be part of an agreed policy for supporting positive behaviour or recognising particular achievements. In some situations, the giving of gifts as rewards may be accepted practice for a group of learners, whilst in other situations the giving of a gift to an individual learner will be part of an agreed plan, recorded and discussed with the DSL.

It is acknowledged that there are specific occasions when teachers may wish to give a learner a personal gift. This is only acceptable practice where, in line with the agreed policy, the teacher has first discussed the giving of the gift and the reason for it, with either the DSL or senior member of staff and the action is recorded. Any gifts should be given openly, for example, while on TST grounds. Teachers need to be aware that the giving of a gift to an individual learner could be misinterpreted by others as a gesture either to bribe or groom a learner.

Teachers should thus exercise care when selecting learners for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and open to scrutiny.

Care should also be taken to ensure that teachers do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when learners wish to pass small tokens of appreciation to teachers e.g. on special occasions or as a thank you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Infatuations

Occasionally, a learner may develop an infatuation with a teacher who works with them. Teachers should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

A teacher, who becomes aware that a learner is developing an infatuation, should discuss this at the earliest opportunity with their DSL so appropriate action can be taken to avoid any hurt, distress or embarrassment.

Communication with Learners (including the use of technology)

Communication between teachers and learners, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, e-mails, digital cameras, videos, web cams, websites, blogs, Facebook,

Snapchat etc. Teachers should not join or share any personal information with a learner. They should not request, or respond to, any personal information from the learner, other than that which might be appropriate as part of their professional role. Teachers should ensure that all communications are transparent and open to scrutiny.

Teachers should also be circumspect in their communications with learners so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to learners including e-mail, home or mobile telephone numbers, unless the need to do so is agreed by the DSL or senior member of staff. E-mail or text communications between a teacher and a learner outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites.

Social Contact

Teachers who work with learners should not seek to have social contact with them or their families, unless the reason for this contact has been firmly established and agreed with the DSL or senior member of staff. If a learner seeks to establish social contact, or if this occurs coincidentally, the teacher should exercise his/her professional judgement in making a response but should always discuss the situation with a senior member of staff. Teachers should be aware that social contact in certain situations can be misconstrued as grooming.

Where social contact is an integral part of work, duties etc care should be taken to maintain appropriate personal and professional boundaries. This also applies to social contacts made through interests outside of work or through the teachers own family or personal networks.

Sexual Contact

All teachers should clearly understand the need to maintain appropriate boundaries in their contacts with learners. Intimate or sexual relationships between teachers and learners will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

Any sexual contact between a teacher and a learner with whom they work may be regarded as a criminal offence and will always be a matter for disciplinary action.

There are occasions when teachers embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a learner, and manipulate that relationship so sexual abuse can take place. Teachers should be aware that consistently conferring inappropriate special attention and favour upon a learner might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

Physical Contact

Many tasks and activities within TST require physical contact with learners as part of their role. There are also occasions when it is entirely appropriate for teachers to have some physical contact with learners. However, it is crucial that in all circumstances, teachers should only touch learners in ways which are appropriate to their professional or agreed role and responsibilities.

Not all learners will feel comfortable about physical contact, and teachers should not make the assumption that it is acceptable practice to use touch as a means of communication. Permission should be sought from a learner before physical contact is made.

When physical contact is made with a learner this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one learner in one set of circumstances may be inappropriate in another, or with a different learner. Teachers, nevertheless, should use professional judgement at all times, observe and take note of the learner's reaction or feelings and – so far as is possible – use a level of contact and /or form of communication which is acceptable to the learner for the minimum time necessary.

Physical contact which occurs regularly with an individual learner is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed plan or within the parameters of established agreed and legal professional protocols on physical contact e.g. sports activities or medical procedures. Any such agreements should be understood and agreed by all concerned, justified in terms of the learner's needs, consistently applied and open to scrutiny.

Physical contact should never be secretive, or for the gratification of the teacher, or represent a misuse of authority. If a teacher believes that their action could be misinterpreted, or if an action is observed by another as being inappropriate or possibly abusive, the incident and circumstances should be reported to the DSL outlined in the procedures for handling allegations and an appropriate record made. TST senior members of staff should also be informed in such circumstances.

When a learner seeks or initiates inappropriate physical contact with a teacher, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the learner and support and advice given to the teacher concerned.

It is recognised that some learners who have experienced abuse may seek inappropriate physical contact. Teachers should be particularly aware of this when it is known that a learner has suffered previous abuse or neglect. In the learner's view, physical contact might be associated with such experiences and lead to some actions being misinterpreted. In all circumstances where a learner initiates inappropriate physical contact, it is the responsibility of the teacher to sensitively deter the learner and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with the DSL and senior members of staff within TST.

Other Activities that require Physical Contact

Teachers at TST engage in educational type settings, for example classrooms, construction, or outdoor activities such as working with animals or with plants etc, which would all involve some type of physical contact with learners, for example to demonstrate the application of brickwork, demonstrating techniques of potting, adjusting digging positions, or perhaps to support a learner so they can perform an activity safely or prevent injury. Such activities should be carried out in accordance with existing codes of conduct, regulations and best practice.

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear and once agreed, should be undertaken with the permission of the learner. Contact should be relevant to their age or understanding and teachers should remain sensitive to any discomfort expressed verbally or non-verbally by the learner. Teachers should also be aware of gender, cultural or religious aspects of physical contact prior to engaging with any learner.

Guidance and protocols around safe and appropriate physical contact are provided by TST and should be understood and applied consistently. Any incidents of physical contact that cause concerns or fall outside of these protocols and guidance should be reported to the DSL or senior member of staff.

It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping teachers and learners informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

Behaviour Management

All learners have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

Teachers should not use any form of degrading treatment to punish a learner (beasting). The use of sarcasm, demeaning or insensitive comments towards learners is not acceptable in any situation. Any sanctions or rewards used should be part of a behaviour management policy which is widely publicised and regularly reviewed.

The use of corporal punishment is not acceptable and whilst there may be a legal defence for 'parents' who physically chastise their children, this does not extend, in any circumstances, to teachers while engaged with learners.

Where learners display difficult or challenging behaviour, teachers must follow the behaviour policy outlined by TST, and use strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

Where a learner has specific needs in respect of particularly challenging behaviour, a positive handling plan may be drawn up and agreed by all parties. Only in these circumstances should a teacher deviate from the behaviour management policy within the TST.

Use of Control and Physical Intervention

There are circumstances in which teachers when engaged with learners could display extreme behaviours where a teacher can legitimately intervene. This is a complex area and teachers and TST must have regard to government guidance and legislation and the practices and policies of their specific organisation.

The use of physical intervention should, wherever possible, be avoided. It should only be used to manage a learner's behaviour if it is necessary to prevent personal injury to the learner, other learners or a teacher, or to prevent serious damage to property or in what would reasonably be regarded as exceptional circumstances. When physical intervention is used it should be undertaken in such a way that maintains the safety and dignity of all concerned.

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and to the nature of the harm they may cause. The minimum necessary force should be used and the techniques deployed in line with recommended policy and practice.

Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to all adults and organisations working with children and young people requires that reasonable measures are taken to prevent children being harmed. The use of unwarranted physical force is likely to constitute a criminal offence.

In settings where restrictive physical interventions may need to be employed regularly, i.e. where teachers are working with learners with extreme behaviours associated with learning disabilities or autistic spectrum disorders, TST should have individual care plans drawn up in consultation with the parents/carers. The plan should set out the strategies and techniques to be used and those which should be avoided. Risk assessments should be carried out where physical intervention may be required.

In all cases where physical intervention is employed the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the learner. The commanding officer should be informed the same day or evening.

Children and Young People in Distress

There are settings, where teachers are involved in managing significant or regular occurrences of distress and emotional upset in learners, for example, in mental health services, care provision etc. In these circumstances professional guidance should be followed, and teachers should be aware of what is and what is not acceptable behaviour when confronting a learner or diffusing a situation. This is particularly important when working on a one-to-one basis.

There may be occasions where a teacher has to manage a distressed learner who needs comfort and reassurance, and this may involve physical contact. Younger learners in particular, may need immediate physical comfort, for example after an accident, separation from parent etc. Teachers should use their professional judgement to comfort or reassure a learner in an age-appropriate way whilst maintaining clear professional boundaries.

Where a teacher has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with the DSL or a senior member of staff.

Personal Care

Young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard young people and/or satisfy health and safety conditions. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

Teachers need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of learners with whom they work.

First Aid and Administration of Medication

It is expected that teachers working with learners should be aware of basic first aid techniques. It is not however, a contractual requirement and while teachers may volunteer to undertake such tasks, they should be suitably trained and qualified before administering first aid and/or any agreed medication.

When administering first aid, wherever possible, teachers should ensure that another adult is aware of the action being taken. The DSL or another senior member of staff should always be informed when first aid has been administered.

In circumstances where learners need medication regularly a health care plan should have been established to ensure the safety and protection of learners and teachers who are working with them. Depending on the age and understanding of the teacher, they should where appropriate, be encouraged to self administer medication or treatment including, for example any ointment, use of inhalers etc.

One to One Situations

One to one settings have the potential to make a learner more vulnerable to harm by those who seek to exploit their position of trust. Teachers working in one to one settings with learners may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure safety and security of learners and teachers who work with them.

Although within TST it is very likely that a teacher will be working with a learner on a one to one basis. As such, risk assessments should be implemented and any arrangements made should be reviewed on a regular basis.

Home Visits

Under no circumstances should an adult visit a learner in their home or invite them in their home or that of a family member. If in an emergency, such a one-off arrangement is required, the teacher must have a prior discussion with the DSL, parents, guardian or carers and a clear justification for such an arrangement is agreed and recorded.

Transporting Children and Young People

Teachers may be asked to transport learners in their own vehicles. Teachers should ensure that their vehicle is roadworthy, appropriately insured, that all passengers wear seat belts as a legal requirement.

It is however, inappropriate for teachers to offer lifts to learners outside of TST activities, unless this has been brought to the attention of the DSL and has been agreed with the parents/carers.

Access to Inappropriate Images and Internet Usage

There are no circumstances that will justify teachers or learners possessing indecent images of learners or other young people. Teachers who access and possess links to such websites will be viewed as a significant and potential threat to children and suspended immediately from TST while an investigation is carried out. Accessing, making and storing indecent images of children on the internet is illegal. Following suspension could lead to criminal investigation and the teacher being barred from working with learners and other young people if proven.

Teachers should not use any equipment belonging to TST to access adult pornography; neither should personal equipment containing those images or links to them be brought into work. This will raise serious concerns about the suitability of the teacher to continue to work with children.

With the wide use of mobile phones and iPads/tablets in use by young people, teachers need to ensure that learners are not exposed to any inappropriate images or web links. TST need to ensure that internet equipment used by any learner have the appropriate controls with regard to access e.g. personal passwords should be kept confidential.

Where indecent images of young people or learners or other unsuitable material are found, the police and local authority safeguarding team (social services) should be immediately informed. The DSL should not attempt to investigate the matter or evaluate the material themselves, as this may lead to evidence being contaminated which in itself can lead to a criminal prosecution.

Whistle Blowing

Whistle blowing is the mechanism by which teachers can voice their concerns, made in good faith, without fear of repercussion. TST should have a clear and accessible whistle blowing policy. However, teachers should acknowledge their individual responsibilities to bring matters of concern to the attention of the DSL or senior member of staff. This is particularly important where the welfare of learners may be at risk.

Sharing Concerns and Recording Incidents

All teachers should be aware of TST child protection procedures, including procedures for dealing with allegations against teachers. All allegations must be taken seriously and properly investigated in accordance with local procedures and statutory guidance. Teachers who are the subject of allegations are advised to contact a solicitor.

In the event of any allegation being made, to someone other than the DSL, information should be clearly and promptly recorded and reported to a senior member of staff without delay.

Teachers should always feel able to discuss with their DSL or senior member of staff any difficulties or problems that may affect their relationship with learners so that appropriate support can be provided or action can be taken.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of teachers working with or on the behalf of learners.

Ossie Glover – DSL. Reviewed 2019 – next review September 2020.

APPENDIX 1

Childrens' Services Details

Cornwall

<https://www.cornwall.gov.uk/council-and-democracy/contacting-the-council/contact-us-online/contact-childrens-services/>

0300 1234 101

children@cornwall.gov.uk

Devon

<https://new.devon.gov.uk/educationandfamilies/child-protection>

0345 155 1071

mashsecure@devon.gcsx.gov.uk

Plymouth

<https://www.plymouth.gov.uk/childrenandfamilies>

01752 668000

gateway@plymouth.gcsx.gov.uk

Adult Social Services

Cornwall

<https://www.cornwall.gov.uk/health-and-social-care/adult-social-care/safeguarding-adults/>

0300 1234 131

01208 251300 (out of hours)

Accessteam.referral@cornwall.gov.uk

Devon

<https://new.devon.gov.uk/adultsocialcareandhealth/keeping-safe/>

0345 1551 007

Csc.caredirect@devon.gov.uk

Plymouth

<http://www.plymouthonlinedirectory.com/kb5/plymouth/directory/service.page?id=IjiaYOSdd-M>

01752 668000

01752 346986 (out of hours)

Customerservices@plymouth.gov.uk

APPENDIX 2

Links to Government Legislation

Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

Safeguarding Vulnerable Groups Act 2006

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

Mental Capacity Act 2005

<http://www.legislation.gov.uk/ukpga/2005/9/contents>

Children Act 2004

<http://www.legislation.gov.uk/ukpga/2004/31/contents>

Working Together To Safeguard Children 2015

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

No Secrets

<https://www.gov.uk/government/publications/no-secrets-guidance-on-protecting-vulnerable-adults-in-care>

Protection of Vulnerable Adults (POVA)

<http://www.scie.org.uk/publications/guides/guide03/law/adults.asp>

ADSS – Safeguarding Adults

<https://www.adass.org.uk/adassmedia/stories/publications/guidance/safeguarding.pdf>

Safeguarding Vulnerable Groups 2006

<http://www.legislation.gov.uk/ukpga/2006/47/contents>

Protection of Freedoms Act 2012

<http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>