



Safeguarding Policy & Procedures

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Introduction

1.1 The term "safeguarding" is distinct from "child protection" in that:

Child Protection looks at recognising abuse or neglect and acting on it, so is a *reactive approach*.

Safeguarding looks at preventative action and covers the full range of measures in place to protect children and vulnerable adults from potential dangers, including the safer recruitment of staff, and is therefore a *proactive approach*.

1.2 The term "safeguarding" is defined by the Children Act 1989 and Joint Chief Inspectors Report on Arrangements to Safeguard Children (2002) as:

"Organisations working with children and young people take all reasonable measures to ensure that the risks of harm to the individual's welfare are minimised; where there are concerns about children and young people's welfare, all organisations take all appropriate actions to address those concerns, working to agreed local policies and procedures, working in partnership with other local agencies".

1.3 Key aspects of legislation have recently been extended to include similar standards of protection to "vulnerable adults".

1.4 The definition of both "child" and "vulnerable adults" is given in Section 6 of this document.

2 Policy Statement

2.1 MTC has a statutory and moral duty to ensure MTC functions with a view to safeguarding and promoting the welfare of children and vulnerable adults undertaking education and training at MTC.

2.2 *"For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they can be stopped. **Our task is to make it as difficult as possible for them to succeed ..."***

Bichard Enquiry Report, 2004

3 Purpose and Scope of the Safeguarding Policy

3.1 This Policy applies to all Trustees, staff, volunteers and others who work with or come into direct contact with MTC learners and should be read in conjunction with MTC's Child Protection Policy.

3.2 The term "staff" when used throughout this report includes agency or other temporary staff and volunteers.

3.3 The purpose of this Policy is:

- To provide a framework for protecting children and vulnerable adults from abuse of any kind (defined in section 6 of this document)
- To provide a safe environment for children and vulnerable adults to learn in.
- To ensure staff recognise their responsibilities (through guidance, support and training), minimise risk and avoid situations where abuse or neglect might be alleged
- To ensure staff are clear that they are responsible for their own actions and behaviour and avoid any conduct which would lead any reasonable person to question their motivation and intentions
- To provide staff with guidance on procedures to adopt in the event that they suspect a child or vulnerable adult may be experiencing, or be at risk of, harm

3.4 MTC recognises that:

- the welfare of the child or vulnerable adult is paramount
- all children and vulnerable adults regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity have the right to equal protection from all types of harm or abuse
- Working in partnership with children, vulnerable adults, their parents, carers and other agencies is essential in promoting young people's welfare.

3.5 MTC will endeavour to safeguard children and vulnerable adults by:

- valuing them, listening to and respecting them
- adopting child protection guidelines through procedures for staff
- recruiting staff safely ensuring all necessary checks are made
- sharing information about safeguarding and child protection and good practice with children, parents, vulnerable adults and staff
- sharing information about concerns with agencies who need to know, and involving parents, children and vulnerable adults appropriately
- providing effective management for staff through supervision, support and training.

4 Legal Framework

4.1 The Legal Framework for safeguarding is now very strong and supports staff to create a safer learning environment. Summarised below are the key pieces of legislation of particular relevance to safeguarding:

- **Rehabilitation of Offenders Act 1974 ((Exceptions) Order 1975 as amended):** Makes certain regulated activity (i.e. work with children) exempt from the ROA and therefore requires an individual to be subject to an Enhanced Criminal Records Bureau Disclosure Check.
- **Children Acts 1989 and 2004:** Places a duty on local authorities to make arrangements with relevant agencies to co-operate to improve the well-being of children; gives a range of organisations the duty to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.
- **Education Act 2002:** Places a duty on FE institutions to carry out their function with a view to safeguarding and promoting the welfare of children and young people.
- **Every Child Matters: Change for Children, 2004:** Sets out the national framework for change programmes to build services around the needs of children so that opportunity is maximised and risk minimised. It highlights 5 outcomes that are key to the wellbeing of children:
 - Staying safe
 - Being healthy
 - Enjoying and achieving
 - Making a positive contribution
 - Achieving economic well-being
- **Safeguarding Vulnerable Groups Act 2006:** Provides the legislative framework for the introduction of the new Vetting and Barring Scheme for those working with children and vulnerable adults (in response to the Bichard Enquiry 2004). The aim of the scheme is to bar individuals from working in situations where evidence suggests that they present a risk of harm to children and vulnerable adults.
- **Working Together to Safeguard Children 2006:** States that 'all agencies and individuals should aim to proactively safeguard and promote the welfare of children so that the need for action to protect children from harm is reduced'.
- **Safeguarding Children and Safer Recruitment in Education 2007:** Covers recruitment and selection processes, recruitment and vetting checks and duties for safeguarding and promoting the welfare of children in education.

- **Independent Safeguarding Authority (ISA) Vetting & Barring Scheme 2009:** The scheme is one of the Government's key responses to the Soham murders which focused public attention on the way in which people working with children are vetted. The resulting Bichard Inquiry recommended a new scheme that would ensure that everyone working in regulated activity with children or vulnerable adults is checked and registered. The first phase of the scheme came into force in October 2009.

- 4.2 MTC follows the detailed guidelines set out in these and related documents in providing a safe environment for children and vulnerable adults to learn in and for staff to work in.
- 4.3 MTC will keep its policy and procedures on safeguarding under review to take account of any new Government legislation, regulations or best practice documents to ensure that staff is kept fully up to date with their responsibilities and duties with regard to the safety and well-being of children and vulnerable adults.

5 Links to other MTC policies/procedures

- 5.1 The following additional MTC policies and/or procedures support MTC's approach to safeguarding and provide an effective overall framework for creating a safer learning environment.
- Child Protection Policy
 - Safer Recruitment Policy – to be written
 - Equality Opportunities Policy
 - Race Equality Policy
 - Disability Statement
 - IT/ILT Policy
 - Learner Involvement Strategy
 - Anti-bullying and harassment policy
 - Staff Code of Conduct
 - Health & Safety Policy

6 Definitions

- 6.1 **A child** is legally defined as "a person who has not attained the age of 18 years" (Education Act 2002).
- 6.2 The broad definition of a **vulnerable adult** is "a person who is 18 years of age or over, and who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself, or unable to protect him/herself against significant harm or serious exploitation" (Safeguarding Vulnerable Groups Act, 2006).
- 6.3 The main categories of people covered by this definition of vulnerable adult include people:
- who have a learning disability
 - who have a physical or sensory impairment
 - who have a mental illness including dementia
 - who are old and frail
 - detained in custody or under a probation order
 - who are considered vulnerable and who may experience abuse due to problems with alcohol or drugs (or be vulnerable due to other circumstances such as being an asylum seeker)

6.4 Categories of Abuse – Children:

- **Physical Abuse:** This may involve hitting, shaking, throwing, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm

may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child.

- **Emotional Abuse:** This is the persistent emotional ill-treatment of a child such as to cause severe and persistent effects on the child's emotional development. It may involve conveying to children that they are worthless and unloved, inadequate, or valued only so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed in children. These may include interactions which are beyond the child's developmental capability as well as overprotection and limitation of exploration and learning or preventing the child from participating in normal social interaction. It may involve seeing or hearing the ill treatment of another. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone.
- **Sexual Abuse:** This involves forcing or enticing a child to take part in sexual activities, including prostitution whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic materials or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.
- **Neglect:** This is the persistent failure to meet the child's basic physical and/or psychological needs, likely to result in the 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 and clothing, shelter including exclusion from home or abandonment, failure to protect a child from physical and emotional harm or danger, failure to ensure adequate supervision including the use of inadequate care-takers or failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.
- **Significant Harm:** Some young people may be in need because they are suffering or likely to suffer significant harm. The Children Act V Section 47 (1) introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interest of the young person.

6.5 Categories of Abuse – Adults

- **Physical abuse:** This includes hitting, slapping, pushing, kicking, rough handling or unnecessary physical force either deliberate or unintentional, misuse of medication, restraint or inappropriate sanctions.
- **Sexual Abuse:** This includes rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent to, or was pressured into consenting. Sexual abuse can occur between people of the same sex and it can also occur within a marriage or any long-term relationship. A relationship of trust should exist between a member of staff or a volunteer and the person for whom they are caring, it would be seen as a betrayal of that trust, and therefore abusive, for that member of staff or volunteer to have a sexual relationship with the person they are caring for.
- **Psychological Abuse:** This includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
- **Financial or Material Abuse:** This includes theft, fraud, exploitation, pressure in connection with wills, property, enduring power of attorney, or inheritance or

financial transactions, or the inappropriate use, misuse or misappropriation of property, possessions or benefits.

- **Neglect and Acts of Omission:** This includes ignoring or withholding medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition, clothing and heating.
- **Discriminatory Abuse:** This includes racist, sexist, or other forms that are based on a person's disability and other forms of harassment, or similar treatment.

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

7 Responsibilities

7.1 **Corporation:** Members of the Corporation are responsible for ensuring that:

- MTC has effective policies, procedures and systems in place in accordance with guidance from government bodies and other agencies, including effective procedures for the safe recruitment of staff and dealing with allegations of abuse against members of staff
- MTC has Designated Safeguarding Officers
- they attend mandatory Safeguarding training as required

7.2 **Principal:** The Principal is responsible for ensuring that:

- MTC's safeguarding policies, procedures and systems are fully implemented and followed
- allocating sufficient resources and time to ensure Designated Safeguarding Officers are able to carry out their roles effectively
- all staff and volunteers feel able to raise concerns about the safety of children and vulnerable adults and know the names of the Designated Safeguarding Officers and the Child Protection Manager
- such concerns are dealt with sensitively, effectively and in a timely manner

7.3 **Designated Safeguarding Team:** MTC has a Team of Designated Safeguarding Officers. The Safeguarding Team includes:

Designation	Name	Telephone
Safeguarding Officer 1:	Mass Beye	020 8556 3775
Safeguarding Officer 2:	Howaida Ahmed	020 8556 3775
Safeguarding Officer 3:	Adel Bellalem	020 8556 3775

The Designated Safeguarding Team is responsible for ensuring that:

- arrangements are in place for inducting and training staff in safeguarding practices and procedures
- ensuring safeguarding resources are up-to-date and distributed in MTC
- referring concerns relating to the protection of children and vulnerable adults to MTC's Child Protection Team
- The Director will review the membership of the Safeguarding Team to reflect need as identified from time to time

7.4 **Individual members of staff (including volunteers, temporary and agency staff):** It is the responsibility of all staff to ensure that they:

- familiarise themselves with and become aware of the importance of MTC's Safeguarding, Child Protection and associated policies and procedures as outlined in Section 5 of this document

- adhere to MTC Safeguarding and Child Protection policies, procedures and systems
- promote and safeguard the welfare of children and vulnerable adults
- attend mandatory Child Protection and Safeguarding training as required
- know who the designated Safeguarding and Child Protection Officers are for MTC
- know what to do in the event that a child or vulnerable adult makes a disclosure to them (see Sections 8 and 9 of this document and MTC's Child Protection Policy)
- be vigilant to potential signs and indicators of abuse and alert a member of MTC's Child Protection or Safeguarding Teams if they have concerns about a child or vulnerable adult
- help to create a listening culture and help to ensure that children and vulnerable adults know that they can come to them and be listened to
- The member of staff should **never** attempt to investigate the matter in any way. Only the Designated Officer should mount an investigation, otherwise this might be construed as unjustified interference which could jeopardise an investigation and any possible subsequent court case.

A simple mnemonic for staff to remember their responsibilities is the "**Five R's**":

- **Recognise** behaviour that may indicate abuse, which may include direct disclosure
- **Respond** calmly and positively to the child or vulnerable adult. Reassure them that they have done the right thing in raising the issue with you and accept what they say without judgement, prompting or interruption - refer to MTC's Child Protection Policy for full information (*which can be found on MTC intranet, under MTC Administration/MTC Policies/Child Protection Policy*)
- **Record** what has been said as accurately as possible. Make sure it is factual and does not include your own interpretation, although details of how they looked and behaved are useful, e.g. "He had a black eye and was crying".
- **Report** concerns to a member of MTC's Designated Child Protection Team without delay. Once you have reported the concern about abuse to a member of the Child Protection Team, the responsibility for taking any further decisions or actions resides with them.
- **Refer**. Only the Designated Child Protection Officers can make a decision to refer a complaint or allegation, having gathered and examined all relevant testimony and information.

8 Procedures for dealing with concerns and disclosures

- 8.1 Guidance on when and how to take action in the event that a member of staff suspects that a child or vulnerable adult is being abused is covered in MTC's Child Protection Policy & Procedures.

9 Details of how information is recorded

- 9.1 Guidance on record keeping is covered in MTC's Child Protection Policy & Procedures.

10 Confidentiality Statement

- 10.1 The safety and well-being of the child or vulnerable adult is paramount. Staff may have access to confidential information about learners in order to undertake their everyday responsibilities. In some circumstances, staff may be given highly sensitive or private information. They should never use confidential or personal information about a learner or his/her family for their own or others' advantage. Information must never be used to intimidate, humiliate, or embarrass a learner.
- 10.2 Confidentiality and trust should be maintained as far as possible, but staff must act on the basis that the safety and well-being of the child or vulnerable adult is paramount. The degree of confidentiality will be governed by the need to protect the child or vulnerable adult. The member of staff to whom the child or vulnerable adult is making the disclosure needs to be open and honest with them from the outset and not promise to keep information confidential.

- 10.3 When abuse is alleged or suspected, the member of staff has a duty to pass information on **without delay** to a member of the designated Child Protection or Safeguarding Teams. If a member of staff is in any doubt about whether to share information or keep confidential, they should seek guidance from one of the Safeguarding Officers (identified in Section 7 of this document).
- 10.4 MTC complies with the requirements of the Data Protection Act 1998, but the DPA does not prevent staff from sharing information where this is necessary to protect the safety and well-being of the child or vulnerable adult.

11 Safer Recruitment of Staff

- 11.1 MTC undertakes to ensure that their staffs are fit to work in MTC setting with children and vulnerable adults. It also reserves the right to refuse to employ staff whom it has a reasonable belief may pose a risk to its learners.
- 11.2 MTC has systems in place to prevent unsuitable people from working with children or vulnerable adults and to promote safe practice. These systems apply to all new staff and require the following checks to be made pre-appointment or directly following appointment.
- a minimum of 2 satisfactory references, one of which should be from the current or most recent employer
 - original documentary evidence checks of identify, nationality, residence and "right to work" status
 - an Enhanced Criminal Records Bureau (CRB) Disclosure
 - a check under Section 142 of the Education Act 2002 (previously known as "List 99")
 - completion of a health check to ensure s/he has the health and physical capacity for the job
 - original documentary evidence of qualifications
 - a common application form is completed for all candidates. CVs are not accepted.
 - teaching staff are asked to provide their DfES reference number and IfL Registration Number
 - all teaching staff are expected to have recognised teaching or be working towards
 - all candidates for jobs in MTC are interviewed by a panel of appropriate managers. All managers are trained in recruitment and selection.
 - all offers of appointment are conditional upon receipt of 2 satisfactory references, satisfactory CRB clearance, medical clearance, verification of qualifications, verification of identify
 - satisfactory completion of the probationary period
- 11.3 The following statement is placed on all recruitment advertisements and relevant publicity materials for MTC:
- "MTC Learning is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment".*
- 11.4 All Job Descriptions include the following as a main task:
- "To safeguard and promote the welfare of children, young people and vulnerable adults served by MTC".*
- There is an additional statement in the Job Description under 'MTC Commitments' requiring all employees to *"Respond appropriately and supportively to any issues associated with safeguarding children and vulnerable adults in line with MTC policies and procedures".*
- 11.5 A single central record is kept in the Human Resources Department detailing the checks carried out on staff and Agency Staff, including CRB clearance.

- 11.6 Once appointed to MTC all staff receive a pack of information, including:
- Induction Checklist which includes Health & Safety
 - Equal Opportunities Policy
 - Race Equality Policy
 - Staff Code of Conduct
 - Child Protection Policy
 - Safeguarding Policy
- 11.6 In addition to a local induction programme to introduce staff to the particular area they will be working in, all staff complete a Corporate Induction programme, including:
- Child Protection
 - Equal Opportunities
 - Health & Safety, including fire awareness
 - Appraisee/appraiser training
 - Use of IT/ILT systems, including usage policies
- 11.7 Learning and teaching staff complete an additional induction session specifically relevant to learning and teaching practices, covering schemes of work, lesson planning, differentiation, classroom management, registers, etc.
- 11.8 MTC has a general Staff Code of Conduct giving clear guidelines on expected behaviour and Section 9 of MTC's Child Protection Policy "Code of Behaviour on Child Protection for staff" gives specific guidelines on behaviour to protect both staff and learners.
- 11.9 All staff and Trustees receive appropriate training over a period of time, including a brief introduction at staff induction.
- 11.10 Members of the Designated Safeguarding Team have undertaken specific Designated Officer Safeguarding Training and all members have either completed or are booked to complete Safeguarding Facilitator Training.

12 Allegations of abuse against members of MTC staff

- 12.1 All allegations of abuse, or concerns raised against members of MTC staff are always treated seriously. In some cases, depending on the seriousness of the concern, the member of staff may be suspended pending investigation. A suspension does not mean that MTC has a duty to report the individual to the Independent Safeguarding Authority (ISA) as the suspension is on the basis of an allegation and therefore a neutral act without prejudice.
- 12.2 Full details of actions to be taken in the event of allegations of abuse being raised against members of MTC staff are contained in Section 8 of MTC's Child Protection Policy.

13 Staff Development and Training

- 13.1 All staff, Trustees and others who come into direct contact with children and vulnerable adults must undertake training on the subject of Child Protection and Safeguarding. MTC's Safeguarding Policy, procedure and accompanying guidance will be available to all staff via MTC's staff intranet and will be issued to all new staff as part of their induction.

14 Reporting cases to the Independent Safeguarding Authority (ISA)

- 14.1 All of the statements in emboldened italics in this section of the document are defined in Appendix 1.
- 14.2 MTC has a statutory duty to make reports and provide relevant information to the Independent Safeguarding Authority (ISA) where there are grounds for believing (following an investigation) that the person has engaged in relevant conduct satisfied the ***harm test*** or received a caution or conviction for a ***relevant offence***. At this point prescribed information **must** be referred to the ISA.
- 14.3 In the event of a member of staff who has been suspended by MTC from ***regulated or controlled activity***, this does not mean they are permanently removed. For example, if the allegation against the suspended member of staff were found to be true and MTC decides the best way to handle the situation is a formal warning and to return the member of staff to *regulated activity* with additional training, this **must** still be referred to the ISA.
- 14.4 Where an individual leaves MTC before any final disciplinary decision was taken due to harm or risk of harm to a child or vulnerable adult, this information **must** also be referred to the ISA.
- 14.5 The responsibility for reporting cases to the ISA lies with the Vice Principal (People, Planning & Performance).

15 Whistle blowing (Public Interest Disclosure)

- 15.1 MTC has a comprehensive Public Interest Disclosure policy (also known as whistle blowing) which has been approved by the Corporation.

16 Equality of Opportunity

- 16.1 All children and vulnerable adults, as part of MTC community, have the right to be safeguarded from harm and exploitation whatever their race, religion, gender, sexuality, age or disability.
- 16.2 It is important that the safety and well-being of the learner remains paramount and takes precedence over culture, race, religion or other such factors.
- 16.3 Two quotes from the Victoria Climbié Enquiry make clear the danger of making assumptions about culture and race:

"There is some evidence to suggest that one of the consequences of an exclusive focus on "culture" in work with black children and families is that it leaves black and minority ethnic children in potentially dangerous situations because the assessment has failed to address a child's fundamental care and protection needs."

Ratna Dutt, Director, Race Equality Unit (2003)

"Assumption based on race can be just as corrosive in its effect as blatant racism ... racism can affect the way people conduct themselves in other ways. Fear of being accused of racism can stop people acting when otherwise they would. Assumptions that

people of the same colour, but from different backgrounds, behave in similar ways can distort judgements."

The "Victoria Climbié Inquiry" (2003)

17 Review of arrangements for monitoring the Policy

- 17.1 This Policy was prepared with regard to the statutory framework, arrangements in place in similar organisations and in consultation with a range of staff. Arrangements are being made for wider consultation.
- 17.2 The Policy will be monitored through MTC's Safeguarding Working Group which meets at least on a half termly basis. Reports from the group are taken to MTC's Senior Leadership Team (SLT).
- 17.3 A report is presented to Corporation on a termly basis on Safeguarding in MTC.
- 17.4 The Policy will be reviewed at least annually following consultation with the Safeguarding Working Group, SLT, staff and students on any updates to the Policy.