

Safeguarding Young People Policy and Code of Practice

Introduction

This Policy and Code of Practice has been drawn up to assist staff in maintaining entirely proper and professional relationships with learners and vulnerable adults. Its purpose is to provide a clear and unambiguous picture of the boundaries associated with staff roles and the use of power and authority.

The document is designed both to guide staff in avoiding situations that might lead to allegations against them, and to provide reassurance to other parties e.g. parents, schools, the local authority, funding and inspection agencies, Criminal Records Bureau and Independent Safeguarding Authority and associated guidelines in recognition of the Local Safeguarding Boards that a strategy exists within the Company to safeguard learners and vulnerable adults.

The term 'learner' includes both learners and vulnerable adults as defined below:

- ▲ Young people means those under the age of 18 including all those up to their 18th birthday – are designated a 'child' within the terms of the Children's Act 1989.
- ▲ A Vulnerable Adult is generally an adult over the age of 18 years, who has a learning difficulty and/or disability, or is a learner without English as a first language or has health or mental issues.

Policy Statement

As a Company we are committed to the safety and welfare of all learners who are in contact with the company and its employees or volunteers, either through recruitment, training, assessment, coaching or counselling. The welfare, safety and protection of learners are of the utmost importance to the Company and consequently we aim to adopt the highest possible standards and take all reasonable steps in relation to safeguarding their well-being.

The Company recognises its duty of care and legal obligation to safeguard and promote the welfare of all its learners and to respond immediately if there is any suspicion that a learner may be at risk, under threat or a victim of any activities or actions which are deemed to be in contravention of this policy or any existing or new legislation.

The senior management team, staff and volunteers of the Company are required to uphold this policy and abide by its principles and the accompanying code of practice.

Code of Practice

I. Foreword

By definition PETA is formally recognised as a provider of Regulated Activities, for both Children and Vulnerable Adult Groups, as defined by the Independent Safeguarding Authority (ISA). As a Regulated Provider we are bound by law to follow set procedures and ensure that our employees are deemed suitable to work with at risk groups.

All PETA employees that are subject to a CRB disclosure, (ISA as applicable), has a contractual obligation to inform PETA should they become involved with, or be the subject of, any investigation that involves the Police or Social Care Services. The Local Authority (via the LADO – Local Authority Designated Officer) works in partnership with Police, Social Care Services and Regulated Providers to ensure that at all times the suitability of staff to work with at risk groups is appropriately reviewed.

If a PETA employee becomes involved in a Police or Social Care incident outside of PETA contracted hours they will be assessed as to their suitability for continued working with Children and Vulnerable Adults.

The Company recognises that its employees and volunteers are vulnerable to the possible consequences of their close professional relationships with learners and to the potential for malicious and misplaced allegations being made by learners, either deliberately or innocently, arising from the normal and proper associations that staff may have with them. It is therefore vital that all employees and volunteers are prudent about their own conduct and vigilant about the conduct of others, so that their relationships with learners remain, and are seen to remain, entirely proper and professional.

2. The Duty of Staff

- 2.1 Ensure the health and safety of learners while they are within their responsibility.
- 2.2 Train and educate the learners assigned to them according to their learning needs.
- 2.3 Promote the general progress and well being of individual learners and of any group of learners assigned to them.
- 2.4 Provide advice and guidance to learners on educational, personal and social matters including the provision of information about sources of more expert advice on specific questions.
- 2.5 Maintain good order and discipline among learners and promote their development.

3. Key Principles

These key principles are intended to guide staff and ensure paramount consideration is given to the learner's well being by respecting and attempting to understand the following:

- 3.1 The learners age, gender, background and any other relevant characteristics.
- 3.2 The ascertainable wishes and feelings of the learner (considered in the light of his/her age and understanding), their physical, emotional and learning needs and the likely effect on them of any change in his/her circumstances.
- 3.3 Any harm that the learner has suffered or is at risk of suffering.
- 3.4 All affiliations with learners must always be professional, appropriate and justifiable, staff should never seek gratification of their own emotional or physical needs in their relationships with learners.
- 3.5 The Company's policy and code of practice for the safeguarding of learners has primacy over other requirements.

Guidelines for Employees and Volunteers

1. Physical Contact

- 1.1 As a general principle, staff and volunteers should not have unnecessary physical contact with their learners. There may be very limited occasions when a learner needs comfort or reassurance, which may include physical comforting. Any such comforting gestures must always be acceptable to the learner concerned i.e. there should be no unwanted physical contact, however well intentioned. Physical contact may be misconstrued by a learner, parent/carer or observer. Such contact can include well intentioned informal and formal gestures such as putting a hand on the shoulder or arm, which, if repeated with an individual learner, could lead to serious questions being raised.
- 1.2 Some staff are likely to come into physical contact with their learners from time to time in the course of their training activities, for example when showing a learner how to use a piece of apparatus or

equipment. Staff should be aware of the limits within which such contact should properly take place and should consider the possibility of such contact being misinterpreted by the learner.

- 1.3 Any form of physical punishment of learners is unlawful, as is any form of physical response to misbehaviour unless it is by way of restraint. It is particularly important that staff and volunteers understand this both to protect their own position and that of the Company.

2. The Practice of Physical Restraint

- 2.1 Measures must be taken by all members of staff and volunteers to avoid physical contact or use of any force to restrain learners at all costs, however we do have a duty of care and it may not be avoidable at all times. In the event of such occasion any incident must be reported immediately to the Line Manager.
- 2.2 If it becomes necessary for a member of staff or volunteer to physically restrain a learner to prevent him/her from inflicting injury to himself/herself or others, (In such cases only the minimum force necessary must be used), the matter should be reported to their line manager immediately.
- 2.3 Restraint can be defined as "the reasonable application of the minimum necessary force to overpower a learner with the intention of preventing them from harming themselves or others, or from causing serious damage to property".
- 2.4 Restraint should only be used exceptionally, when unavoidable and in keeping with the incident leading to it. It should be primarily for the benefit of the learner and, though immediate, should as far as possible be a considered response.
- 2.5 Restraint should not be used as a form of punishment or, in normal circumstances, to enforce compliance with instructions. It should not be attempted where the member of staff is put at undue risk.
- 2.6 Incidents of restraint should, in appropriate circumstances, be subject to debriefing for staff involved and lead to a review of strategies for managing the behaviour of learners between relevant parties, e.g. Manager and Trainer etc. Managers and/or section leaders are responsible for maintaining a written record of all incidents together with witness statements as appropriate, etc.
- 2.7 Where employees are the subject of physical attack by a learner(s) or their parents/carers, they should report the incident to their manager immediately.

3. Sexual Contact

- 3.1 The Company will not accept any behaviour that has either explicit sexual connotations or innuendo. Any such behaviour will always be treated as extremely serious and staff may be subject to the Company's disciplinary process including Gross Misconduct.

4. Meetings with Learners

- 4.1 All employees and volunteers should be aware of the potential risks which may arise from interviewing individual learners in private. It is recognised that there will be occasions when confidential interviews must take place but, where possible, such interviews should be conducted in a room with visual access or with the door open, or in a room or area which is likely to be frequented by other people. Meetings with learners away from the business premises should not take place unless specific approval has been obtained from those responsible for the learner (e.g. line manager or a member of the Company's senior management team).
- 4.2 Where such conditions cannot apply, employees and volunteers are advised to ensure that another adult knows that the interview is taking place. The use of "engaged" signs are not advisable and where possible another learner, employee or responsible adult should be present or nearby during the interview.

- 4.3 If necessary to detain a young learner for any length of time after the end of normal hours, prior warning must be given to the learners parents/carers or department manager.
- 4.4 Where possible it must be avoided for anyone to transport learners offsite unaccompanied; however if this is necessary then the member of staff or volunteer should log the journey with the date, time and destination together with contact details of the person they are due to meet with. On arrival at destination the member of staff should contact base to confirm that they have arrived without incident. On leaving the destination it is the responsibility of the employee or volunteer to ensure that their base office is informed of time of departure and estimated time of arrival at next destination or return to base.

5. Caring/First Aid

- 5.1 If a young person complains of injury or sickness, a judgement should be made as to whether he/she should be referred to a person qualified in First Aid or advised to see his/her own doctor. The learner's parents/carers or school should also be informed, if appropriate.
- 5.2 Employees who have to administer first aid (normally a trained First Aider) should ensure wherever possible that another adult is present, particularly if they are in any doubt as to whether necessary physical contact could be misconstrued.
- 5.3 Another adult should accompany employees and volunteers who have to help learners with personal care and learners should, wherever possible, be encouraged to deal with such matters themselves.
- 5.4 Where it is necessary to assist with/supervise dressing or undressing a learner, staff must be of the appropriate gender and be careful to protect the dignity of the learner.
- 5.5 Male employees should not, as a general rule, enter female toilets nor should female employees enter male toilets, except in extreme situations such as fire, or where there may be a threat to life or limb.

6. Provision of Advice and Guidance

- 6.1 Employees and volunteers may from time to time be approached by learners for advice. Learners may also appear distressed and employees or volunteers may feel the need to ask if all is well. In such cases all staff must judge whether it is appropriate for them to offer counselling and advice or whether to refer the learner to another member of staff of another gender or to one with acknowledged expertise, experience or responsibility for that learner. All staff must in these circumstances use their discretion to ensure that any probing for details cannot be construed as unjustified intrusion.
- 6.2 All staff are advised never to stop a free-flowing account disclosure of abuse but to make sure that at an appropriate point they inform the learner that they can not keep such information confidential and need to tell someone else to get help. Example: 'Thank you for telling me, I now need to tell (where possible give the name and position of who will be told) so that we can get some help for you'.
- 6.3 A learner may ask an employee or volunteer to 'keep a secret', or to promise not to tell other people what they are about to tell them, where this happens the member of staff or volunteer must explain that they are not able to promise confidentiality as they may need to tell someone else if they are to help the young person.
- 6.4 Where a learner is told by a PETA member of staff that they can not promise confidentiality the young person may decide not to continue telling. If a learner starts to say something and then stops, the member of staff or volunteer needs to try to leave it open for the learner to come back to the discussion. It may be appropriate to refer the learner to available counselling/medical services, for instance their GP or a school/college based service.

7. Social Contact

- 7.1 Social contact with learners, other than that which is training based or organised by the Company, should be positively resisted.
- 7.2 All staff are not permitted under any circumstances to contact learners via any social networking/ internet sites. Any member of staff paid or unpaid will face disciplinary action which may result in dismissal or informing the Local Safeguarding Authority.
- 7.3 All staff are not permitted under any circumstances to share any personal contact details with any learner i.e. personal email address, mobile or home telephone number. Any member of staff paid or unpaid will face disciplinary action which may result in dismissal or informing the Local Safeguarding Authority.
- 7.4 It is unlawful to disclose, remove or share any confidential or private contact details of any learners (other than to an approved 3rd party agency with prior consent of the learner). Any breach of this rule may result in notification to the Local Safeguarding Board.
- 7.5 PETA enforces safe practise, former members of staff paid or unpaid are not permitted to attempt to contact any learner once they are no longer an employee of the Company for up to two years. Any breach of this rule may result in notification to the Local Safeguarding Board.
- 7.6 It is recognised that there may be occasions when accidental or reasonable social contact may be unavoidable, e.g. meeting learners at social venues open to the general public, in shops or at private parties. In such circumstances, all staff and volunteers should be mindful at all times of their professional relationship with learners.

8. General Relationships with Learners – The 5 ‘R’s

- 8.1 **Recognise** - All staff and volunteers should ensure that their relationships with learners are appropriate to the age and gender of the learner, taking care that their conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when dealing with adolescent boys and girls.
- 8.2 **Respond** - Comments by staff to learners, either individually or collectively, can be misconstrued. As a general principle, staff and volunteers must not make unnecessary comments to and/or about learners, which could be construed to have a sexual connotation. It is also unacceptable for staff or volunteers to introduce or to encourage debate amongst learners in a class, training situation or elsewhere, which could be construed as having a sexual connotation that is unnecessary, given the context of the training session or the circumstances. However it is recognised that a topic raised by a learner is best addressed rather than ignored.
- 8.3 All staff and volunteers should be careful in their use of language/terminology that may be misconstrued.
- 8.4 The systematic use of insensitive, disparaging or sarcastic comments is unacceptable.
- 8.5 **Report** - If a member of staff or volunteer at any time feels that their relationship with a learner is developing into one that would be inappropriate between a member of staff and a learner, it is their responsibility to discuss the situation with their manager.

9. Reporting of Incidents

- 9.1 Following any incident where an employee or volunteer feels that his/her actions have been, or may be, misconstrued, the employee should report the matter to their line manager.
- 9.2 **Record** - Such reporting is especially important in any case where an employee or volunteer has been obliged to restrain a learner physically to prevent him/her from inflicting injury to others or themselves, or where he/she has been personally attacked by another learner, parent or carer.

- 9.3 **Refer** - Upon receipt of any such report, your line manager will raise the matter with the Designated Person and Senior Management Team who, in turn, will be responsible for contacting the local authority Duty Officer at the relevant location:

HAVANT - 0845 603 5620

PORTSMOUTH - 023 9283 9111

WINCHESTER - 01962 846452

Email: childrens.services.enquiries@hants.gov.uk

Outside of office hours, emergency contact number 0845 600 4555

Other Related Policies

This policy should be read in conjunction with other related Company policies as listed on the [Company's Intranet](#).