

GEM Partnership Ltd
Safeguarding Children and Vulnerable Adults Policy

1. Purpose
 - 1.1 To provide a duty of care to ensure learners, agency associates and staff are safe.
2. Scope
 - 2.1 Primarily under 19-year olds or vulnerable adults, however, it is company policy to follow safeguarding guidance for all learners, agency associates and staff. This policy may work closely to the Company's Anti Bullying and Harassment Policy.
3. What is Safeguarding?
 - 3.1 In recent years there has been increasing concern about the safety and welfare of both children and young adults. Safeguarding is defined by the Children Act 1989 and Joint Chief Inspectors Report on Arrangements to Safeguard Children (2002) as the meaning that;
 - 3.1.2 "Agencies (and organisations) working with children and young people take all reasonable measures to ensure that the risk of harm to the individual's welfare are minimised; and 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."
 - 3.2 The Care Act statutory guidance defines adult safeguarding as:
 - 3.2.2 "Protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances."
4. Who are we Safeguarding?
 - 4.1 The Children Act 1989 states the legal definition of a child is 'a person under the age of 19'. 'Young person' is not legal term, for the purposes of the policy and procedures, a young person is someone who might not perceive themselves as a child, but who is still in the age range of the legal definition, and therefore fall within the term 'child'.
5. Why is Safeguarding necessary
 - 5.1 Training Providers have not been specifically named in their duty to safeguard and protect, unlike primary and secondary schools and further education colleges that have a statutory duty to safeguard and protect children or young people in their care.
 - 5.2 Training Providers however do have a common law duty of care to take such steps that in the circumstances of an educational institution are reasonable to ensure that the child or a young person is safe, and in the absence of specific requirements, be seen to have an enhanced duty of care. This may at times involve triggering of disciplinary action linking the Anti Bullying and Harassment Policy.
 - 5.3 Additionally GEM Partnership as a training and recruitment business notes that criminal offences that may be committed in connection with the welfare of children, in particular those involving abuse of trust which prohibits staff from engaging on or encouraging sexual activity with students who are under the age of 18. This policy makes protection responsibilities clear and gives GEM Partnership the ability to dismiss or otherwise discipline employees who fail this duty.
6. Safeguarding Vulnerable Adults

- 6.1 The legal and policy basis for responding to concerns regarding the safeguarding and welfare of vulnerable adults is different from that of children and young people under 18. Working together to Safeguard Children 2018 only applies to children and young people until they reach the age of 18. Any incidents or concerns relating to a young person of 18 years or over, even if still at school, are not covered by Local Safeguarding Children Boards or their procedures.
- 6.2 Government guidance in relation to adults is contained in the Care Act 2014, adults are no longer deemed vulnerable because of their personal attributes, characteristics or abilities. An adult is considered 'vulnerable' if they receive a health, personal or social care service from a professional. Personal services would include, for example, help with financial matters, feeding, washing or dressing.
7. The definition of abuse of adults and vulnerable adults
 - 7.1 Abuse is a violation of an individual's human and civil rights by another person or persons. Abuse may consist of single or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.
 - 7.2 Abuse can take the form of:
 - 7.2.1 Physical abuse – including hitting, pushing, kicking, misuse of restraint or inappropriate sanctions including by their peers
 - 7.2.2 Sexual abuse – including emotional abuse, threats, deprivation of contact, humiliation, intimidation, coercion, verbal abuse, sexual harassment and violence, online sexual abuse, language and consent, isolation or withdrawal from services
 - 7.2.3 Financial or material abuse – including exploitation and pressure in connection to wills, property, inheritance or financial transactions
 - 7.2.4 Neglect or acts of omission – including ignoring medical or physical care needs, withholding of medication or adequate nutrition and failure to provide access to appropriate health, social care or educational services discriminatory abuse – including racist, sexist and other forms of harassment.
 - 7.2.5 Grooming or sexual exploitation
 - 7.2.6 Cyber bullying
8. Policy Statement
 - 8.1 GEM Partnership is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults, engaged in breadth of its activities, including apprentices.
 - 8.2 As GEM Partnership is both a training and recruitment business, it is committed to including all adults it engages with as part of its Safeguarding Policy including but not exclusive to internal staff, learners and agency associates.
 - 8.3 This policy is reviewed on a yearly basis or whenever there is a change in relevant guidance or legislation.
 - 8.4 GEM Partnership will be proactive in its promotion of safe learning environment and will regularly monitor arrangement to ensure this. Always acting in the best interests of learners to protect them online and offline, including when they are receiving remote education.
 - 8.5 GEM Partnership recognises that it has duty to help staff, agency workers and learners recognise their responsibilities (through information, guidance, support and training) minimise risk and avoid situations (where possible) where abuse or neglect might be alleged. Support and guidance will be accessed through local safeguarding body.
 - 8.6 GEM Partnership will abide by the safer recruitment guidelines when employing staff and manage ongoing compliance and allegations appropriately.

- 8.7 Criminal offences that may be committed in connection with the welfare of children, in particular those involving abuse of trust which prohibits staff from engaging on or encouraging sexual activity with students, learners or agency associates who are under the age of 18.
- 8.8 GEM Partnership prevents abuse toward apprentices by providing enrichment activities to promote and educate with a deeper understanding of Safeguarding, Prevent and British Values. Promoting designated Safeguarding Leads and reporting procedures on a regular basis.
- 8.9 This policy makes protection responsibilities clear and gives the company the ability to dismiss or otherwise discipline employees who fail this duty. This policy takes in account, amongst others, the following when safeguarding young people and vulnerable adults;
 - 8.9.1 'Care Act 2014'
 - 8.9.2 'Children Act 2004'
 - 8.9.3 'Safeguarding Children and Safer Recruitment in Education' (DCSF 2012)
 - 8.9.4 Keeping Children Safe in Education (DCSF 2022)
 - 8.9.5 Working together to safeguard children – A guide to inter-agency working to safeguard and promote the welfare of children (DCSF 2018)
 - 8.9.6 What to do if you are worried a child is being abused (DCSF 2003)
 - 8.9.7 Prevent Duty Guidance (2019)
 - 8.9.8 Human rights act 1998
 - 8.9.9 Sexual Offences Act 2003
 - 8.9.10 Care standards Act 2000
 - 8.9.11 Health and Social Care Act 2008
 - 8.9.12 The Education and Training (Welfare of Children) Act 2021
 - 8.9.13 Review of Sexual Abuse in Schools and Colleges (2021)
 - 8.9.14 Mental Capacity Act 2005
 - 8.9.15 Domestic Violence Crime and Victims Act 2004
 - 8.9.16 Equality and Diversity 2010
9. Safeguarding Structure and Responsibilities
 - 9.1 GEM Partnership designated safeguarding officers responsible for Safeguarding are the Julie Hunter Group HR Manager and Kelly Lee Operations Manager. The DSO will be qualified to Level 3 Safeguarding. Julie Hunter is the Designated Safeguarding Lead for GEM Partnership.
 - 9.2 GEM Partnership has a team of trained Mental Health First Aiders, that meet on a regular basis to discuss good practice and share local and national support services. The team is headed by the 2 designated safeguarding officer's to provide support and correct signposting information to the team.
 - 9.3 GEM Partnership takes the view that all staff and learners are required to take a shared responsibility for the protection and safety of any children, young people and vulnerable adults.
 - 9.4 Some staff across the Company will be occasional contact with under 19's or vulnerable adults in the course of their work.
10. Control Measures/Procedures
 - 10.1 GEM Partnership will monitor apprentices' usage of IT through robust Social Media, Staying Safe Online and Cyber Bullying policies.
 - 10.2 The designated person will be trained to ensure the needs of the Safeguarding Authority are met. All staff will receive appropriate safeguarding training with all staff and regular updates. Further information on the type of training can be found in section 21 and 22 as well as Appendix 1 – Safeguarding Risk Assessment.
 - 10.3 All GEM Partnership staff members, contractors and volunteers are advised to minimise physical contact with students, except for reasons of health and safety, or where physical contact may be a necessary part of learning.

- 10.4 GEM Partnership reserves the right to deny employment to individuals where safe recruitment practice suggests they might pose a danger to the learning community.
 - 10.5 GEM Partnership reserves the right to suspend and exclude learners involved in incidents relating to other learner's safety and possible bullying and harassment.
 - 10.6 GEM Partnership also reserves the right to suspend and/or dismiss staff members in accordance with its employment procedures, from employment or from undertaking a specific role with respect to the employment. This may apply if information was withheld about their criminal record at the point of employment or acquires a criminal record during employment.
 - 10.7 All members of staff working closely with children or vulnerable adults have to be alert to possibilities of abuse and any concerns about behaviour of any adult with respect to that child or vulnerable adult should be reported.
 - 10.8 DBS disclosures are obtained for all staff and volunteers working in 'regulated positions' (as defined by the Criminal Justice and Court Service Act 2000) with children, young people or vulnerable adults. The Company will evaluate information to determine individual's appropriateness to work in such an activity.
 - 10.9 Where staff are not engaged in regulated positions but are involved in activities that may involve children or vulnerable adults, a risk management approach is taken to delivery of learning and teaching, and activities involving the wider public.
 - 10.10 GEM Partnership will follow the locally agreed multi agency procedures for obtaining additional support and guidance.
 - 10.11 This policy will be used in conjunction with GEM Partnerships Information, Security and Technology Policy, Staying Safer Online Policy, Cyber Bullying Policy, IT and Data Staff Handbook, Acceptable Use Policy for Remote Learning.
 - 10.12 GEM Partnership has processes in place to check if learners, agency associates and staff are paid into their own bank account and if not is flagged this is investigated by the appropriate persons. Duplicate bank accounts are also flagged by the payroll software and passed over to investigate.
11. Partnership working
- 11.1 Safeguarding work depends on effective partnership. To demonstrate effective compliance with the duty, specified authorities must demonstrate evidence of productive co-operation, in particular with local Safeguarding board, the police and local authorities and co-ordination through existing multi-agency forums.
 - 11.2 Channel referrals should therefore be prioritised by the local authority and other statutory partners in all of their work to safeguard vulnerable individuals. Channel should be considered alongside other early intervention measures such as work undertaken to support and divert young people from anti-social behaviors, gangs or drugs.
 - 11.3 Awareness of Safeguarding and an understanding of the risks it is intended to address are both vital. Work on Safeguarding needs to be seen in this context. The purpose must be to protect children and young people from harm.
12. Procedures to be used when harm/abuse is suspected
- 12.1 All members of staff working closely with children and/or vulnerable adults have to be alert to possibilities of abuse. Any concerns should be reported to a senior manager who will decide what further action to take.
 - 12.2 It is the duty of staff to inform only not to investigate – this is the role of the Police and Social Services.
 - 12.3 If Staff, in the course of their work at the Company have a safeguarding issue brought to their notice, this must be treated as a priority over all work.
 - 12.4 The designated safeguarding officer will follow the procedures as agreed by the local safeguarding body (see supporting information).

- 12.5 All personal data will be processed in accordance with requirements of the Data Protection Act 1198.
13. How to make a referral
- 13.1 Information regarding how to respond if a concern about a learner arises is detailed below;
- 13.2 Learners, agency associates and staff can make referrals direct through the GEM Partnership App.
- 13.3 The GEM Partnership Apps also have contact details for Mental Health First Aiders as well as welfare and wellbeing resources. This includes information and contact details for local services covering gambling, foodbanks, financial difficulties and debt as well as health issues. This enables learners, agency associates and staff to self-refer direct to local agencies if they feel more comfortable.
- 13.4 Inform GEM Partnership Designated Officer
- 13.5 A referral must be made as soon as possible to the relevant Initial Response Service, using the Safeguarding Referral Form
- 13.6 If a learner is deemed to be at immediate risk the Police should be contacted immediately following which the above referrals can be processed.
14. Procedures for dealing with allegations against staff, agency associates and other learners
- 14.1 The allegations should be reported immediately to the manager with lead responsibility, who should;
- 14.1.1 Obtain written details of the allegations from the person who received it, that are signed and dated, the written details should be countersigned and dated by the manager with lead responsibility.
- 14.1.2 Record information about times, dates, locations and names of potential witnesses.
- 14.1.3 Inform a senior manager.
- 14.2 In some circumstances GEM Partnership may need to act jointly with another organisation. The Manager with lead responsibility should make an initial assessment of the allegation, consulting with the Education Child Protection Unit, Social Care, LADO (Local Authority Designated Officer) / Police as appropriate.
- 14.3 Where the allegation is considered to be either a potential criminal act or indicates that the child or vulnerable adult has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the social care services.
- 14.4 Safeguarding enquiries by social care or the Police are not to be confused with internal, disciplinary enquiries by GEM Partnership may be able to use the outcome of external agency enquiries as part of its own procedures. GEM Partnership should assist the relevant agencies with their enquiries.
- 14.5 GEM Partnership shall hold in abeyance its own internal enquiries while the formal police or social care investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform to the existing staff disciplinary procedures.
- 14.6 If there is an investigation by an external agency, for example the police, manager with lead responsibility should normally be involved in, and contribute to, the inter-agency strategy discussions. The manager with lead responsibility will ensure that GEM Partnership gives every assistance with the agencies enquires. Appropriate confidentiality will be maintained in connection with the enquiries, in the interest of the member of staff that he/she should consult with a representative, for example, a trade union.
- 14.7 The manager with lead responsibility will consult with the police or other investigating agency (e.g. Social Care), particularly in relation to timing and content of the information to be provided, and shall;

- 14.8 Inform the child/vulnerable adult or parent/carer/independent advocate making the allegations that the investigation is taking place and what the likely process will involve.
- 14.9 Inform a Designated Safeguarding Officer (DSO) of the allegation and the investigation.
- 14.10 The DSO with lead responsibility shall keep written records of the action taken in connection with the allegation.
15. Suspension of Staff
- 15.1 Suspension may be considered at any stage of the investigation. It is neutral, not a disciplinary act and shall be on gull pay. Considerations should be given to alternatives: e.g. paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties.
- 15.2 Suspension should only occur for a good reason. For example:
- 15.2.1 Where a child/student/vulnerable adult is a risk
- 15.2.2 Where the allegations are potentially sufficiently serious to justify dismissal the grounds of gross misconduct.
- 15.2.3 Where necessary for the good and efficient conduct of the investigation.
- 15.3 Prior to making the decision to suspend, the appointed Investigation Officer should interview the member of staff. This should occur with the approval of the appropriate agency. In particular, if the police are engaged in an investigation the Officer in charge of the case should be consulted.
- 15.4 During the interview, the member of staff should be given as much information as possible, in particular the reasons for any proposed suspension, provided that doing so would not interfere with the investigation into the allegation. The interview is not intended to establish the member of staff innocence or guilt, but given the opportunity for the member of staff to make representations about possible suspension. The member of staff should be given the opportunity to consider any information given to him/her at the meeting and prepare a response, although that adjournment may be brief.
- 15.5 If the Investigation Officer considers that suspension is necessary, the member of staff shall be informed that he/she is suspended from duty. Written confirmation of the suspension, with reasons, shall be dispatched as soon as possible and ideally within one working day.
16. Allegations without Foundation
- 16.1 Obviously false allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to Social Care or other agencies in order that other agencies may act upon the information.
- 16.2 In consultation with the Manager with lead responsibility the Investigation Officer shall:
- 16.2.1 Inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or child protection action will be taken. Consideration should be given to offering counselling/support.
- 16.2.2 Inform the parents/carers/independent advocate of the alleged victim that the allegation has been made and of the outcome.
- 16.2.3 Where the allegation was made by a learner other than the alleged victim, consideration to be given to informing the student and his/her parents and his/her parents/carer's.
- 16.2.4 Prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken.
17. Whistle Blowing
- 17.1 Members of staff have the avenue to raise concerns relating to matters that are unlawful, against policy or amount to improper conduct. Concerns should be raised in the first instance to the appropriate line manager or if judged more appropriate directly to a Senior Manager. Please refer to GEM's whistle blowing policy for further information.

18. Records

- 18.1 It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken, details retained on the member of staff's personal and confidential file. Where the allegation is found without foundation, a record of the allegation, investigation and outcome should be retained.
- 18.2 If a member of staff is dismissed or resigns before disciplinary process is completed, he/she should be informed about GEM Partnership Ltd statutory duty to inform the Secretary of State for Education under the 'ISA' procedures.

19. Female Genital Mutilation

- 19.1 FGM is illegal in the UK and is a form of child abuse, if any employee in the course of their work discovers that act of FGM appears to have been carried out on a girl under that age of 18 the employee must report the incident to the police whilst also following the normal safeguarding reporting process.
- 19.2 CPD on this subject is mandatory for all GEM Partnership employees. In addition, as part of the induction process staff are required to complete online training.

20. Child Exploitation

- 20.1 Child Exploitation is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults.
- 20.2 Consent cannot be given even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them.
- 20.3 The abuse does not always involve physical contact and can happen on line.
- 20.4 A significant number of victims go missing from home, care and education and this can be a warning sign. Noticeable signs in the child can include aggression, anxiety, depression, change in appearance and becoming involved in gangs.
- 20.5 Other indicators of sexual exploitation can include;
 - 20.5.1 Children who have older boyfriends or girlfriends.
 - 20.5.2 Children who misuse drug and/or alcohol.
 - 20.5.3 Children who appear with unexplained gifts or new possessions.
- 20.6 If any employee in the course of their work discovers that an act of child exploitation appears to have been carried out on a child then the employee must report the incident following the normal safeguarding reporting process.

21. CPD and Training

- 21.1 All new staff will complete online training on Safeguarding in FE and Training Sector as part of their induction process.
- 21.2 All new staff across the whole business are inducted to Safeguarding Staff Handbook and are aware of designated staff and reporting procedures as part of their induction.
- 21.3 CPD on Safeguarding will be completed on an annual basis by all staff.
- 21.4 Updated Modern Slavery training is provided for all staff on a yearly basis, to ensure staff are aware of signs of modern slavery, human trafficking, physical, emotional and financial abuse.
- 21.5 The Designated Safeguarding Lead / Officer will be qualified to Level 3 and will update their CPD on annual basis.
- 21.6 Safeguarding of learners and staff is implemented and discussed on a monthly basis as part of the review process.

22. Training for Learner

- 22.1 All learners are inducted to GEM Training Handbook to Safeguarding, reporting procedures and who the Designated Safeguarding Officer are and contact details.

- 22.2 Assignment setting for self-learning for Safeguarding.
- 22.3 Embedding of hot topics and opportunities during learning to promote a deeper understanding of Safeguarding throughout the programme.
- 22.4 Safeguarding of learners is implemented and discussed as part of 360 reviews every 8 -10 weeks
- 22.5 Ensuring that apprentices, agency associates, learners and staff know how to raise any safeguarding concerns including through the GEM Partnership App

- 23. Training for Employers
 - 23.1 Policies and Procedures provided as part of the commitment statement.
 - 23.2 Employers are signposted to eLearning covering Safeguarding and Prevent

- 24. Safeguarding Risk Assessment
 - 24.1 Outlines specific requirements of pre employment checking, training and accountability for all types of workers including new staff, governors, associates, volunteers and work experience who are either employed or engaged on assignment with GEM Partnership.

- 25. Supporting Documentation
 - 25.1 Staff Recruitment and Selection Policy
 - 25.2 Whistleblowing Policy
 - 25.3 Social Media, Staying Safe Online and Cyber Bullying Policy
 - 25.4 IT and Data Handbook
 - 25.5 Acceptable Use Policy for Remote Learning
 - 25.6 Remote Learning Policy
 - 25.7 Learner Manual
 - 25.8 Safeguarding Risk Assessment – Appendix 1
 - 25.9 Safeguarding Risk Assessment Tool – Vulnerable Adults - Appendix 2
 - 25.10 Safeguarding Procedures Flow Chart and Reporting – Appendix 3
 - 25.11 Modern Slavery and Remediation Policy
 - 25.12 Child Labour and Remediation Policy
 - 25.13 Ethical Trading Statement and Policy
 - 25.14 Human Rights Statement

- 26. GEM Partnership 's Designated Safeguarding Lead / Officer contact details:
 - 26.1 Julie Hunter, Group HR Manager 07714136807
 - 26.2 Kelly Lee, Operations Manager 07834732088

- 27. Overarching responsibility of this policy
 - 27.1 Maria Miller, Operations Director – Maria.Miller@gempartnership.com