

# Safeguarding policy and procedure

August 2025



**SKERN**

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# Safeguarding Policy

Skern is fully committed to safeguarding and protecting the welfare of all children, young people, staff, apprentices, and adults at risk by taking all reasonable steps to protect them from threats, risks, and vulnerabilities. All team members will at all times show respect and understanding for the rights, safety, and welfare of all children, young people, staff, volunteers, apprentices, contracted staff, and adults at risk with whom the organisation comes into contact, and conduct themselves in a way that reflects our principles.

We operate from 2 residential centres in the UK and with many employers providing education products, such as apprenticeships. We host school, youth, uniform, and faith groups from within the UK and from overseas. We provide adventurous activity, curriculum-based learning, and English language tuition on a residential or day-programme basis. We operate nationally to deliver end-to-end high-quality apprenticeships and assessments bespoke to each employer. This list is not exhaustive.

All team members have a duty to safeguard and promote the welfare of children, young people, staff, volunteers, apprentices, contracted staff, and adults at risk. This also applies to third-party delivery agents whom we may at times employ. All of these groups should be familiar with our policies and procedures, are expected to comply with them, and have a duty to report any safeguarding concerns. Child, adult protection, or welfare concerns are reported to the Designated Safeguarding Lead.

## Policy Objectives

In support of this policy, we will:

- Undertake DBS checks and other appropriate checks on all staff at the enhanced level. Checks will be repeated every 3 years unless they are on the Update Service.
- Ensure our approach to safeguarding is learner/child-centred and that staff consider at all times what is in the best interests of the child or adult at risk.
- Provide safeguarding training to all staff during the induction process and safeguarding refresher training. DSL training/updates will be refreshed every 2 years.
- Ensure that staff are trained in Prevent and in recognising factors that can make people vulnerable to being drawn into terrorism.
- Provide information on both Safeguarding and Prevent to learners, both in lessons and in the workplace, via training, resources, course introductions,

- and posters, ensuring that all learners are able to recognise abusive actions and behaviours as such and understand procedures for reporting concerns.
- Provide information to parents, party leaders, children, adults at risk, carers, and our own team members to allow them to raise concerns or complaints about safeguarding issues.
  - Respond swiftly and appropriately to all complaints and concerns about poor practice or suspected or actual abuse.
  - Maintain contacts with statutory child and adult protection agencies to allow close liaison and joint working to the best possible standards.
  - Ensure arrangements are in place to maintain the health and well-being of all.
  - Assess all risks that individuals may encounter and manage these accordingly, including risks relating to e-safety and radicalisation.
  - Take a proactive approach to safeguarding, which constantly reviews our practice and responds to issues promptly and competently.
  - Regularly review safeguarding procedures and practices in the light of experience or to take account of legislative, social, or technological changes;
    - Communicate changes and share good practice.
  - Ensure that the Safeguarding Risk Assessment is implemented and reviewed regularly to make sure that known risks are minimised, measures are in place, and changes are communicated to all employees.
  - Recognise that safeguarding children and adults who may be at risk of abuse is the responsibility of everyone, not just those who work directly with them.
  - Create an environment that promotes well-being and ensures personal safety and security for adults with care and support needs.
  - Ensure a culture of zero tolerance of abuse and other harmful behaviours.
  - Carefully recruit and select all employees, contractors, and volunteers in roles involving close contact with children and adults at risk and provide them with appropriate information and training.
  - Follow safer recruitment processes, including a rigorous recruitment, interview, and appointment system, to ensure that staff have the appropriate skills, qualifications, and attitude to work in the educational sector.
  - Provide a clear Code of Conduct to outline acceptable behaviour, which is widely publicised throughout the service and drawn to the attention of all apprentices at induction.
  - Block dangerous and inappropriate content accessed via the Skern network. (More information about filtering and monitoring is found in the E-Safety Policy).
  - As part of Skern's main provider status with DfE, cases reported externally will be also sent to the DfE within 24 hours as part of the required regulations.

- Where the Training Provider or a Subcontractor refers a safeguarding concern or an allegation of abuse to local authority children’s social care/adult social care and/or the police, the Training Provider must, within 24 hours, inform the Department by contacting the Helpdesk (**08000 150600**) or **[helpdesk@manageapprenticeships.service.gov.uk](mailto:helpdesk@manageapprenticeships.service.gov.uk)**. Such notification must include the name of the Training Provider, a high-level summary of the nature of the incident (without sharing personal information about victims or alleged perpetrators) and confirmation of whether it is, or is scheduled to be, investigated by the Local Authority and/or the police.

Our policy applies to everyone and ensures that all children and adults at risk have the same protection regardless of age, disability, gender, racial heritage, religious belief, sexual orientation, or identity.

This policy is subject to review on an annual basis, or sooner if changes to the company’s circumstances or the legislative environment necessitate an earlier revision. The annual review will be organised by the Policy Holder and relevant Managers.

This policy has been written to ensure our safeguarding arrangements comply with statutory requirements, regional guidance, and procedures, together with current good practice. It pays particular regard to:

- The Children Act 1989
- The Children Act 2004
- UN Convention on the Rights of the Child
- Sexual Offences Act 2003
- Protection of Freedoms Act 2012
- Keeping Children Safe in Education 2024
- Working Together to Safeguard Children 2023
- Prevent Duty Guidance 2023
- Care Act 2014
- Mental Capacity Act 2005
- Safeguarding Vulnerable Groups Act 2006
- Social Services and Well-being (Wales) Act 2014
- General Data Protection Regulation (GDPR)
- Domestic Abuse Act 2021
- Health and Safety at Work Act 1974
- Human Rights Act 1998
- Equality Act 2010
- Counter-Terrorism and Security Act 2015

# Introduction

## Safeguarding Children

A child is a person under 18 years of age.

Safeguarding children is defined in [Working together to safeguard children](#) as:

- providing help and support to meet the needs of children as soon as problems emerge
- protecting children from maltreatment, whether that is within or outside the home, including online
- preventing impairment of children's mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- promoting the upbringing of children with their birth parents, or otherwise their family network through a kinship care arrangement, whenever possible and where this is in the best interests of the children
- taking action to enable all children to have the best outcomes in line with the outcomes set out in the Children's Social Care National Framework.

## Safeguarding Adults at Risk

Historically the term vulnerable adult was used to describe this cohort. The Care Act (2014) now identifies "adults experiencing or at risk of abuse and neglect". The term 'Adult at Risk' as defined by the Care Act 2014 applies to people aged 18 or over who are in need of care or support, regardless of whether they are receiving them, and because of those needs are unable to protect themselves against abuse or neglect. The act further clarifies that for safeguarding purposes, there must be an impact of an adult's physical or mental impairment or illness on the person's well-being, and that as a result of their needs they are unable to protect themselves against the abuse and neglect or the risk of it.

All staff that come into contact with people with care and support needs, who may be vulnerable to abuse, and neglect should understand that safeguarding procedures apply to this group. 'The level of needs is not relevant, and the adult does not need to have eligible needs for care and support or be receiving any particular service from the local authority, in order for the safeguarding duties to apply.'

All of us could be regarded as at risk or vulnerable at certain times in our lives, for example when undergoing medical treatment or experiencing a period of mental ill-

health. Equally, not all people with a disability would identify themselves as being vulnerable or at risk at all times.

The Safeguarding Policy and Procedure has been produced to assist us to enable all adults, especially those who could be defined as 'at risk' or 'vulnerable', to thrive and enjoy a safe environment.

**There are several good reasons for doing this:**

- To safeguard and protect adults at risk, learners, clients, volunteers and staff;
- To assure adults at risk, and their carers, party leaders where relevant, that they are safe when taking part in any activity or learning with Skern.
- To ensure Skern has clearly defined policies and procedures that reflect national legislation and guidance;
- To raise awareness amongst all Staff, community, volunteers, learners and employees so that they know what to do if they are concerned about an adult, whether the concern relates to their welfare onsite, or to something happening outside that environment that the individual discloses to someone they trust in;
- To protect apprentices, volunteers and staff by giving them some practical, common sense guidelines to avoid placing themselves in situations where they are vulnerable to allegations;
- To protect the organisation, by showing that you have taken 'all reasonable steps' to provide a safe environment.

## Safeguarding Principles

**The Care Act (2014) reports that the aims of adult safeguarding are:**

- To prevent harm and reduce the risk of abuse or neglect to adults with care and support needs.
- To safeguard individuals in a way that supports them in making choices and having control in how they choose to live their lives.
- To promote an outcomes approach in safeguarding that works for people resulting in the best experience possible.
- To raise public awareness so that professionals, other staff and communities as a whole play their part in preventing, identifying and responding to abuse and neglect.

**Six principles continue to underpin all safeguarding work:**

- **Empowerment:** presumption of person led decisions and informed consent
- **Protection:** support and representation for those in greatest need
- **Prevention:** it is better to take action before harm occurs

- **Proportionality:** proportionate and least intrusive response appropriate to the risks identified
- **Partnership:** local solutions. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- **Accountability:** accountability and transparency in delivering safeguarding.

All staff should be aware and familiar with this policy and have access to the supporting procedures which are included in this policy, and those working with children and adults at risk must be familiar with the procedures.

## Governance and Accountability

### Residential Safeguarding Lead is:

Lisa Taylor – Centre Manager – 01237 880028

### Education Safeguarding Lead is:

Shona McLean – DSL/Lead Apprenticeship Trainer (Outdoor) - 07900 268 593

### Our Deputy Leads are:

#### Residential

Ed Tomlin – Centre Manager – 01237 475992

#### Education

Emma Meehan - Lead Apprenticeship Trainer (Early Years) – 01237 809469

Des Squire - Lead Apprenticeship Trainer (Hospitality/Business) - 07932 600820

Peter Reed - Lead Apprenticeship Trainer (Agriculture) - 07734 703288

Roger Clarke – Head of Operational Delivery – 07768 006058

### Our Policyholder is:

Richard Thomas – Exec Director – Skern.

Telephone Number: 07968095581

### Their roles are to:

- Oversee and ensure that our safeguarding policy is fully implemented.
- Child and Adult Safeguarding meets national standards.
- Undertake and update training every two years and be aware of, and follow, local arrangements.
- Ensure our safeguarding standards are communicated to all team members.
- Ensure details are made available to all adults, children, and parents/carers via our website.
- Ensure all team members receive training in safeguarding, appropriate to their role.
- Ensure DBS (Disclosure and Barring Service) checks, recruiting, and reporting procedures are adhered to.

- Keep all records confidential, in line with statutory guidance and GDPR, ensuring due regard to principles which allow both sharing and withholding of personal information.
- Ensure reports are made to the relevant agency in all cases where children or vulnerable adults are thought to be at risk.

### **Designated Safeguarding Leads**

#### **Their role is to:**

- Be a point of contact for safeguarding concerns raised by children, parents, teachers, staff, party leaders, students/learners and accompanying adults.
- Assess the information promptly and carefully, clarifying or obtaining more information about the matter as appropriate.
- Initially consult locally with a statutory child protection agency, such as the Local Authority Children's Social Care/MASH (formerly known as Social Services), to test out any doubts or uncertainty about the concerns as soon as possible.
- Make a formal referral to Local Authority Children's Social Care/MASH or the police if a crime has, or may have been, committed, without delay Skern recognises that it is not the role of the organisation to investigate or to decide whether or not a child has been abused.

### **How do we all ensure safeguarding is delivered?**

Skern has a clearly aligned safeguarding structure of leadership, governance, and accountability.

#### **Safeguarding Leadership Groups:**

Company wide - Discharges the safeguarding responsibilities of the Board and ensures each location delivers safeguarding effectively. Meeting quarterly.  
Education specific – Monitors and ensures all Education relevant policies and practices are kept in line with legal Guidance and frameworks.

#### **Safeguarding Advisors (external):**

Provide support to the Designated Safeguarding Leads (DSLs) through training and updates where needed.

#### **Designated Safeguarding Leads (DSLs):**

Ensure consistent operational delivery of policy, procedure, and organisational learning across the business.

Together, these roles work in harmony to foster a safe and supportive environment, addressing safeguarding concerns promptly and efficiently. The continuous review of actions and issues ensures that we remain compliant with statutory requirements and best practices, maintaining the highest standards of safety and welfare for all individuals involved.

# Safeguarding Operational Procedures

It is the responsibility of every member of staff to know and understand the Child/Adult Protection and Safeguarding Policy and procedures.

All employees as a part of their induction when they join Skern:

- will be provided with a copy of the Code of Conduct and Current Keeping Children Safe in Education (KCSIE) guidance appropriate to their role. They will be expected to read and understand these documents.
- will receive appropriate formal safeguarding and child/adult protection training, which is regularly updated.
- Will, If their role requires them to be a Designated Safeguarding Lead (DSL), employees will be provided with DSL Training. This training will be updated every 2 years.
- will receive safeguarding and child/adult protection updates (e.g., via email, newsletters, staff meetings) as required and at least annually, to provide them with the relevant skills and knowledge to safeguard effectively.
- should be aware of the signs of abuse, neglect and exploitation so that they are able to identify cases of children/adults who may be in need of help or protection. Types of abuse, neglect and exploitation are described in this policy.
- Additionally, employees should be aware of the causes and indicators of current risks that impact the safety of children, young people, and adults at risk. If they are unsure, they should always seek advice from the Designated Safeguarding Lead.
- All staff should know what to do if a child/adult tells them that they are being abused, neglected or exploited. Staff are expected to manage an appropriate level of confidentiality while liaising with relevant professionals.
- Staff should never promise an individual that they will not tell anyone about an allegation – this may not be in the best interests of the child/adult or others.
- If an employee or any member of staff is concerned about a child/adult, they must follow the reporting procedure.
- Employees must record information regarding the concerns on the same day and pass it onto the Designated Safeguarding Lead to be recorded on Patronus.
- The record must be a clear, precise, factual account of the observations.

- If the allegations raised by the staff member are against other children, staff should follow the same procedures for referring concerns about a child/adult's safety.
- The Designated Safeguarding Lead will assess the information and consider if a child/adult is in immediate danger or at risk of harm, which might require a report to be made to the police.

## Is a referral needed?

- If the evidence suggests that the threshold of significant harm, or risk of significant harm, has been reached, or if the Designated Safeguarding Lead (DSL) is not clear if the threshold is met, the DSL will contact Children's Social Care/MASH.
- If it is decided to make a referral to Children's Social Care/MASH, this will be discussed with the parents of the child, unless doing so would place the child at further risk of harm.
- All concerns, discussions, and decisions will be recorded on the Safeguarding Referral Form (SRF) via Patronus.
- The DSL must be notified if a child or adult at risk is missing and must follow the policy on a missing child.
- Every member of staff has a duty to refer safeguarding concerns to the DSL.

However, if concerns are not taken seriously by the DSL or party leaders, or if action to safeguard the child is not taken, and the child is considered to be at continuing risk of harm, staff should speak to Directors and/or their respective Local Authority Children's Social Care, or Local Authority Designated Officer (if relates to staff conduct).

For Skern Skills, these instances can also be referred to Ofsted and/or DfE.

**All staff should therefore be aware of the process for making referrals and for statutory assessments under the Children Act 1989- Care Act 2014 that may follow a referral, along with the role they may be expected to play in such assessments.**

- It is DSL's responsibility to ensure that concerns are followed up.
- If you have reported a concern, you should expect to be informed about what has happened following the report. If you do not receive this information, you should be proactive in seeking it out.
- If, at any point, there is a risk of immediate serious harm to a child/adult a referral should be made to the police and or MASH/Local Authority Children's Social Care immediately.

## Who can make a referral?

- Anybody can make a referral if the DSL is not available. If anyone other than the DSL makes the referral, they should inform the DSL as soon as possible.
- If the child's situation does not appear to be improving, the staff member with concerns should press for reconsideration.
- Concerns should always lead to help for the child at some point via the relevant Local Safeguarding Children and Adult Escalation and Resolution Policy.
- Staff should all feel able to raise concerns about poor or unsafe practice and potential failures within the company. If you do not feel that such concerns have been taken seriously by the DSL/Senior Leadership Team, you should use the whistleblowing policy for guidance.
- If you feel unable to raise an issue with the Senior Leadership Team or feel that your concerns are not being addressed, other whistleblowing channels (Ofsted and Local Authority) are open to you.

**In support of the Safeguarding Policy and to underpin legislation and national guidance, Skern have developed comprehensive operational procedures with key areas of focus:**

## Safer Systems

Robust and effective systems have been established, which all team members are familiar with and are equipped to respond appropriately to all safeguarding, child, and adult protection concerns. Safer Systems provide clarity regarding referral pathways, developed to ensure that decision-making is consistent across all locations and provides a foundation to mitigate threats and risks, minimising harm to all concerned.

## What do you need to do if a child/adult makes a disclosure?

If a person discloses that he or she has been abused in some way, the member of staff should:

- Listen to what is being said without displaying shock or disbelief
- Accept what is being said
- Allow the person to talk freely – do not put words in the person's mouth
- Only ask questions when necessary to clarify

- Reassure the person, but not make promises that might not be possible to keep
- Do not promise confidentiality – it might be necessary to refer to the Local Authority
- Emphasise that it was the right thing to tell
- Reassure them that what has happened is not their fault
- Do not criticise the alleged perpetrator
- Explain what has to be done next and who has to be told
- Make a written record

Additional consideration needs to be given to people with communication difficulties and for those whose preferred language is not English. It is important to communicate with them in a way that is appropriate to their age, understanding, and preference.

### Step 1

- Report your concerns directly to your local Designated Safeguarding Lead (DSL), or Deputy,(DDSL) as soon as possible.
- If the DSL (or DDSL/On-site Safeguarding Lead) is unavailable, please locate an alternative DSL.
- The DSL should always be available to discuss safeguarding concerns. If, in exceptional circumstances, the DSL is not available, you should not delay appropriate action being taken.
- If none of the DSLs are available, speak to the most senior member of staff on-site.
- In these circumstances, you should also consider speaking a senior manager and/or take advice from Local Authority Children's Social Care. Any action taken should be shared with the DSL as soon as is practically possible.
- You should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe.
- Early information sharing is vital for effective identification, assessment, and allocation of appropriate service provision.

### Step 2

- Record your concerns or statement and pass it to your DSL as soon as possible.
- Remember to record the full date, time, location, your name, and role, and keep your record as factual as possible.
- Use the child's own words where applicable and enclose any direct quotes in quotation marks.

- If marks or injuries have been observed on a child, record these on a body map. (Do not take photographs).
- Initial notes must be retained until a photo of the notes is uploaded onto Patronus. Only retain original notes when dealing with serious or criminal cases.
- DSL will report it using the Safeguarding Referral Form (SRF) through the [Patronus Reporting System](#).

### Step 3

The DSL will record what action they are taking, for example, recording the name of the member of the safeguarding team from whom they gained advice.

### Step 4

Where the DSL is notified of a concern, they will:

- Consider the nature of the concern.
- Refer to the local authority threshold guidance.
- In cases where the child is supported by a party leader, safeguarding reporting is the responsibility of the respective party leader, but the DSL must still review and refer the concern.
- If the response of the party leader indicates that the concerns will not be dealt with appropriately, the DSL will consult with the Safeguarding Team to decide on the most appropriate next steps.
- If the concern suggests that the child is in immediate danger, the DSL must call the MASH/Social Care and/or Police.

Parents should be informed prior to referral, unless it is considered that doing so might place the child at increased risk of significant harm by:

- The behavioural response it prompts, e.g. a child being subjected to further abuse, maltreatment, or threats/forced to remain silent if the alleged abuser is informed;
- Leading to an unreasonable delay;
- Leading to the loss of evidential material;
- Placing a member of staff from any agency at risk.

### Step 5

You should receive feedback about what action, if any, is being taken in response to your concern.

### Step 6

If you feel that the situation is not improving for the child, you have a duty to challenge the DSL. You can do so by contacting **Richard Thomas, Executive Director** [richard.thomas@skern.co.uk](mailto:richard.thomas@skern.co.uk) or **07968095581**.

If the concern does not require immediate contact with MASH/Social Care or Police, consider the latest concern within the contextual information available and any wider concerns/disclosures.

This may mean referring back to safeguarding or child protection records if they exist.

### **Step 7**

- Consider making contact with the parent(s) or carer(s) of the child concerned, unless it is considered that doing so might place the child at increased risk of significant harm.
- You may wish to take advice from Local Authority Children's Social Care before contacting the parent/carer.
- If, having sought advice, you believe that sharing this information may increase the risk of harm to the child, do not share with parents at this stage.
- Ask for any additional information from the parent/carer, if applicable.
- Ensure that the parent/carer/party leader understands that a record will be kept by Skern.

### **Decide what action to take next:**

### **Step 8**

- At this stage, consideration should be given to making a referral to Local Authority Children's Social Care.
- In the first instance, this should be made by telephone to MASH/Social Care. You will need the child's Name, DOB, and Address.
- Following a telephone referral, you will be required to submit a written referral within 24 hours.

### **What if the concern relates to a member of staff or an adult party member?**

Where a child safeguarding concern exists involving a party leader or one of their team or an Skern staff member, the process as detailed above should be followed with the additional steps:

#### **8.1 (See Staff Allegation Flow Chart in Appendix 2)**

- DSL notified of the concern and Staff Allegation Form (SAF) completed through Patronus.
- DSL contacts the Safeguarding Team immediately, and if the Safeguarding Team is not available, DSL consults with relevant Director.

#### **Step 8.2**

- DSL to review initial actions and ensure the safety of the child.

- DSL reviews any additional safeguarding/child protection issues – vulnerability of others/scene management/location of the adult who is the subject of the allegation.

### Step 8.3

- DSL for the respective organisation to notify the Local Authority Designated Officer (LADO).
- Where the matter relates to a staff member, Skern must inform and liaise with LADO, and STS must also inform Ofsted/DfE.

### Step 8.4

- Discussion between DSL/HR advisors/Director regarding the placement of the staff member subject to the allegation – suspension/change of role, etc.
- Appropriate staff support is implemented whilst the staff member is the subject of the allegations.

### Step 9

- If a member of staff feels that a decision is not safe or is inappropriate, they must raise this with a member of the Safeguarding Team/Director.
- If a member of the Safeguarding Team feels a decision made by another professional in another agency is unsafe, they must discuss this further.
- If a member of staff is concerned about the decision-making of a party leader, this should be escalated to the Safeguarding Team immediately – but the matter will have to be independently raised with Local Authority Children's Social Care by a Skern Director.
- In the first instance, this takes place directly with the professional involved to allow the opportunity for decision-making to be discussed and clarified (**Pre-escalation**).
- If Pre-escalation fails to resolve the issues identified, the DSL should escalate within their own organisation, head of or manager.
- The issue is then escalated to the professional's line-manager (**Escalation**).
- At all stages, those involved should be kept updated with discussions, decisions, actions, and rationale, and recorded on Patronus.

## What to do if the concern relates to an adult at risk

Immediate action by the person raising the concern. The person who raises the concern has a responsibility to first and foremost safeguard the adult at risk.

### Step 1

Where the DSL is notified of a concern they will:

Make an evaluation of the risk and take steps to ensure that the adult or others including staff and children are in no immediate danger. Arrange any medical treatment. (Note that all alleged criminal offences will require expert advice from the police).

### **Step 2**

Notify the DSL of the concern and the immediate actions undertaken. (If the DSL was unavailable and due to a risk of significant harm the police were called, update DSL as soon as practicable).

### **Step 3**

If a crime is in progress or life is at risk, dial emergency services – 999.

### **Step 4**

1. Encourage and support the adult to report the matter to the police if a crime is suspected and not an emergency situation;
2. Take steps to preserve any physical evidence if a crime may have been committed, and preserve evidence through recording;
3. Ensure that other people are not in danger;
4. Report the matter directly to the DSL;
5. Record the information received, risk evaluation and all actions taken and yet to be completed.

## Designated Safeguarding Lead

### **Step 1**

Clarify that the adult at risk is safe, that their views have been clearly sought and recorded, and that they are aware what action will be taken;

### **Step 2**

Address any gaps;

### **Step 3**

Medical treatment sought if required;

### **Step 4**

Check that issues of consent and mental capacity have been addressed;

### **Step 5**

Best Interest decisions made, Public and vital interest considered; recorded;

### **Step 6**

In the event that a person's wishes are being overridden, check that this is appropriate and that the adult understands why;

### Step 7

Report the matter to the MASH/Adult Social Care if appropriate;

### Step 8

Referral to children services if there are children and young people safeguarding matters;

### Step 9

If the person allegedly causing the harm is also an adult at risk, arrange appropriate care and support;

### Step 10

Make sure action is taken to safeguard other people;

### Step 11

Take any action in line with disciplinary procedures; including whether it is appropriate to suspend staff or move them to alternative duties, this may require further discussion with HR advisors and Safeguarding Teams;

## Broader considerations

- Preserve forensic evidence.
- Make a referral under Prevent if appropriate.
- Record the information received, along with all actions, decisions, and rationale.

The Lead DSL will always lead decision-making. Where such support is unavailable, consultation with the Safeguarding Team should take place. If these individuals are unavailable, seeking the advice of the Local Authority Adult Social Care should be considered.

Staff should also take action without the immediate authority of a line manager:

- If discussion with the manager would cause a delay in an apparently high-risk situation;
- If the person has raised concerns with their manager and appropriate action has not been taken, then whistleblowing should be utilised.

### **Skern referral to the Local Authority should include the following information:**

- Demographic and contact details for the child/adult at risk, the person who raised the concern, and for any other relevant individuals, specifically carers and next of kin;
- Basic facts, focusing on whether or not the person has care and support needs, including communication and ongoing health needs;
- Factual details of what the concern is about: what, when, who, and where;

- Immediate risks and actions taken to address the risk;
- Preferred method of communication;
- If reported as a crime – details of which police station/officer, crime reference number, etc.;
- Whether the child/adult at risk has any cognitive impairment that may impede their ability to protect themselves;
- Any information on the person alleged to have caused harm;
- Wishes and views of the adult at risk, particularly regarding consent;
- Advocacy involvement (including family/friends);
- Information from other relevant organisations;
- Any recent history (if known) about previous concerns of a similar nature or concerns raised about the same person, or someone within the same household.

## Missing Person/Child procedure - Dealing with a referral for a Missing Person

When a child or adult is considered missing, what should you do?

1. When a child or adult at risk is deemed missing or cannot be located, the staff member taking the referral should secure as much detail as practicable to be able to brief the on-duty DSL and support an initial search, together with an appropriate risk assessment based on the circumstances.
2. The DSL will then instigate and coordinate an initial search for the child or adult, focusing on key locations, such as the place last sighted, bedrooms, bathrooms, canteen, social rooms, places frequented, and points of ingress and egress to the site.
3. If, after 30 minutes, the child or adult at risk is not found, the search should intensify, where the DSL will instigate a fire drill and account for all guests on the centre. With an enhanced coordinated search effort across the site, if the individual is still not located within 1 hour or if the circumstances relating to the missing person elevate the risk, the police should be notified via 999 and all available information shared.
4. As above – if at (1) the initial circumstances indicate a risk of significant harm, the police should be called via 999 immediately and, in the interim, a full search instigated as per (2).
5. Where the child is subject to the care of a party leader, the DSL will have search and coordination primacy.
6. At an appropriate point, parents/carers should be notified.

7. Where the child and adult at risk is located safe and well, either via the police or site search, the welfare of the individual should be the priority, together with understanding the circumstances of their absence.
8. In all cases, an SRF should be completed, and decisions and actions documented accurately.
9. After the situation is resolved, conduct a debriefing session to review the response, identify what worked well, what could be improved, and any lessons learned to enhance future responses.
10. If, during the debrief, a further safeguarding concern is identified, this should be reported as detailed in safeguarding concerns.

## Handling Allegations Against Staff

Any allegation of abuse against a Skern member of staff must be taken seriously, for the sake of the child/adult at risk involved and the member of staff themselves.

### **Allegations of abuse by a member of staff include:**

- Behaving in a way that has harmed a child or may have harmed a child/young person.
  - Committing a criminal offence against or related to a child/young person.
  - Behaving towards a child/young person in a way that indicates they are unsuitable to work with children/young people.
  - Behaving in a way which contributes to or allows the continuation of abuse of a child or young person.
1. If it is a child/adult at risk making the allegation, the member of staff receiving the allegation should remain calm and inform the child/young person that:
    - It is a serious matter and will need to be discussed with the appropriate manager in order to decide how the matter will be investigated.
    - The child/adult at risk will be kept informed about the progress of the investigation.
  2. The member of staff receiving the allegation should immediately contact one of the DSLs where the allegation is made. If the allegation concerns a DSL, the member of staff should contact a different DSL or Director. The employee who is the subject of the investigation must NOT be informed of the allegation at this point.
  3. The DSL responsible for the location where the employee against whom the allegation has been made is working should contact their Director to inform them of the situation:

- In all cases involving a member of staff or a member of staff from a visiting group, the DSL should consult the LADO and for STS - Ofsted as soon as is practicable.
  - The LADO will advise on the course of action they feel is needed.
  - The LADO will be kept informed of all decisions taken by Skern in relation to the allegation and the person/s subject to the allegation;
  - Skern's disciplinary procedure may take place after the LADO's decision.
4. If the DSL in consultation with the LADO decides that the situation should be considered as potential child/adult abuse, they should refer the matter to the relevant social care.
  5. The centre, Safeguarding and HR advisors will also need to decide whether for the duration of the investigation, the member of staff should continue in their work, be moved to other duties, or be suspended in accordance with the terms of the Disciplinary Policy and Procedure. In making this decision the DSL will need to take into account:
    - The need to avoid further contact between the child/young person/adult at risk and the member of staff.
    - The feasibility of the named member of staff continuing to work in their post during an investigation.
    - The potential risk to other children/young people/adults at risk.
    - The possibility of the member of staff seeking to interfere with the investigation.

The suspension or moving of the member of staff does not indicate an assumption of guilt. The purpose is to facilitate an effective investigation. If a staff member requests to be suspended during the investigation, this should be considered. Suspension should be considered the last resort.

6. At this point a DSL who is senior in line management will need to inform the named member of staff that an allegation has been made against them and that this matter has been referred to the LADO and/or Local Authority Children's Social Care to be formally investigated, and that the police (if report was made) may be interviewing the member of staff in the near future.
7. To avoid prejudicing the investigation the details of the allegation should not be discussed unless requested to by the LADO, and the member of staff should be instructed not to discuss this with other colleagues.
8. There should be no contact between the alleged perpetrator and the child/young person/adult at risk making the allegation and, if appropriate, no

contact with any other child/young people linked to the child/young person making the allegation.

9. A named manager from Skern, who is not involved in the line management of the member of staff and who will not be involved in the investigation, should be appointed to provide welfare support over the period of the investigation.
10. This information should always be given to the member of staff in writing, in addition to any verbal communication. In the event of a suspension from work, these discussions and the written communication, must also comply with the procedure for suspension set out in the Disciplinary Policy and Procedure, and HR advice must be sought
11. The DSL will, in consultation with the member of staff's line manager, decide what should be said to:
  - The child/young person making the allegation;
  - The other staff in the centre and any other children/young people on centre.
12. Any details of the allegation should only be provided on a strict 'need to know' basis.
13. The result of such an investigation will be one of 5 outcomes:
  - Substantiated – sufficient evidence or proof of allegation.
  - Unsubstantiated – there is insufficient evidence to prove or disprove the allegation. Does not imply guilt or innocence.
  - Unfounded – the person making the allegation misinterpreted or was mistaken about what they saw or not aware of all circumstances. There is definite proof to disprove the allegation.
  - Malicious – A deliberate act to deceive. It is necessary to have proof of intention.
  - False – There is sufficient evidence to disprove the allegation
14. Once the investigation has been completed, the DSL and HR advisors should work together to decide whether any further action is needed in relation to the information arising from the investigation. Depending on the outcome of the investigation, it may or may not be appropriate at this point to institute Skern's formal disciplinary procedures. This decision should be conveyed to the member of staff within seven days of the completion of the investigation.
15. Any contact from the media concerning any allegation of abuse should immediately be redirected to Harriet Appleyard:

Email: [harriet.appleyard@skern.co.uk](mailto:harriet.appleyard@skern.co.uk) Tel: 07956297232

16. The same procedures will be undertaken in relation to volunteers. If the staff member in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned, the Lead DSL or Director must make a referral to the Disclosure and Barring Service (DBS).

### **Does the Disclosure and Barring Service need to know? Yes!**

It is a legal duty to refer and failure to do so when the criteria are met is a criminal offence.

## Whistleblowing and complaints

What to do if I have a concern about a staff member, volunteer, party leader or their staff? Children and adults at risk cannot be expected to raise concerns in an environment where staff members fail to do so.

- All staff members must be aware of their duty to raise concerns, where they exist, about the management of child/adult protection, which may include the attitude or actions of colleagues.
- Where necessary, they should speak with the Centre Manager, Head of Department, DSL or Director.

A clear reporting procedure is in place for children, parents, party leaders and other people to report concerns or complaints, including abusive or poor or unsafe practice and potential failures in Skern's safeguarding regime.

For further detail regarding Whistleblowing within Skern see Whistleblowing policy.

## Safer Recruiting

We have a clear recruitment, induction and training strategy. We will adhere to safer recruitment best practices; define clear job descriptions, terms and conditions of employment, team member's responsibilities and training programmes which identify relevant procedures for each role. All new team members complete safeguarding training during their induction.

This includes E-safety, the team code of conduct, reporting systems and the role of the DSL. All new team members will have a probationary review within the third month of employment and will then be observed and appraised at regular intervals throughout their period of employment.

The safeguarding training strategy, competencies, and code of practice for training and qualification are benchmarked against national standards and are outlined in the employee handbook.

Skern recognises the importance of remaining vigilant and maintaining a culture of safe recruitment. The following is the pathway to safe recruitment;

**Following receipt of an application for a post within Skern, the following steps must be followed:**

1. Recruiting Manager will review applications to determine suitability.
2. The interview panel will seek confirmation of the applicant's suitability and capacity through the interview.
3. Ensure at least one member of every shortlisting and interview panel will have completed safer recruitment training.
4. Hiring Manager to ensure individuals who have lived or worked outside the UK undergo the same checks as all other staff.
5. Make further checks as considered appropriate, so that any relevant checks that occurred outside the UK can be taken into account.
6. Ensure Candidates provide:
  - Identity documents, like birth certificate or passport
  - Proof of qualifications
  - Employment history
  - Two written references
  - Details of any criminal convictions
  - Satisfactory DBS check
7. Background checks and validation of all documentation happens after the offer of appointment – including teacher checks for STS.
8. Skern to create an entry in the Single Central Record (Moorepay) when new staff join.

## Single Central Record (SCR)

The SCR (Moorepay) is centrally coordinated and all data requests, updates, renewals are managed accordingly. Skern may also hold additional copies/details to comply with its regulatory requirements.

**We ensure we:**

Maintain a single central record of pre-appointment checks.

The single central record must cover all staff (including temporary or freelance staff, volunteers, apprentices) who work at each location.

The SCR must record the following information for staff detailed above.

The record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- An identity check;
- A barred list check;
- An enhanced DBS check/certificate;
- Further checks on people who have lived or worked outside the UK.
- A check of professional qualifications; and
- A check to establish the person's right to work in the United Kingdom.

## Induction

### Which staff should receive an induction?

- All permanent/seasonal staff will automatically receive an induction
- Agency/freelance staff will receive an induction appropriate to their role

All staff who work at Skern should be aware of all procedures which support safeguarding, and these should be explained during staff induction.

### Induction should include:

- The child/adult protection policy/procedures;
- The behaviour policy;
- The staff code of conduct;
- The safeguarding response to children/adults who go missing;
- The role of the Designated Safeguarding Lead (including the identity of the local designated safeguarding lead).

### The induction process will:

- Provide information and training on the Company policies and procedures;
- Explain the Code of Conduct to ensure that all staff, volunteers understand what is expected of them at Skern and gain support to achieve those expectation;
- Identify and address any specific training needs;
- Copies of policies and a copy of Part one of Keeping Children Safe In Education should be provided to staff at induction.

- All staff should receive appropriate safeguarding and child/adult protection training which is regularly updated.
- In addition, all staff should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.
- All staff should know what to do if a child/adult tells them they are being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need to be involved, such as the designated safeguarding lead and social care. Staff should never promise a child/adult that they will not tell anyone about a report of abuse, as this may ultimately not be in their best interests.
- All staff should be clear as to Skern's policy and procedures with regards to peer on peer abuse and bullying.
- All staff should be aware that safeguarding issues can manifest themselves via child on child abuse. This is most likely to include, but may not be limited to: Bullying (including cyber bullying); physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexual violence and sexual harassment; sexting (also known as youth produced sexual imagery); and initiation/hazing type violence and rituals.
- All staff should have an awareness of safeguarding issues that can put individuals at risk of harm. Behaviours linked to issues such as drug taking, alcohol abuse, sexting can put them in danger.

## Responsibility for Induction

Managers are responsible for the overall management and organisation of induction of volunteers. Induction programmes are tailored to specific individuals. More information on Safer Recruitment procedures available in Attraction, Recruitment and Selection Policy.

## Safer Environment

Skern places a strong emphasis on ensuring each work area is/feels secure and has a consistent approach to safeguarding.

Procedures have been developed to reflect and respond to the surroundings with the establishment of local arrangements. Each residential site is the subject of regular

inspection and review to ensure all procedures mitigate risk and enhance the learning experience.

## Contractors, Service and Activity Providers

- Skern will ensure that contractors and providers are aware of the safeguarding and child/adult protection policy and procedures.
- Employees and volunteers provided by these organisations will use Skern's procedures to report concerns to the respective DSL.
- DSL will ensure that employees and volunteers provided by these organisations and working on site have been subjected to the appropriate level of safeguarding check in line with Safeguarding Policy and Procedure.
- When Skern commissions services from other organisations, DSL will ensure that compliance with the policy and procedures is a contractual requirement.
- Where contractors and activity providers have an annual contract, Skern will ensure that confirmation is provided of any change in DBS status of their contracted volunteers or employees and all DBS renewals are current.
- There are additional rules in the Visitor Safety Information specifically for contractors onsite:
  - Please read the Site Hazard Summary before starting work
  - Know who your point of contact is on site
  - DO NOT leave work areas, tools or materials unattended
  - Leave vehicles in designated parking areas only
- Where works require a contractor to enter an area where children are or may foreseeably be and it is not possible to confirm their DBS status, they must be accompanied by another adult.
- Where works of a long duration or employing multiple contractors are required, we will try to do these works at times where the building(s) are empty.
- Where possible we will let Party Leaders know if and when contractors are working in buildings occupied or used by their children.
- Contractors should not generally have overnight access to accommodation used by young people when it is occupied.
- In an emergency, it is accepted that contractors and others may need to have access to occupied accommodation. In this instance young people should be supervised by an appropriate adult.

- Keys or door codes that give access to areas occupied by children should not be routinely issued to contractors. Where this is unavoidable, the door code should be changed once the work is completed.
- Contractors should be made aware (by whoever commissions them) of the nature of our work with young people, and should be asked to make reasonable adjustments to their working practices to minimise risk to themselves to young people, to staff and the public (e.g. securing tools, plant and materials);
- When using third party premises where contractors not commissioned by Skern may be present, the most senior member of Skern should manage – or designate another member of staff to manage – the interface between contractors and/or their equipment and young people for whom we are responsible.

## Site Security- Residential

### *How to safeguard your site*

All staff have a responsibility to ensure the buildings and grounds are secure and report concerns that may come to light. Identity of all visitors and volunteers coming onto site must be checked.

#### **Step 1**

- Identify the individual at the gate or as soon after as possible. .
- Ensure the individual makes their way immediately to the reception area. (Where possible meet the visitors at the car park and escort them to reception).

#### **Step 2**

Identity is checked at the front office:

- Photo Identification
- DBS certificate verified or declaration signed.

#### **Step 3**

Visitor enters their details into the register at reception.

#### **Step 4**

Lanyard is issued:

- Yellow- teachers and party leaders – may be exceptions where still escorted.
- Green- staff and accredited individuals.
- Red- visitors escorted at all times.

### Site Safeguarding Induction:

- On arrival all visitors are briefed on site rules relating to working on a children's centre.
- These rules are contained within the Visitor Safety Information held with the Visitors Book and are covered when the visitor signs in.

### Remember that:

1. Any individual who is not identifiable by their lanyard will be politely challenged.
2. The visitor with no visible identification should be escorted back to the office and their identification validated- see steps 1-4

(It is the responsibility of all staff to challenge those on site not displaying identification or those unescorted when wearing a red lanyard).

Skern will not accept the behaviour of any individual, party leader or anyone else, that threatens site security or leads others, child or adult, to feel unsafe. Such behaviour will be treated as a serious concern and may result in a decision to refuse the person access to the site.

## Safer Communication

Safer Communication in safeguarding— the ability for Skern to communicate corporately to the staff with clear internal and external messaging regarding the importance of safeguarding, together with reinforcing clear procedural messages, is vital. This overarching strand has links to the marketing of safeguarding initiatives, developmental programmes, and updates on safeguarding developments and learning, underpinning a strong safeguarding culture.

### Inter-agency working

How we all ensure strong relationships with safeguarding partners.

*“No single professional can have a full picture of a child/adult at risk needs and circumstances. If children/adults at risk are to receive the right help at the right time,*

*everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action”.*

- DSLs will continue to develop and promote effective working relationships with other agencies.
- DSLs will ensure that relevant staff members participate in multi-agency meetings and forums, including strategy meetings.
- Each DSL and location will submit reports and information and keep a record of discussions and agreements. When there is a disagreement with the decisions that have been made, the DSL will ask for a rationale and recommendations to be recorded.
- 

## Safer Workforce

To complement safer recruitment, a safer workforce ensures that each team member is trained, equipped, and supported to be able to continuously and consistently deliver a safeguarding response to the highest standard. Staff members are made aware of staff allegation procedures and that the Local Authority Designated Officer (LADO) must be notified in the first instance. Ofsted will be notified of any allegations made against a member of staff involving any serious harm or abuse as soon as is practical (where applicable).

## Employee Code of Conduct

Our Employee Code of Conduct has been created to help staff and volunteers understand our core values and the behaviours expected of them; to support them, their colleagues, and our customers. It provides guidance and support for every Skern employee, with high standards of ethical behaviour and compliance with local laws and regulations being essential to protecting the reputation and long-term success of our business.

## The use of Reasonable Force – Advice and Policy

Before we consider the use of ‘Reasonable Force’ in the environment of a Skern setting, it is important to note that it is not illegal to touch a young person. Moreover, it is acceptable, proper, and necessary to do so in some situations during a normal programme, either to help students with specialist sporting or activity equipment, administer first aid, or even to comfort a distressed pupil or give praise.

The relationship between Skern Staff and Young People should be seen as separate to that which governs Teachers in their professional role, although School Volunteers, School Support Staff, and Classroom Assistants can be thought of as

Teachers for the purpose of this policy, as they are empowered under the direction of a Head Teacher in the use of 'Reasonable Force' differently to our guidance; therefore, they should refer to their own school or local authority guidance in this respect. Skern does not accept children into its centre who require a level of behavioural support without the accompaniment of a suitably qualified professional staff member. Skern does not recommend accepting children and young people with serious behavioural difficulties or complex needs to attend summer camp programmes, as any inappropriate behaviour will result in campers being repatriated, which can be distressing and is certainly not an outcome we wish for young people in our care.

Using physical force to control or modify the behaviour of a young person is a recognition that all other strategies to manage the needs of that student have failed. Skern recognises that there are extreme or unforeseen situations that may require a physical intervention to protect a young person from harm or to protect others around them from harm. In these extreme and highly unusual situations, individual staff must use their professional judgement to decide whether a physical response is required and to what level. The government describes this as 'Reasonable Force', and clear principles about our duty of care should be followed in all situations relating to the wellbeing of young people at all times.

For example, a 'Reasonable Force' response could be standing in the way of a student or putting a hand on their arm to stop them from putting themselves in harm's way (i.e. crossing the road when traffic is present or stepping onto a high challenge activity they are not equipped for). In extreme circumstances, it may be necessary to intervene to stop a physical fight when a verbal command has been ignored, but in both these cases, the response must be appropriate to the situation and must not be used as a punishment or to restrain or restrict movement beyond the immediate situation of danger.

Using a physical response to restrain or restrict movement, to control the liberty of, or to force a young person into a particular situation is absolutely beyond the scope of our expectations of staff, the level of in-service training we provide, and the type of intervention we expect our staff and customers to engage in during our programmes of activity. Any action must not put individual staff members at risk.

The key principle to our approach in any situation that falls into the category of 'Reasonable Force' is that it must not:

- Restrict movement, liberty, or freedom of anyone beyond the immediate situation of risk to personal safety.
- Be used as a punishment or to force a behaviour or response of action (i.e. forcibly removing a student from an environment).
- Put a staff member at risk in the pursuance of their role.

## Safer Data / Information

We have a clear policy regarding confidentiality and information sharing linked to GDPR and the Data Protection Act 2018. We will ensure that accurate records are made, stored securely and only shared appropriately.

We fully endorse the principle that the welfare of children and young people override any obligations of confidence we may hold to others.

### *Record Keeping*

Where to record information following a disclosure of concern.

When a child/adult at risk has made a disclosure, or when an individual has concerns about a child's welfare a DSL should:

- Make brief notes immediately after the conversation;
- Make a complete and formal record as soon as possible afterwards on SRF through Patronus.;
- Upload the original notes onto Patronus in case they are needed by a court;
- Record the dates and times of your observations;
- Record the date, time, place and any noticeable non-verbal behaviour and the actual words used by the child or any discussions you were involved in;
- Record explanations given by the child/adult;
- Record statements and observations rather than interpretations or assumptions;
- Sign and date the record.

The Approved Managers/Directors will maintain the case file for all matters where there are concerns, with an overview chronology and a record of all communications and actions.

### *Confidentiality, consent and information sharing*

All staff must have due regard to the relevant data protection principles which allow you to share personal information. The GDPR and Data Protection Act 2018 place greater significance on Skern being transparent and accountable in relation to our use of data.

The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children, young people and adults at risk safe.

## 7 Golden Rules

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely (see principles).
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

**Skern recognises that all matters relating to child/adult protection are confidential. We also recognise the importance of information sharing between professionals and local agencies.**

1. All staff who come into contact with children/adults at risk will be given appropriate training to understand the purpose of information sharing in order to safeguard and promote the child/adult's welfare.
2. All staff members must be aware that they cannot promise a child/adult at risk that they will keep secrets which might compromise the child's safety or well-being.
3. Concerns about data protection and confidentiality will not take priority over safeguarding a child/adult.

Individual cases will only be shared or discussed on a "need to know" basis

## Appendix 1:

**Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others.

Abuse can take place wholly online, or technology may be used to facilitate offline abuse.

Children may be abused by an adult or adults or by another child or children.

Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse.

## Definitions of 'at risk', 'harm' and 'relevant conduct'

### *Definition of people at risk*

Safeguarding means protecting a person's right to live in safety, free from abuse, neglect and exploitation. All staff have a responsibility to safeguard people in their care, but extra care must be taken to protect those who are least able to protect themselves. Children and young people, and vulnerable adults, can be at particular risk of abuse or neglect.

A child is a person aged under 18 years; young people aged 16 or 17 who are living independently are still defined as 'children'.

Some groups of people are particularly vulnerable to harm and exploitation, and it is important that their needs are carefully considered:

- those with disabilities
- those living away from home
- asylum seekers
- children and young people in hospital
- children in contact with the youth justice system
- victims of domestic abuse
- those who may be singled out due to their religion or ethnicity
- those who may be exposed to violent extremism.

## *Definitions of harm: Children*

### Physical harm

Physical harm is defined as physical contact that results in discomfort, pain or injury. It may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm. Supplying drugs to children, or the use of inappropriate or unauthorised methods of restraint, also fall under this definition.

Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces or causes, illness in a child. This situation is commonly described as 'factitious illness by proxy' or 'Munchausen syndrome by proxy'.

### Emotional and psychological harm

Emotional harm is defined as action or inaction by others that causes mental anguish. It involves the persistent emotional maltreatment of a child, which causes severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. Such harm may feature age or developmentally inappropriate expectations being imposed on a child. These can include interactions that are beyond the child's development capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction.

Emotional harm may also involve witnessing aggressive, violent or harmful behaviour towards another individual (e.g. domestic violence). It may also involve serious bullying, frequently causing a child to feel frightened or in danger,

exploitation or corruption. Some level of emotional harm is involved in all types of maltreatment of a child (e.g. grooming, harassment, or inappropriate emotional involvement), though it may occur alone.

## Sexual harm and exploitation

Sexual harm is defined as any form of sexual activity involving a child under the age of consent. It involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. Such activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may also include non-contact activities, such as involving children in the looking at, or production of, pornographic material, causing them to watch sexual activities, or encouraging them to behave in sexually inappropriate ways.

Downloading child pornography, taking indecent photographs of children, and sexualised texting, are all forms of sexual harm.

## Neglect and acts of omission

Neglect is a persistent failure to meet a child's basic physical and/or psychological needs, which is likely to result in serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse.

Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- protect a child from physical and emotional harm or danger
- ensure adequate supervision and/or adequate care-givers
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## Female Genital Mutilation (FGM)

Female genital mutilation (FGM) is a procedure where the female genitals are deliberately cut, injured or changed, without medical justification. It is also known as 'female circumcision' or 'cutting', and by other terms such as initiation, infibulation, sunna, gudniin, halalays, tahur, megrez and khitan.

FGM is usually carried out on young girls between infancy and the age of 15, most commonly before puberty starts. It is very painful and can seriously harm the health of women and girls. It can also cause long-term problems with sex, childbirth and mental health.

UK communities most at risk of FGM include Kenyan, Somalian, Sudanese, Sierra Leonean, Egyptian, Nigerian and Eritrean.

Non-African countries that practise FGM include Yemen, Afghanistan, Kurdistan, Indonesia, Malaysia, Turkey, Thailand (South) and Pakistan.

FGM is a form of child abuse and is illegal in the UK. It is a mandatory duty for a teacher and trainers to report any concerns they have about a female under 18 years old.

This is a personal duty: the individual professional who becomes aware of the case must make a report, and the responsibility cannot be transferred. The Home Office's Multi-agency

Statutory Guidance on Female Genital Mutilation offers comprehensive information on FGM; Mandatory Reporting of Female Genital Mutilation: procedural information gives guidance on when and how to report a case of FGM.

## Forced marriage

Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter into a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some perpetrators use perceived cultural practices to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage.

The Forced Marriage Unit (FMU) has created: Multi-agency practice guidelines: handling cases of forced marriage and, Multi-agency statutory guidance for dealing with forced marriage, which can both be found at The right to choose: government guidance on forced marriage - GOV.UK ([www.gov.uk](http://www.gov.uk))

School and college staff can contact the Forced Marriage Unit if they need advice or information: Contact: 020 7008 0151 or email [fm@fcdo.gov.uk](mailto:fm@fcdo.gov.uk).

In addition, since February 2023 it has also been a crime to carry out any conduct whose purpose is to cause a child to marry before their eighteenth birthday, even if violence, threats or another form of coercion are not used. As with the existing forced marriage law, this applies to non-binding, unofficial 'marriages' as well as legal marriages.

### Relevant conduct: Children

Any behaviour involving a child is classed as 'relevant conduct' if it:

- endangers a child, or is likely to endanger a child
- if repeated against, or in relation to, a child, would endanger the child or be likely to endanger the child
- involves sexual material relating to children (including the possession of such material)
- involves sexually explicit images depicting violence against human beings (including the possession of such material)
- includes any behaviour of a sexual nature involving a child.

A person's conduct endangers a child if it:

- harms a child
- causes a child to be harmed
- puts a child at risk of harm
- makes an attempt to harm a child
- incites another person to harm a child.

A person's conduct satisfies the 'harm test' if they are thought likely to:

- harm a child
- cause a child to be harmed
- put a child at risk of harm
- make an attempt to harm a child
- incite another person to harm a child.

### Definitions of harm: Vulnerable adults

Safeguarding means protecting the adult's right to live in safety and free from abuse and neglect and promoting the adult's wellbeing.

## Physical harm

Physical harm is any physical contact that results in discomfort, pain or injury. Examples of physical harm include:

- assault, rough handling, hitting, slapping, punching, pushing, pinching, shaking, bruising or scalding
- exposure to excessive heat or cold
- a failure to treat sores or wounds
- inappropriate use of medication (e.g. under- or overuse of medication, or the use of unprescribed medication)
- the use of inappropriate sanctions
- the unlawful or inappropriate use of restraint or physical interventions • the deprivation of liberty.

## Sexual harm and exploitation

Examples of sexual harm and exploitation can include the direct or indirect involvement of the vulnerable adult in sexual activity or relationships that:

- they do not want or have not consented to
- they cannot understand, and cannot consent to, since they lack the mental capacity
- they have been coerced into because the other person is in a position of trust, power or authority, e.g. a care worker.

Sexual harm can involve bruising or injury to the anal, genital or abdominal area, and the transmission of STD. It also includes inappropriate touching. Being forced to watch sexual activity is also a form of sexual exploitation.

## Psychological and emotional harm

This is behaviour that causes mental distress or has a harmful effect on an individual's emotional health and development.

It can include:

- mocking, coercing, bullying, verbal attacks, intimidation or harassment
- demeaning, disrespectful, humiliating, racist, sexist or sarcastic comments, shouting, swearing or name-calling
- excessive or unwanted familiarity
- the denial of basic human and civil rights such as self-expression, privacy and dignity
- negating the right of the vulnerable adult to make choices
- undermining the individual's self-esteem

- isolation and over-dependence that has a harmful effect on the person's emotional health, development or well-being
- the use of inflexible regimes and lack of choice.

## Neglect

Neglect occurs when a person's well-being is impaired because their care or social needs are not met.

Examples of neglect include:

- the failure to allow access to appropriate health, social care and educational services
- the failure to provide adequate nutrition, hydration or heating, or access to appropriate medication
- ignoring medical or physical needs, e.g. untreated weight loss, or a lack of care that results in pressure sores or uncharacteristic problems with continence
- poor hygiene, e.g. lack of general cleanliness or soiled clothes not being changed
- the failure to address the vulnerable individual's requests.

Neglect can be intentional or unintentional.

Intentional neglect can include:

- wilfully failing to provide care
- wilfully preventing the vulnerable adult from getting the care they need
- being reckless about the consequences of the person not getting the care they need.

Unintentional neglect can include:

- a carer failing to meet the needs of the vulnerable adult because they do not understand their needs
- a carer lacking knowledge about the services that are available
- a carer's own needs preventing them from being able to give the care the person needs
- an individual being unaware of, or lacking an understanding of, the possible effect on the vulnerable adult of a lack of action.

## Discrimination

Discrimination exists when values, beliefs or culture result in a misuse of power, or the denial of rightful opportunities, causing harm. Any psychological abuse that is racist, sexist, or linked to a person's sexuality, disability, religion, ethnic origin, gender, culture, or age, is discriminatory.

## Institutional harm

Examples of institutional harm can include:

- an observed lack of dignity and respect in the care setting
- the enforcement of rigid routines
- processes and tasks being organised to meet the needs of staff rather than those in their care
- disrespectful language and attitudes.

## Financial harm

Financial harm is the use of a person's property, assets, income, funds or other resources without their informed consent or authorisation.

It includes:

- theft
- fraud
- exploitation
- unauthorised withdrawals of funds from an account
- undue pressure in connection with wills, property, inheritance or financial transactions
- the misuse or misappropriation of property, possessions or benefits
- the misuse of an enduring power of attorney, or a lasting power of attorney, or an appointeeship.
- 

Domestic violence and self-harm should also be considered as possible indicators of, and/or contributory factors to, harm or abuse.

## Relevant conduct: Vulnerable adults

A vulnerable adult is a person aged 18 years or over who is receiving a service or assistance which is classed as regulated activity for adults.

Any behaviour is classed as 'relevant conduct' if it:

- endangers a vulnerable adult or is likely to endanger a vulnerable adult
- if repeated against, or in relation to, a vulnerable adult, would endanger the vulnerable adult or be likely to endanger them
- involves sexual material relating to children
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a vulnerable adult.

A person's conduct endangers a vulnerable adult if it:

- harms a vulnerable adult
- causes a vulnerable adult to be harmed

- puts a vulnerable adult at risk of harm
- makes an attempt to harm a vulnerable adult
- incites another person to harm a vulnerable adult.

A person's conduct satisfies the 'harm test' if they are thought likely to:

- harm a vulnerable adult
- cause a vulnerable adult to be harmed
- put a vulnerable adult at risk of harm
- make an attempt to harm a vulnerable adult
- incite another person to harm a vulnerable adult

### **Child Sexual Exploitation**

This is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity:

- (a) in exchange for something the victim needs or wants, and/or
- (b) for the financial advantage or increased status of the perpetrator or facilitator.

The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

### **Child Criminal Exploitation**

As set out in the Serious Violence Strategy, published by the Home Office, where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity:

- (a) in exchange for something the victim needs or wants, and/or
- (b) for the financial or other advantage of the perpetrator or facilitator and/or
- (c) through violence or the threat of violence.

The victim may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology.

**Extremism** is the promotion or advancement of an ideology based on violence, hatred or intolerance, that aims to:

- negate or destroy the fundamental rights and freedoms of others; or

- undermine, overturn or replace the UK's system of liberal parliamentary democracy and democratic rights; or
- intentionally create a permissive environment for others to achieve the results in (1) or (2).

The types of behaviour below are indicative of the kind of promotion or advancement which may be relevant to the definition and are an important guide to its application. The further context below is also an essential part of the definition.

**Aim 1 (negate or destroy fundamental rights and freedoms):** Behaviour against a group, or members of it, that seeks to negate or destroy their rights to live equally under the law and free of fear, threat, violence, and discrimination. Including:

- Using, threatening, inciting, justifying, glorifying or excusing violence towards a group in order to dissuade them from using their legally defined rights and freedoms.

**Aim 2 (undermine, overturn or replace liberal democracy):** Attempts to undermine, overturn, or replace the UK's system of liberal parliamentary democracy and democratic rights. Including:

- Advocating that the UK's parliamentary democracy and democratic values and rights are not compatible with their ideology, and seeking to challenge, overthrow, or change our political system outside of lawful means.
- Using, threatening, inciting, justifying, glorifying or excusing violence towards citizens, in order to dissuade them from participating freely in the democratic process.
- Subverting the way public or state institutions exercise their powers, in order to further ideological goals, for example through entryism, or by misusing powers or encouraging others to do so.
- Using, threatening, inciting, justifying, glorifying or excusing violence towards public officials including our armed forces, police forces and members of local, devolved or national legislatures, in order to dissuade them from conducting their obligations freely and fearlessly, without external interference.
- Establishing parallel governance structures which, whether or not they have formal legal underpinning, seek to supersede the lawful powers of existing institutions of state.

**Aim 3 (enabling the spread of extremism):** Intentionally creating a permissive environment for behaviour in aim 1 or aim 2. Including:

- Providing an uncritical platform for individuals or representatives of groups or organisations that have demonstrated behaviour in either aim 1 or aim 2.

- Facilitating activity of individuals or representatives of groups or organisations that have demonstrated behaviour in either aim 1 or aim 2, including through provision of endorsement, funding, or other forms of support.
- The dissemination of extremist propaganda and narratives that call for behaviour in either aim 1 or aim 2.
- Attempts to radicalise, indoctrinate and recruit others to an ideology based on violence, hatred or intolerance, including young people.
- Consistent association with individuals or representatives of groups or organisations that have demonstrated behaviour in either aim 1 or aim 2 without providing critical challenge to their ideology or behaviour.
- If any behaviour listed in aim 1 or aim 2 has occurred previously, a refusal by the individual, group or organisation that conducted the behaviour to rescind, repudiate or distance themselves from the behaviour.

### County Lines

As set out in the Serious Violence Strategy, published by the Home Office, County Lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other forms of 'deal line'.

They are likely to exploit children and vulnerable adults to move and store the drugs and money, and they will often use coercion, intimidation, violence (including sexual violence) and weapons.

### Child-on-child abuse

All staff should be aware that children can abuse other children at any age (often referred to as child-on-child abuse). And that it can happen both inside and outside of school or college and online. It is important that all staff recognise the indicators and signs of abuse and know how to identify it and respond to reports.

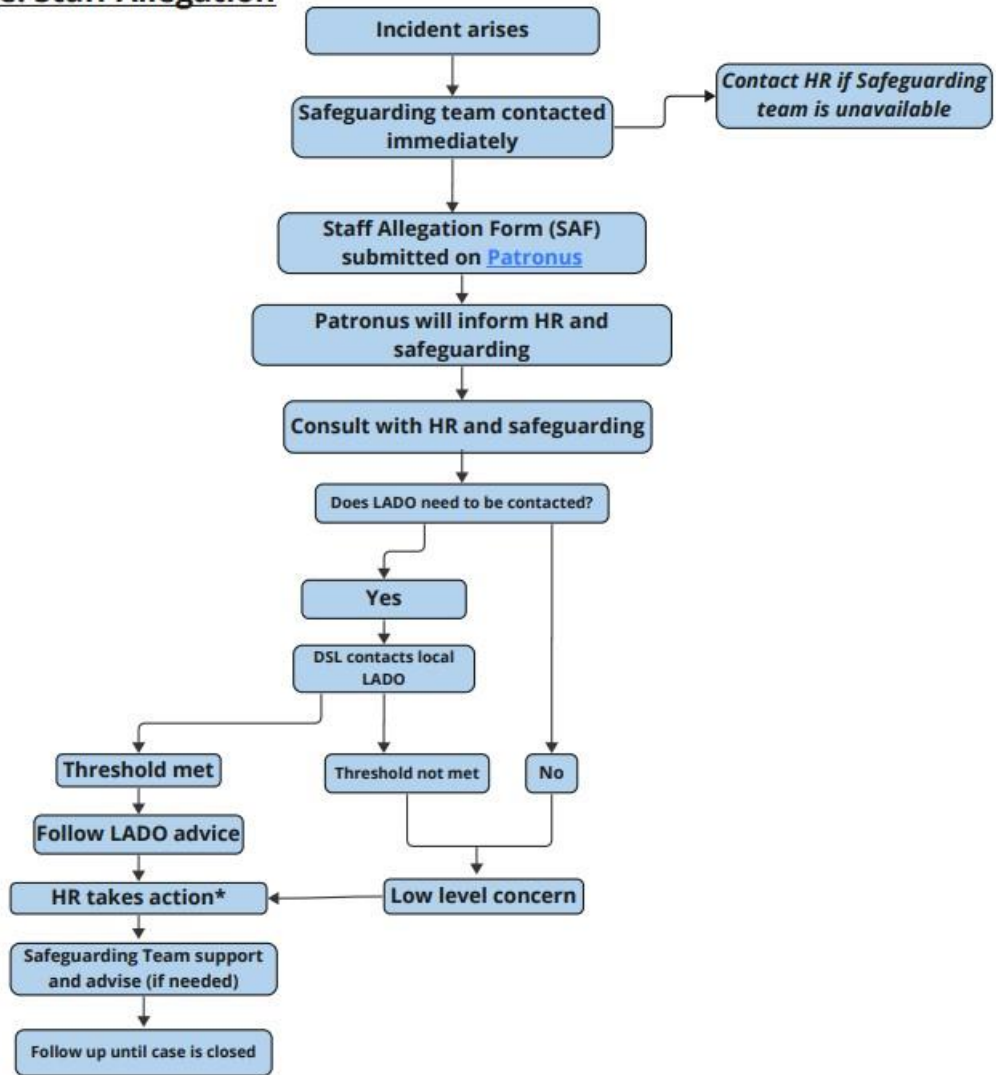
Child-on-child abuse is most likely to include, but may not be limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying)
- abuse in intimate personal relationships between children (sometimes known as 'teenage relationship abuse')
- physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
- sexual violence, such as rape, assault by penetration and sexual assault
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment

# Appendix 2

## Staff Allegation Flow Chart

### Category One: Staff Allegation



\*ER process found in ER flow library

# Signatures

This policy should be read and applied in conjunction with the Company E-Safety and Prevent and Radicalisation Policy. The Policy will be maintained by the director and reviewed at least annually- in accordance with the annual review procedure set out in the company 'Safeguarding' Policy Statement.

*Signed*