



Making Education a Priority (MEaP)

Safeguarding Policy

February 2020

MEaP SAFEGUARDING POLICY

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1. INTRODUCTION

MEaP is committed to providing a welcoming environment where everyone is respected and valued, and can feel safe and secure. This includes beneficiaries/students, staff and individual visitors who access its facilities and services.

MEaP recognises its particular responsibility to safeguard the wellbeing of children and vulnerable adults engaged in the breadth of its activities by ensuring that there are appropriate arrangements in place to enable it to discharge its duty to provide a safe and secure environment and to deal with issues concerned with suspected or reported abuse of children and vulnerable adults.

MEaP seeks to ensure that its policy and procedures comply with statutory duties, reflects guidance and good practice in safeguarding children and vulnerable adults, and that safeguarding arrangements are proportionate and based upon common sense.

MEaP recognises that it has a duty to help staff and learners recognise their responsibilities (through guidance, support and training), minimise risk and avoid situations (where possible) where abuse or neglect might be alleged. It is not intended that staff should be restricted from normal ways of working, but staff are advised to consider how an action may be misperceived.

2. SCOPE

The policy applies to all salaried staff on permanent and sessional contracts, all volunteers with MEaP and learners.

3. SAFEGUARDING

What is safeguarding?

Safeguarding is defined by the Children Act 1989 and Joint Chief Inspectors Report on Arrangements to Safeguard Children (2002) as meaning that:

‘Agencies [and 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; and

‘Where there are concerns about children and young people’s welfare, all agencies [and organisations] take all appropriate actions to address those concerns, working to agreed local policies and procedures, working in partnership with other local agencies.

Safeguarding covers the full range of preventative measures in place to protect **young people and vulnerable adults** from potential danger, including sexual, physical, emotional and financial abuse, neglect and acts of omission and discriminatory abuse. Young people and vulnerable adults can be put at risk of harm through a variety of actions, inadequate policies and procedures, and failures to act.

Vulnerable adults are those who ‘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 or herself, or unable to protect him or herself against significant harm or exploitation’ (Department of Health, No Secrets: Guidance on Developing and Implementing Multi-agency Policies and Procedures to Protect Vulnerable Adults from Abuse, 2000).

Community organisations, and learning providers in the learning and skills sector have responsibilities to ensure the safety of children, young people and vulnerable adults.

Abuse

'Abuse is a violation of an individual's human and civil rights by any other person or persons... abuse may consist of a single act or repetitive acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can happen in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.' (Department of Health, No Secrets, 2000 paragraphs 2.5 and 2.6)

Physical abuse

This can include hitting, slapping, pushing, kicking, and inappropriate restraint or sanction misuse of medication or any other physical harm to vulnerable people.

Neglect

Neglect is a persistent or severe failure to meet the vulnerable person's basic needs and may include ignoring medical and or physical care needs, failure to provide access to appropriate health, social care, and or educational services. Neglect will also include withholding medication adequate nutrition and heating.

Sexual abuse

This includes rape, and sexual assault or the vulnerable person participating in or being coerced into participating in or watching sexual activity. It is not necessary for the vulnerable person to be aware that the activity is sexual and the apparent consent of the vulnerable person is irrelevant.

Emotional abuse

Emotional abuse will include emotional abuse, threats of harm or abandonment, deprivation of contact, harassment, isolation and or withdrawal of services of supportive networks.

Discriminatory abuse

Discriminatory abuse includes racist and sexual abuse that is based upon the individual's disability.

Financial abuse

Financial abuse relates to the unauthorised and improper use of funds, money or resources belonging to the individual.

Institutional abuse

Institutional abuse includes the practice of an abusive regime or culture which destroys the dignity and respect to which every person is entitled. It is the mistreatment of people brought about by poor or inadequate care or support, and poor practice that affects the whole setting. It occurs when the individual's wishes and needs are sacrificed for the smooth running of a group, service or organisation.

4. RESPONSIBILITY AND REPORTING PROCEDURE

All staff, Practitioners, learners, volunteers and Trustees are responsible for creating an environment that promotes well-being and ensures personal safety.

The Safeguarding Officer is responsible for the maintenance, regular review and updating of this policy. Any changes to the policy will be agreed with the Management Committee.

Within each service there is a designated safeguarding person. Designated people have a key role in the reporting process and providing information, support and training on safeguarding to colleagues. Designated people have undertaken externally provided online safeguarding training and this training is refreshed every two years. (See Section 5 below for further information on training).

Managers are responsible for ensuring that DBS checks for sessional workers, Practitioners and volunteers (where appropriate, see Section 6) have been completed before the course starts. If a sessional staff, tutor or volunteer DBS check is not back before the beginning of a course then full and constant supervision should be provided until the record is back and has been judged satisfactory.

At the beginning of the course the tutor should ensure that learners are aware of:

- Safeguarding policy
- Services for Learners
- Learners' Code of Conduct
- Learners' Computer Use Code
- Reporting process for issues or concerns

Reporting process

1. **Learners** should be made aware that they can report safeguarding issues or concerns to their tutor/teacher or to the designated safeguarding person(s) within the region if they prefer. Practitioners/teachers are responsible for reporting issues or disclosures to the designated safeguarding people in their project/programme.
2. **Staff** should report issues or concerns to the designated safeguarding person in their project/programme.
3. Designated safeguarding staff in for each programme are responsible for dealing with reported issues or concerns in the most appropriate way. The designated person will contact the Safeguarding Officer **Esther Oludipe on 0161 248 7733** immediately to discuss and make a decision as the best way forward to deal with the matter: this could be an investigation, immediate suspension or contact the Local Safeguarding Children Board or the police if necessary.
4. Designated safeguarding people should report any issues reported to them (and the outcome) to the Safeguarding Officer on a monthly basis.

5. The Safeguarding Officer will record all reported issues and concerns and their outcomes. A summary safeguarding report on disclosures will be reported to Trustees.

Allegations against members of staff

There are occasions where a student/young person may accuse a member of staff of abusing them. In some cases this may be false or unfounded. However, in some cases the allegations may be true. In the case of such report, the Safeguarding Officer should be contacted immediately.

In the event that any member of staff suspects any other member of staff of abusing a student/young person, it is their responsibility to bring these concerns to the attention of their regional safeguarding person who in turn will contact the Safeguarding Officer.

The decision to refer to outside agencies will follow the same process as any other disclosure or suspicion of abuse and will be established by the designated safeguarding regional person on advice from the Safeguarding Officer.

If, following initial investigations, a decision is made to pursue an allegation of abuse against a member of staff; this will be dealt with under MEaP's disciplinary procedures.

Monitoring

Safeguarding policy

The Safeguarding policy will be reviewed annually by the Safeguarding Officer or if necessary more often to comply with amendments to the UK legislations.

DBS checks

The Safeguarding Officer provides a monthly alert report on sessional staff/tutor DBS checks to the Management Committee, the Safeguarding Officer will investigate and action outstanding DBS checks highlighted by report.

The Safeguarding Officer will use the monthly report to monitor DBS checks at all levels. DBS disclosures are renewed every 3 years.

Disclosures

The designated safeguarding person in each region will report incidents on a monthly basis to the Safeguarding Officer. A summary safeguarding report on disclosures will be reported to Directors/Trustees.

5. TRAINING

All Managers should be trained by designated person in the region on safeguarding issues so that they can support the Practitioners with queries. This could include factsheets or workshops and will be supported by the HR team. Further training should be triggered by any update in legislation or every three years.

All sessional staff/Practitioners to be given the safeguarding fact sheet and inducted into their role with a strong emphasis on safeguarding (given by their Manager), this should also be the case for volunteers especially if they are expected to work with vulnerable adults.

All staff need to be told who the designated person is at the induction process and how to contact them.

MEaP will organise general awareness training for core staff on safeguarding and this will also be delivered to governance.

6. DISCLOSURE AND BARRING SERVICE (DBS) CHECKS

Portability

The Disclosure and Barring Service (DBS) does not endorse the use of portability whereby a disclosure obtained for a position in one organisation is used for another position in a different organisation. MEaP has taken the position NOT to accept a previously issued Disclosure that is more than 12 months old.

DBS checks

DBS checks are carried out using a risk assessment based approach.

The risk assessment is carried out by identifying courses that are targeted at a vulnerable audience and flagging this on MEaP's systems, but also the organiser and the tutor will be required to check the register before the start of the course and see if any disability has been disclosed or decide whether any individual may be deemed vulnerable on grounds of age or disability.

DBS checks are carried out on Practitioners, staff and volunteers based on the learners concerned and the venue. Enhanced DBS checks must be carried out in the following situations:

- **Creche Workers.**
- **Practitioners/Teachers delivering in Supplementary/Twilight School.**
- **Practitioners delivering courses to vulnerable adults.**
- **Practitioners delivering courses on school premises during the school day.**
- **Practitioners delivering courses in the area of family literacy or numeracy.**
- **Practitioners delivering courses where the students are wholly or mainly under 18.**
- **Staff working in projects, schools, children's centres or other similar institutions or settings where children are normally present.**

Where a post is identified as requiring a disclosure, the advertisement, application pack and recruitment briefs must contain a statement that a disclosure will be requested in the event of an individual being offered a position.

Disclosure applications should not be requested until the interview process is over and the appointment decision has been made.

Allow extra time after the recruiting process as it may take up to 6 weeks to get a clearance back.

Sessional staff and Practitioners

1. When a tutor has been identified as needing to carry out a DBS check (through a risk assessment) this should be done as soon as we are sending the offer
2. Unless the disclosure has been received back and been deemed satisfactory then the tutor may not start teaching
3. If under exceptional circumstances, a tutor is required to teach before the disclosure has been received back then the tutor should be supervised at ALL time by a member of MEaP staff who has got an enhanced disclosure dated less than 3 years.

Completing the DBS application form

1. All job applicants required to complete a Disclosure application should be given a copy of the Safeguarding Policy and the DBS booklet entitled 'An applicant's guide to completing the Disclosure application form'.
2. Once the application has been completed the recruiting officer or the member of staff dealing with the application should ensure that the application form has been completed as per the guidance in the booklet. Where information is missing the form must be returned to the individual for further completion.
3. The countersignatory should ensure that the application is returned together with the necessary identity documents as detailed in the booklet. These must be the original documents as photocopies are not acceptable.
4. The countersignatory must now ensure the relevant details from the identity documents are transferred on to the disclosure statement and sign the disclosure application. The countersignatory number must be completed in this section.

What information to keep?

1. Offence information should be kept securely in a lockable non-portable filing cabinet. Access to keys should be restricted to individuals responsible for recruitment and personnel files.
2. Disclosures should be destroyed effectively (i.e. Shredded, pulped or burned), no later than six months after the date indicated on the disclosure.
3. A photocopy or other image of the disclosure must not be retained however, the name of the individual, the date of the disclosure, type and reference number of the disclosure whether it is clear or not and the position applied for need to be entered in the DBS spreadsheet that is submitted to the HR department on a monthly basis. This should be kept as confidential, secure information.

Countersignatures

1. The Salford CVS have been designated as countersignatures. Ella Walker is the designated Lead Countersignatory.

2. All countersignatories are required to:
 - countersign applications and receive the disclosures;
 - control the use of, access to, and security of disclosure information;
 - confirm the details of the documentary evidence provided by the disclosure applicant to help establish their identity; and
 - ensure compliance with the Code of Practice

If an applicant is unsuitable to work with children and /or vulnerable adults we have the responsibility to tell the local police that they have applied for a work of that nature. This needs to be told to the applicant once we ask that they undergo a criminal check.

The countersignatories and Safeguarding designated person need to know the contacts for the local police or the authorities to alert of this.

Employment decision following receipt of a disclosure that is NOT clear

When a DBS disclosure comes back and is not clear then a “panel” need to review the person’s suitability to work at MEaP based on the offences recorded on the disclosure.

The panel should be formed of the Project Manager and Safeguarding Officer. If the panel is not experienced or is unsure about their decision then the Chair of Trustees/Director should be contacted for advice.

Under no circumstances will MEaP employ individuals that have prior sexual and/ or violent offences.

7. INDEPENDENT SAFEGUARDING AUTHORITY (ISA)

ISA make independent barring decisions and place or remove individuals on either the ISA’s Children’s Barred List or the ISA’s Vulnerable Adult’s Barred List, or both.

Since **October 2009** it is a **criminal offence** for any organisation to knowingly employ a barred person as a worker or volunteer in **regulated activity**. A regulated activity is defined as working with children or vulnerable adults *frequently* (once a week or more except in health and social care services when it means once a month or more) or *intensively* (4 times per month or more with the same vulnerable group, or overnight).

Relation to DBS checks

1. Anyone who applies to work in a regulated activity under the new eligibility criteria should apply for an enhanced check through the DBS with the “normal” application forms (this will disclose whether an individual is on either of the two Barred Lists- once registered).

2. No Practitioners/sessional staff, employees or volunteers should be allowed to work in a regulated activity for as long as the enhanced DBS check has not been received and MEaP is satisfied that the person is not registered on a barred list.

3. Regulated activity providers and responsible persons for controlled activity (and others) are under duty to refer information to the ISA from 12 October 2009 (further details can be obtained from HR). This applies under specific circumstances whereby there is evidence or knowledge that an individual:

- has been convicted of an offence that would lead to them being barred
- has engaged in conduct that is likely to harm a child or vulnerable adult
- may be a risk to a child or vulnerable adult
- has been withdrawn from engaging in a regulated activity or would have been withdrawn had they not ceased the activity

MEaP reserve the right to take disciplinary actions against employees not complying with the guidance stated above. So if in any doubts do not hesitate to contact the HR department.

8. ID BADGES

MEaP has taken the view that it is appropriate for staff to carry ID badges especially when required by local partners and institutions.

Each service/project provision will make their own arrangements for issuing such badges to staff that needs it.

If you need information on getting ID badges or if you are unsure whether you need one, please contact your MEaP's administration office for further details.

9. CONFIDENTIALITY

Any complaint will be kept confidential between subcommittee and the designated person as well as senior manager involved in any investigation. Data are kept under lock. No information will be disclosed to third parties unless the person concerned makes a request in writing for disclosure.

1. MEaP reserves the right in exceptional circumstances to contact the local police department or ISA should it be deemed required or necessary.
2. As a general principle you must act in accordance with the wishes of the person concerned wherever possible
3. As a matter of best practice, vulnerable adults should not be offered nor promised confidentiality by a member of staff. It is important for staff to be able to share concerns and seek help from others at least within MEaP and this must be explained to the learner.

10. LINKS TO OTHER GUIDANCE AND/OR POLICIES

This procedure should be followed in conjunction with the following policies, where appropriate:

- Recruitment
- Recruitment of ex-offenders
- H&S policy and procedures
- COVID-19 Risk assessment policy
- Staff code of conduct

- Data protection
- Learner guidance and advice
- Equality and Diversity
- Induction
- Learner Code of Conduct
- Services for Learners
- Volunteer policy
- Online policy

Appendix 1 - Safeguarding summary for staff (including volunteers)

What is safeguarding?

Safeguarding covers the full range of **preventative** measures in place to protect young people and vulnerable adults from potential danger, including sexual, physical, emotional and financial abuse, neglect and acts of omission and discriminatory abuse. Vulnerable adults '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 or herself, or unable to protect him or herself against significant harm or exploitation' (Department of Health, 2000).

Who is responsible for safeguarding in MEaP?

All learners, staff, Practitioners, learners, volunteers and Trustees are responsible for creating an environment that promotes well being and ensures personal safety.

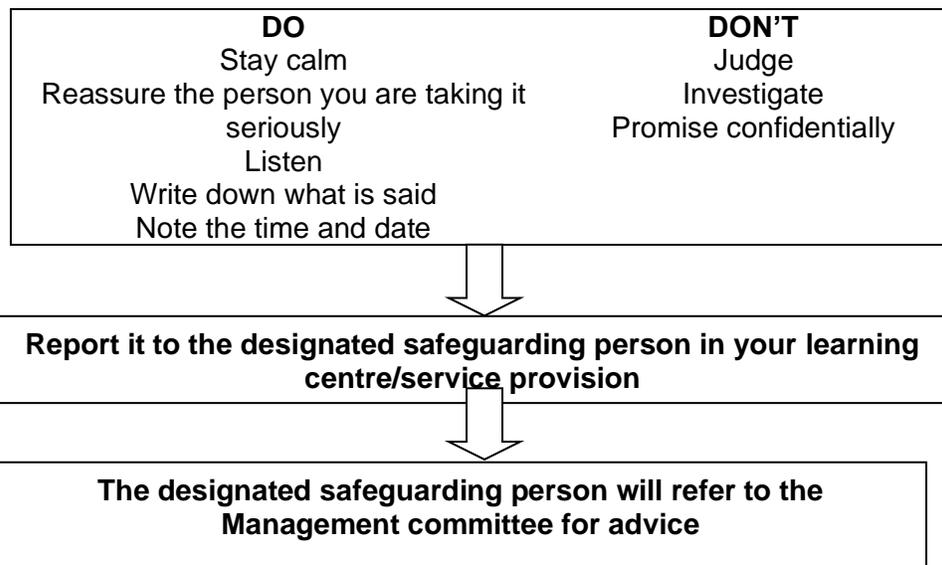
Safeguarding and learners

Information on safeguarding is included in:

- Employers Handbook
- Safeguarding policy
- Volunteer Handbook

Practitioners should make it clear to learners that they can raise concerns directly with their teachers/tutor or with the designated MEaP person on their programme/project.

What to do if a young person/learner comes to you with a concern



Appendix 2 - Dealing with disclosures

If you see something that concerns you or you are given information that causes you to be concerned about a vulnerable person you should:

- Keep calm; this will help the vulnerable person
- Make sure that the person is safe
- Listen carefully to what is said
- Observe what you see around you, if possible
- Reassure and take care of the person
- Get help as soon as possible

If a vulnerable adult comes to you with a report of apparent abuse, you should listen carefully to him/her, using the following guidelines. When listening to the vulnerable adult staff must:

- allow the vulnerable adult to speak without interruption
- never trivialise or exaggerate the issue
- never make suggestions
- never coach or lead the vulnerable adult in any way
- reassure the vulnerable adult, let them know you are glad they have spoken up and that they are right to do so
- always ask enough questions to clarify your understanding, but do not probe or interrogate – no matter how well you know the vulnerable adult – spare them having to repeat themselves over and over
- be honest - let the vulnerable adult know that you cannot keep this a secret, you will need to tell someone else
- try to remain calm – remember this is not an easy thing for them to do
- do not show your emotions – if you show anger, disgust or disbelief, they may stop talking. This may be because they feel they are upsetting you or they may feel your negative feelings are directed towards them
- let the vulnerable adult know that you are taking the matter very seriously
- make the vulnerable adult feel secure and safe without causing them any further anxiety

The reporting process outlined above must be followed.

2a Safeguarding online – Conducting Virtual sessions

During the Corona virus Pandemic all schools need to make alternative arrangements for maintaining a level of education for pupils. They rely on the support of parents/carers for this to be effective. Supplementary schools can extend their invaluable work in a similar way. Considerations have to be made regarding the delivery of a curriculum through information technology. This is a new approach and learning experience, so there should be realistic expectations for parents, children and teachers. Supplementary school teachers need to be patient with managers while systems evolve and to support one another.

To continue as much of the supplementary school core provision for children and families as possible while adhering to essential good practice, including:

The Aim

- data protection
- safeguarding children and adults
- transparency i.e. informing stakeholders as needs and circumstances change

Teaching Remotely

As part of this new approach to teaching schools might offer:

- on-line resources and activities
- advice and guidance to parents on ways to encourage children's learning and growth
- signposting to helpful and appropriate websites
- live, online tuition through video conferencing platforms such as Zoom
- pre-recorded teaching sessions and downloadable resources

Considerations for Families

This is an exceptional time which is placing families under extreme pressure. It is important not to add to the stress. Therefore, activities should be:

achievable within the home setting

- able to be completed by the young person without excessive support from the parent
- enjoyable for parents if they are to be involved in assignments
- accessible to all your pupils, including those who do not have a strong Wi-Fi signal which will be required for Zoom, Skype, Google hangouts or other video conference calling, but not necessarily for normal internet surfing

Protocols for Using the Internet

These are some basic points to follow:

- parents must be fully aware of what the supplementary school intends to provide
- parents should give written or recorded consent at the start of the new approach
- there should be opportunities to ask questions at the start and throughout the entire period of lockdown whilst the school is operating remotely
- teachers should, where possible, use the supplementary school IT equipment.
- teachers must not use any personal contact details i.e. no personal e-mail addresses or phone numbers
- emailing should take place between the parent and the teacher only, using the supplementary school email. If there isn't one, an email should be created
- communication should be with pupils, parents and teachers, not between children or families (i.e. anything about teaching, about the school – must go through the 'school')
- no personal data should be emailed or given on line
- if anything is posted teachers must remember to respect the copyright, intellectual property rights and privacy policies

Delivering Learning Activities

Consider:

- the adaptations you will need to make to the way you usually teach e.g. movement restrictions and the capacity for interaction between pupils
- the specific issues of behaviour management with a class of children responding from different spaces i.e. the home setting
- the impact of switching children off from a remote class in the short and long term i.e. the need for a personal approach to greeting them warmly at the start and to signing off in a friendly manner at the end of a session
- the varied home environments of your pupils, their parents' work activities and the impact Covid-19 is having on family life
- the [NSPCC in partnership with O2](#) has got lots of information about all the different Apps your child/ren may be using and how to make sure they are safe doing so.

Different Ways of Teaching Remotely

When teaching remotely the teacher should consider:

- pre-recording classes so children can watch at different times with their parents or siblings
- setting and sending homework via your school/organisation's email or WhatsApp
- providing shorter 10-15 minute catch-up sessions

Holding Live Group Sessions Via The Internet

In addition to the methods above, many schools are starting to hold live group sessions. In order to do this appropriately the teacher will need to:

- set a time for the meeting so there is a regular routine. This might be best at the normal supplementary school time. Remember parents themselves may need the computer for home working
- keep the sessions a reasonable length of time so that the rest of the family can get on with their day, remember also that remote teaching can be very static and we all need to move around
- switch off directly the remote teaching session is finished
- wear appropriate clothing and tell the children they must too, as must any other adult who might inadvertently appear on screen at either home
- be aware of the setting i.e. a teacher should not be speaking to a child in their bedroom or from the teacher's own bedroom. Think about what is on the wall behind you or in the room generally
- make sure all language is appropriate and professional, including that used by parents (a tactful reminder may need to be given in the initial dialogue with parents)
- remember as teachers you are modelling safe procedures
- remember that some children will find the new way of working a challenge. Teachers should think about how they will support children with special educational needs. They should encourage parents to be patient and be ready to give them strategies for helping and praising their children
- use video conferencing software that enables the teacher to have secure meetings, where participants can only join if they are invited and where the teacher has to accept each participant in the 'room'

Be aware of 'Zoom Bombing' – uninvited participants entering the teaching 'space'. This can happen on any conference platform if the security measures are not understood and followed <https://www.howtogeek.com/667183/what-is-zoombombing-and-how-can-you-stop-it/>

consider videoing the meetings so they may be reviewed later if issues arise, if you are going to do this you must:

- ensure that the parental consent obtained at the start is kept securely with the recordings on an external drive
- keep a note of date, time and length of the meetings plus those who attended
- consider who will help parents if they are having difficulty operating Zoom or other video conferencing platforms

Social Media

Social Media channels should not be used i.e. Facebook and Instagram, unless they are official i.e. MEaP's organisation's account. The pupils and their families should not have access to details of the teacher's private life and teachers should be mindful of what they post on social media sites. They should not advertise their supplementary teaching job on their own social media pages.

Children should not be exchanging personal details including social media links with each other unless it is with parental agreement at some other time.

If you do use an official Facebook account be vigilant when posting images of activities to ensure information is not collected and misused later:

That means ensuring that children are:

- not named
- are appropriately dressed
- are not in their bedrooms
- are not sharing personal information

N.B. The initial agreement with parents should include permission for posting images of their children where applicable to the work of the school.

Safeguarding

Parents need to know when online meetings are scheduled and who will be appearing, name, role in the school etc. They need to know what to expect and should be invited to meet the teacher initially on line.

A conversation should be had with parents and children highlighting that this is a specific activity and they should not be talking to anyone else in this way, unless it is with parental consent.

This conversation can be used as an opportunity to remind parents about radicalisation (Prevent), cyberbullying, grooming, ICT based sexual exploitation, pornography etc. and what the signs of harm may be and who may be contacted. Parents should be asked to reinforce safe on line procedures at home. It could be suggested that they interact with what the children are viewing on line.

As part of the supplementary school's safeguarding guidance teachers should be made aware of what should be reported and to whom. A clear message should be sent out that it is better to say something than not to.

If teachers are signposting to websites they must make sure they have checked them out and are sure they are appropriate. Children should not be researching randomly on line as this may lead them to dangerous sites.

An online risk assessment should be developed for the supplementary school.

The Child Exploitation and Online Protection (CEOP) command of the National Crime Agency has excellent resources to help you and your pupils think more about online safety. They are also providing weekly activities <https://www.thinkuknow.co.uk/resources> and have lots of helpful information for parents <https://www.thinkuknow.co.uk/parents/>

What to Do If There Are Concerns

Children may want to express their feelings at this very difficult time. Issues may emerge which cause concern. If a teacher does have concerns about child protection or the family as a whole there should be a designated person from the organisation whom they can contact.

If you have any concerns about online activity that your pupils have been accessing or about people contacting your children online through platforms that you are using, [report it to CEOP](#), National Crime Agency.

There are various training courses on line regarding on line safety e.g NSPCC 'on line safety' for which there is a charge of £35. [NSPCC also have plenty of free downloadable resources](#) to help you keep children safe. [The Young People's Foundation in your local borough](#) and other local infrastructure organisations are also offering guidance on online safety.

Signposting On the Internet

Holding live classes via Zoom or on another video conferencing platform is one method of communicating, but in some situations it might not be the most effective.

It may be relevant to set some homework activities as a follow up or as an alternative. If so, the parent should know what that involves. Activities could be posted on websites or emailed to parents as attachments. Any sites recommended should be researched for relevance and suitability. Sometimes the language or the methods used might be different from the English system e.g. there are a great many American websites with good ideas which teachers could use, but would not be suitable for children to visit.

Appendix 3 - The main legislation

The Protection of Children Act 1999

Under this act, childcare organisations (defined as those that are ‘concerned with the provision of accommodation, social services or health care services to children or the supervision of children’) must make use of the Disclosure Service in their recruitment and reporting processes and urges other organisations working with children to also do so.

Safeguarding Vulnerable Groups Act 2006

In response to recommendation 19 of the Bichard Inquiry Report into child protection procedures following the Soham murders, new arrangements for people whose jobs and voluntary work bring them into contact with children and vulnerable adults (previously referred to as the vetting and barring scheme) is due to be phased in from October 2009 under the Safeguarding Vulnerable Groups Act.

The aim of the scheme is to provide a more effective and streamlined vetting service for potential employees and volunteers. This means that the current vetting systems using List 99 and POCA (see below in *definitions of terms*) will be integrated to create a single list of people barred from working with children. In addition a separate, but aligned, list of people barred from working with vulnerable adults will be established, replacing POVA (see below in *definitions of terms*). In effect, there will just be two lists: **the children’s barred list and the adult’s barred list.**

The scheme also aims to ensure that unsuitable individuals are barred from working, or seeking to work with children and vulnerable adults and the earliest opportunity. Application process will be run by the Disclosure and Barring Service and decision on who should be placed on the barred lists will lie with the new Independent Safeguarding Authority (previously referred to as the Independent Barring Board) which is an independent statutory body.

The Act covers regulated and controlled activity providers, so widening the scope particularly in relation to vulnerable adults as opposed to the existing POVA scheme.

Regulated activity includes work that involves

- any activity which involves close contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, treatment or transport)
- any activity allowing contact with children or vulnerable adults and is in a specified place (e.g. schools, care homes, etc.)
- fostering and childcare

- certain defined positions of responsibility (e.g. school governor, director of social services, trustees of certain charities) and where the activity is 'frequent' (once a month or more) or takes place on three or more days in a 30 day period ('intensive').

Controlled activity includes

- support work in general health, NHS, Further Education settings (e.g. cleaner, caretaker, shop worker, catering staff, car park attendant, receptionist)
- those working for specified organisations (e.g. a local authority) with frequent access to sensitive records about children and vulnerable adults
- support work in adult social care settings (e.g. day centre cleaners, those with access to health records)

and where the activity is 'frequent' (once a month or more) or takes place on more than three or more days in a 30 day period ('intensive').

The Act does not cover any employment which may occur in the context of private arrangements between family or friends, nor is it necessary for domestic employers (e.g. of a private tutor, nanny or care worker) to check individuals, but they will have the opportunity to check the status of the individual if they wish. But it will be an offence for a barred person to undertake regulated activity in a domestic circumstance.

All barred individuals must not engage in any regulated activity whether paid or unpaid.

It is a criminal offence for employers to employ someone in a regulated activity if they are not registered with the Independent Safeguarding Authority.

Employers must check on potential employees before employing them in both a regulated activity and a controlled activity – they cannot take the individual's word for it nor can they allow the person to start work, even if supervised, before they know the outcome of the check.

It will also be an offence for employers/providers to permit a barred individual to work for any length of time (no matter how infrequent) in a regulated activity. However, providing sufficient safeguards are put in place, a barred person can be allowed to work in a controlled activity.

Certain organisations:

- adult/child protection teams in local authorities;
- professional bodies and supervisory authorities named in the Act;
- employers and service providers of regulated and controlled activity; and personnel suppliers

must refer relevant information to the ISA, where there is a concern relating to the harm or risk of harm to children or vulnerable adults. This would include reporting

on the dismissal or resignation of any employees because they have harmed or may harm a child or vulnerable adult.

All other employers of those working with children and/or vulnerable adults may refer relevant information to the ISA.

Once individuals have joined the new scheme, subsequent employers will be able simply to check their status in the scheme on-line free of charge (unless they are under a duty to apply for an Enhanced DBS check).

All applicants to the scheme, except those who are barred, will become “subject to monitoring”. This means that the Independent Safeguarding Authority would review its barring decision if relevant new police or referral information became available. Under the new scheme, employers and providers would be notified – where they have registered an interest - if the individual’s monitoring status changed. Unlike disclosures which only provide details about an individual at a specific time without any follow-up, checking will be continuous.

Appendix 5 - Definitions:

Child

A child is legally defined as anyone under the age of 18.

Vulnerable Adults

The definition of vulnerable adult as expressed in the **Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002** “a person aged 18 or over who has a condition of the following type:

- (i) a substantial learning or physical disability;
- (ii) a physical or mental illness or mental disorder, chronic or otherwise, including an addiction to alcohol or drugs; or
- (iii) a significant reduction in physical or mental capacity.”

Abuse

Abuse is the violation of an individual’s human rights. It can be a single act or repeated acts. It can be physical, sexual, or emotional. It also includes acts of neglect or an omission to act. In all forms of abuse there are elements of emotional abuse. Vulnerable adults may also suffer additional types of abuse such as being manipulated financially or being discriminated against. Other examples of abuse include inflicting physical harm such as hitting or misuse of medication, rape and sexual assault or exposure to sexual acts without informed consent, emotional abuse such as threats, humiliation and harassment, exploitation, ignoring medical or physical needs, withholding of necessities of life such as food or heating. This list is not definitive.

Spent Convictions

Under the Rehabilitation of Offenders act 1974, if a person convicted of an offence is not convicted again during a specified 'rehabilitation period', the conviction is 'spent' (this would not include serious criminal offences). Usually the person does not have to reveal or admit the conviction, nor can an employer refuse to employ someone because of the spent conviction. However there are some exceptions, particularly to protect children and other vulnerable groups (see further details above in 'Legislation'). An employer should not ask for a DBS Disclosure or for details of spent criminal convictions unless the post is one covered under the Rehabilitation of Offenders Act exceptions order or there is statutory obligation to do so.

Disclosure and Barring Service

This Home Office agency was set up in 2002 to replace the old system of police checks. It provides the Disclosure service to help organisations recruit more safely, with checks on information held by the police and government departments. Their website is at www.DBS.gov.uk (NB The new DBS website combines the existing Disclosure www.disclosure.gov.uk and DBS websites to offer a 'one-stop-shop' for all DBS information).

DBS Customer Services
PO Box 110
Liverpool
L69 3EF

General Enquiries: 0870 90 90 811

Disclosure document

This is a document containing information held by the police and the Department of Health and the Department for Education and Skills, which can help organisations make safer recruitment decisions. Details of the Disclosure service can be found on the DBS website www.DBS.gov.uk.

Enhanced Disclosure

This is the level of Disclosure for anyone whose work regularly involves caring for, training, supervising or being in sole charge of young people under 18 or vulnerable adults. In addition to the information provided for a Standard Disclosure, it may also contain information held by the police which is thought relevant but which may not have lead to a conviction. The current DBS fee for an Enhanced Disclosure is £36.00 and the application process will take at least 3 weeks. Users (applicant, the employer, the Registered or Umbrella Body) can check the progress of their application online at www.DBS.gov.uk/tracking. Disclosures are free of charge for volunteers (but not people on work experience or placements. The DBS's definition of volunteers is "**a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative.**" They

consider that volunteers are not individuals who expect to receive a benefit for the activity such as an expected credit towards a qualification gained by someone on a placement.)

List 99

A confidential list of adults who are banned from working with children or who have had restrictions placed on their employment. The list is held by the Department for Education and Skills (DfES). Schools must make sure that no-one who is on List 99 has regular contact with children.

POCA list

This is the Protection of Children Act list of people who are unsuitable for employment with children in childcare roles. The list is held by the Department of Health.

POVA list

This is the Protection of Vulnerable Adults confidential list of careworkers who have harmed vulnerable adults in their care. The list is held by the Department of Health.