



## Safeguarding Policy

Version 1 – 1<sup>st</sup> June 2021

Date to be reviewed: 1<sup>st</sup> June 2022

### 1. Our commitment

All our employees who work with learners have a crucial role to play in shaping their lives. You have a unique opportunity to interact in ways that both affirming and inspiring. This policy has been produced (and is supported by Information, Advice and Guidance), to help you to establish safe and responsive environments which safeguard all and reduce the risk of you being unjustly accused of improper or unprofessional conduct. We all have a duty of care to safeguard and promote welfare, and to enhance awareness of the broader welfare spectrum, specifically the issues facing young people in society.

### 2. Objectives

The aim of the policy is to ensure you are aware of and understand your responsibilities, that of others, signs there might be a safeguarding concern, along with the reporting procedures for all safeguarding issues.

### 3. Scope

This policy covers safeguarding of Children and Adults at Risk, both our learners, learners during EPA, learners within sub-contracted provision, and those persons in settings in where we practise which fall into the category of child or adult at risk. It is inclusive of specific highlighted safeguarding agenda areas – as defined by law, and in the wider context all our students and learners. This policy also aligns our compliance with the Government Prevent strategy.

### 4. Key Contacts

Lead Designated Officer – James Welsh

James.Welsh@Collegebutdifferent.co.uk

01489 783 288

Additional Designated Officers

All can be contacted on [studentsupport@JLMSManagement.co.uk](mailto:studentsupport@JLMSManagement.co.uk):

Liam Robinson – Operations Manager

Louise Walker – Regional Tutor

John Price – Support Services

### 5. Definitions

Safeguarding is the protection of children and adults at risk from abuse and neglect, promoting health and development, ensuring safety and care, and ensuring optimum life chances. The Safeguarding Agenda includes a wide range of potential risks (see appendix F for full definitions and indicators of a Safeguarding concern).



- Abuse (physical, emotional, financial, institutional, sexual, and organisational)
- Self-neglect
- Discrimination
- Child sexual exploitation
- Bullying AND cyberbullying
- Domestic abuse
- Substance misuse
- Fabricated and induced illness
- Faith abuse
- Forced marriage
- Gang and youth violence
- Private fostering
- Female genital mutilation (FGM)
- Gender based violence
- Radicalisation
- Sexting
- Teenage relationship abuse
- Trafficking and modern slavery
- Breast ironing
- mental health concerns
- Children missing in Education

A Child is defined as anyone under the age of 18. An adult at risk (previously vulnerable adult) is defined as any person over the age of 18 and at risk of abuse or neglect because of their need for support or personal circumstance. Alongside the Safeguarding Agenda above this could be due to, and not limited to any of the following:

- Living in sheltered housing
- Receiving any form of health care
- Receiving a welfare service in order to support their need to live independently
- Receiving a service due to their age or disability
- Living in residential accommodation such as a care home
- Receiving domiciliary care in their own home
- Expectant or nursing mother living in residential care
- Person under supervision of probation service

While the definitions of a child and adult at risk give the rationale for legislative intervention, it is important to note that a person may be deemed at higher risk of a safeguarding issue affecting them due to other factors, examples:

- Poor numeracy and literacy skill, or specific learning need
- Unsupportive home environment
- English not a first language
- Unsupportive employer
- Under represented group



- Acting as a carer for another family member
- Background in offending
- Disability or social need

## 6. Our responsibility

We all have a responsibility to ensure that children, young people and adults at risk are protected from harm, informed about potential risks to their welfare, and understand how to seek help. We ensure all concerns are dealt with timely and appropriately. We also have a responsibility to minimise the risk of allegations against you

All staff are expected to comply with any DBS check request and to have a good understanding of what constitutes a safeguarding or welfare concern and how to provide support, guidance in such instances and the channels for escalating a concern. To assist you in this, on-going training and awareness, as well as continuous information, advice and guidance will help you to feel confident in proactively promoting safeguarding and understanding your individual responsibilities.

The responsibilities of particular individuals are detailed below:

- Our Managing Director - to ensure we have effective policies. To ensure policies are implemented and followed, and sufficient time and resources are allocated to employees to carry out their responsibilities.
- Designated Safeguarding Lead – to maintain links with Local Safeguarding Children’s Boards and Prevent Coordinators, inform and advise all parties on legislation changes and current safeguarding themes, plan and implement training for all employees including CPD, quality assurance and standardisation for the designated safeguarding officer team. Carry out investigations where appropriate into welfare concerns reported and liaise with external bodies such as safeguarding board where appropriate. Support and coordinate escalation process. Overall management of safeguarding issues and report to board on any issues that arise. Review procedures and policies on a timely basis. Maintain own CPD to ensure their role can be fulfilled competently.
- Designated Safeguarding Officers – to deal with employee concerns over learner’s welfare, signpost and offer guidance. Carry out investigations where appropriate into welfare concerns reported and liaise with external bodies such as safeguarding board where appropriate. Maintain own CPD to ensure their role can be fulfilled competently, and seek guidance where appropriate.
- Our Regional Trainers/Tutors - to check safety and welfare with all learners at each visit/communication, ensuring learners complete all safety related learning activities within their programme. You must be aware of indicators and that there may be a safeguarding issue – see Appendix E, and if required to follow the 5 R’s procedure - our flow chart for reporting issues that concern them or are reported to them (see Appendix D). To provide support and referral to external agencies as they see fit, if comfortable to do so, and then inform safeguarding team of their actions. To carry out training as directed by the safeguarding team in a timely manner.
- Support Teams - You must be mindful of indicators that there may be a safeguarding issue should you come into contact with a learner or potential learner – see

Appendix E, and if required to follow the 5 R's procedure - our flow chart for reporting issues that concern them or are reported to them (see Appendix D). To carry out training as directed by the safeguarding team in a timely manner.

## **7.0 Safer Recruitment**

JLMS Management carries out a safe recruitment process and ensures that all appropriate checks are carried out on new staff that will work or come into contact with children and adults at risk in line with the Disclosure and Barring Service requirements. See resourcing policy for further detail on recruitment procedures.

### **7.1 Disclosure and Barring Service Checks**

The Disclosure and Barring Service (DBS) is an executive agency of the Home Office and its primary purpose is to help employers make safer recruitment decisions and appointments. By conducting checks and providing details of criminal records and other relevant information, DBS helps to identify applicants who may be unsuitable for certain work and positions, especially those involving contact with children (those less than 18 years old) or adults at risk.

Depending on the type and regularity of contact with children or adults at risk involved in a particular role, employers are entitled to make appropriate types of enquiry about the applicant's criminal record and seek a disclosure through a DBS check. JLMS Management can undertake five types of criminal records checks depending on the role applied for:

#### **7. Standard DBS check**

This will be for positions that are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. This type of check contains details of individual's convictions, cautions, reprimands or warnings recorded on police central records and includes both 'spent' and 'unspent' convictions that will be shown on a criminal records check.

#### **2. Enhanced DBS check**

This will be for positions included in both the ROA 1974 Exceptions Order and in the Police Act 1997 regulations. This type of check contains the same details as the standard check plus any information held locally by police forces that it is reasonably considered to be relevant to the post applied for.

#### **3. Enhanced DBS & barred list check (child)**

An enhanced check with information from the DBS's children's barred list is only available for those individuals engaged in regulated activity with children and a small number of posts as listed in the Police Act 1997 regulations.

#### **4. Enhanced DBS & barred list check (adult)**



An enhanced check with information from the DBS's adults barred list is only available for those individuals engaged in regulated activity with adults and a small number of posts as listed in the Police Act 1997 regulations.

#### 5. Enhanced DBS & barred list check (child and adult)

An enhanced check with information from the DBS's children and adults barred list is only available for those individuals engaged in regulated activity with both vulnerable groups including children and a small number of posts as listed in the Police Act regulations.

#### 6. Scotland – Protecting Vulnerable Groups scheme (PVG)

In Scotland all employees engaging in regulated activity are obliged to have a membership of the PVG scheme, this is facilitated through our Umbrella partner.

### 7.2 When and What Type of DBS Check is Appropriate

JLMS Management's HR Manager and Designated Person are responsible for deciding which level of check is appropriate for a particular role and whether barred list checks are necessary. Even where a post has some contact with children or adults at risk, the definition of regulated activity may not be fully satisfied, but in order to safeguard our learners any unsupervised contact with learners will result in an enhanced DBS check with child barred list. The Safeguarding Vulnerable Groups Act 2006 (amended by the Protection of Freedoms Act 2012) defines what types of activities involving children and adults at risk are regulated and therefore require barring list checks. Appendix A specifies current posts at JLMS Management that require DBS and/or barring list checks.

Regulated Activity – is a term that defines activities that an individual engages in. The criteria for regulated activity differs for adult and children as shown overleaf:

#### Children

- Regular activity ( once per week or 4 times over the course of 1 month)
- Unsupervised activity
- Teaching, training, assessing, mentoring based activities in relation to non-work related activities - working intensively and closely with a child
- Within a specified setting

#### Adult

- Health care professionals - giving first aid or receiving first aid
- Receiving or giving personal assistance to those due to age, illness or disability (going to the toilet/ washing/ nutritional advice)
- Providing social care - being subject to or assessing the need for health/ social care
- Providing assistance in someone's personal affairs or allowing someone else to do so
- Provide assistance with cash, bills and shopping (allowing someone else to or shopping on someone's behalf)
- Person who transports or is transported because of their illness



Individuals must not engage in regulated activity with either children or adults at risk if they have been barred from doing so by the Disclosure and Barring Service (DBS). How we meet our responsibility towards this is explained below. Further advice on types of DBS disclosure and the circumstances in which regulated activity applies can be obtained from the HR Manager.

Where JLMS Management is recruiting for a role that qualifies for a DBS disclosure, the advert and further information will confirm the type of DBS disclosure required. When the most suitable candidate for the position has been identified, the offer of appointment will be made subject to a satisfactory DBS, right to work, references and qualification checks. In the instance that the outcome of a DBS check has not been received from the appropriate authority prior to learner visits being carried out, all visits with learners aged below 18 will be supervised by a person whose DBS outcome has been received and approved. The Area Manager will be responsible for arranging this supervision. Quality assurance of this process will take place on a weekly basis.

As a DBS check forms part of our recruitment process, we encourage all candidates to declare anything relevant to the type of disclosure required for the role they applied for. Once an offer has been made, candidates should tell us of any further details of convictions, including those that normally would be considered as spent, cautions or reprimands.

As part of our safeguarding obligations, we will re-apply for the appropriate types of DBS checks on a 3 year basis during employment with JLMS Management.

### **7.3 Confidentiality**

Information provided in a DBS disclosure report must be kept confidential and only on a need-to-know basis. Such information will be handled in accordance with JLMS Management's 'Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information', Appendix B. Any other information regarding offences must be kept securely and in accordance with JLMS Management's Data Protection Policy.

We recognise that job applicants and our employees need to feel confident that information about their convictions will not be disclosed to colleagues unless there is a specific reason for doing so. Those involved in recruitment decisions should ensure that when appointing an individual with a conviction, they are advised as to whom within JLMS Management knows of their conviction and the reasons why the information has been disclosed.

If you would like further information on our disclosure process please see Appendix C.

### **7.4 Failure to Disclose Information Relevant to the Type of DBS Check Appropriate to Your Role**

Having a criminal record does not necessarily preclude an individual from working at JLMS Management. The decision as to whether a person with a criminal record should be appointed, or an offer of employment withdrawn, or employment terminated will be taken only after careful and thorough consideration of the outcome of any DBS check as well as job and offence related factors as explained in 8.6.



Nonetheless we request all employees to tell us about any information relevant to the type of DBS check appropriate for their role. This could mean, for example, that if your role requires satisfactory Enhanced DBS and barring check, you need to tell us about any convictions, cautions or reprimands or being barred from working with children as soon as any of these have been issued. Failure to disclose information relevant to the type of DBS check appropriate to your role would be seen by JLMS Management as a breach of trust and confidence. Such acts are considered as gross misconduct and you would be invited to a disciplinary hearing with a potential outcome of instant dismissal.

### **7.5 Exploring the Relevance of Information Provided in the Disclosure Report**

As we explained in the previous section having a criminal record does not necessarily preclude an individual from working at JLMS Management. The decision as to whether a candidate with a criminal record should be appointed, or an offer of employment withdrawn, will be taken only after careful and thorough consideration of the outcome of any DBS check as well as the job and offence related factors as explained in section 8.6.

Similar to the recruitment process, a disclosure of a criminal record will not necessarily lead to termination of your employment with us and the decision will be taken only after careful and thorough consideration of the job and offence related factors. Any decision to terminate employment would follow our Disciplinary Policy (or Probationary Policy if you have not yet passed your probation).

A member of the HR Team, alongside the Designated Safeguarding Officer, will make an initial assessment of the content of the disclosure report. If the report provides no evidence of convictions or any other related information, no further action will be taken.

If the report confirms a conviction or any other related information, a member of HR Team alongside the Designated Safeguarding Officer will make an initial assessment of whether the information provided has any potential relevance to the post. If there is clearly no potential relevance, no further action will be taken.

If the report confirms a potentially relevant conviction or any other potentially relevant information further exploration will be required following the process outlined below.

### **7.6 Exploring a Conviction and its Relevance**

All discussions relating to convictions must take place after the selection process has been completed and will involve the line manager and a member of the HR Team and, if appropriate, the company Designated Safeguarding Officer. As part of the decision-making process they will normally meet with the individual to gain more information from the person about the nature and circumstances of any conviction.

The suitability for employment of a person with a criminal record will clearly vary, depending upon the nature of the job and the details and circumstances of any convictions. The decision will be made on the basis of a risk assessment to enable the applicant's criminal record and circumstances to be assessed in relation to the tasks he or she will be



required to perform and the circumstances in which the work is to be carried out. The following job-related factors should be taken into account:

- Does the post involve direct contact with learners or the public?
- What level of supervision will the post-holder receive?
- What level of trust is involved? Will the nature of the job present any opportunities for the post-holder to reoffend in the place of work?
- Does the post involve any direct responsibility for finance or items of value?
- Does the post involve any contact with children or other vulnerable groups of learners or employees?

The assessment is also likely to include consideration of the following factors relating to the individual's offence(s):

- The seriousness of the offence(s) and relevance to the safety of other employees, students, research subjects, the public etc.
- The length of time since the offence(s) occurred
- Relevant information offered by the person about the circumstances that led to the offence(s) being committed, for example the influence of domestic or financial difficulties
- The degree of remorse, or otherwise, expressed by the person and their motivation to change
- Whether the offence was a one-off, or part of a history of offending
- Whether person's circumstances have changed since the offence(s) was committed, making re-offending less likely
- Whether the offence has since been decriminalised

Following careful and thorough consideration of all these matters and consultation with the HR Manager and Designated Person, a decision will be made as to whether the individual should be appointed. If appropriate we may seek further information from relevant bodies when reaching this decision. If the decision is not to appoint, a letter will be sent to the individual confirming the reasons for this decision.

The above process will also be followed in the event of a criminal conviction coming to light after the formal offer of employment has been made or during employment. In such cases JLMS Management would reserve the right to withdraw the offer of appointment where appropriate or terminate employment in line with the JLMS Management's Disciplinary Policy (or Probationary Policy if in probationary period).

### **8. Reporting a Concern - see Appendices D for Process Charts**

a) If a learner raises a concern/allegation with you: If the learner has a concern over their own personal welfare and wellbeing, you are to listen to and record all information given, making no judgement or assumptions. Take any actions required to secure the immediate safety of the child or adult at risk if deemed appropriate, this may involve staying with them until a responsible adult can be located. If the learner gives consent you must report the issue to a designated officer. If you feel the learner's safety and wellbeing are at risk and they do not give consent for the matter to be escalated you should escalate only when you



believe the matter would deteriorate if additional support was not sourced. You should always consider the wishes of the individual, even those aged Under 18

Guidance should be sourced with a safeguarding officer if you are unsure. The designated officer will then decide the appropriate course of action, and if a referral outside the organisation is appropriate. (D1)

b) If a Tutor has concerns over a learner: This might be through observation, alleged by others or discussion. To follow procedure set out as point (a) If a learner raises an issue/allegation with the Tutor. (D1)

c) If a learner/ parent has a concern/ allegation about an member of JLMS Management staff: All learners are to be informed that if they have a concern over their own personal welfare and wellbeing that they do not feel comfortable talking to their Tutor about, they are to contact JLMS Management's Designated Officer. Contact details for the designated person are available in this policy, available on College But Different's external website. (D2)

d) If a parent contacts you to report a concern about their child. Ensure you listen, and record the details as per a learner reporting a concern to you. Ensure you have contact details for the parent. You must report the issue to the Designated Officer. The Designated Officer will then decide the appropriate course of action, and if a referral outside the organisation is appropriate, liaise with the parent as appropriate. Be mindful of confidentiality as all learners aged 16 and above and of employed status are deemed to be adults, and therefore no information should be passed to parents or carers without prior content to do so from the learner. (D2)

e) If you observe a safeguarding issue taking place within the working practices of an employer's setting - example would be a practitioner hitting a child, or observing inappropriate restraint techniques. Take action to stop the activity immediately, and inform the individual of your concerns, ask them to remove themselves from the area and advise them you will inform their senior manager. Take any actions to secure the safety of the child or adult at risk, this may involve staying with them until a responsible adult can be located. Inform your Designated Safeguarding Officer. Be mindful of differences between poor practice and a safeguarding issue and apply your action appropriately. (D3)

f) If a learner reports unsafe practices or safeguarding issues to you within their working environment - Advise the learner to follow in house reporting or whistle blowing procedures. You may support the learner in speaking to the appropriate senior team members. Report the incident to your Designated Safeguarding Officer who will offer additional guidance and signposting for the learner, and will monitor. (D3)

It is important you do not pass any information to other parties, or try to investigate the concern yourself. All concerns should be reported to [studentsupport@JLMS Management.co.uk](mailto:studentsupport@JLMSManagement.co.uk) in the first instance.

If you require an immediate response call the Designated Safeguarding Officer immediately, it is noted that the Designated Officer may not be available out of normal working hours, so

in circumstances where the individual is in immediate danger report the incident to the police on 999.

The Designated Officer will endeavour to make initial contact with regards the concerns within 72 hours.

The Designated Officer will assess if the individual is at risk of significant harm and decide upon the next course of action, this can range from offering signposting to support agencies to referral to the police and local safeguarding authorities. This may also involve passing information to the DBS.

Also be mindful of any subcontract arrangements in place for the learner. In some instances safeguarding officers at other companies might need to be informed. Ensure you pass to the safeguarding officer the name of the subcontractor. For employer providers we partner with, their safeguarding officer must be informed and they take the lead in dealing with the concern. We will support where required.

### **Important Information**

If you feel the safeguarding concern you have reported is not being dealt with effectively by the safeguarding team please refer to the Designated Safeguarding Lead or follow the whistleblowing policy.

If you disagree with the outcome of a safeguarding referral outcome please refer to the Safeguarding Lead for guidance or you may also follow the local safeguarding board escalation procedure – found on their local authority website.

(See Appendices D and E for process of reporting)

### **9. Training and Educating Employees**

Each member of the safeguarding team hold a formal L3 safeguarding qualification, and undertake regular CPD events and standardisation meetings in order to keep updated with legislation and refresh their knowledge.

All employees undertake a Safeguarding Induction and/or completion of a L2 online course specifically for Safeguarding Young Vulnerable People. The training received is continually reviewed to ensure most appropriate and up to date training is given. Aligning with the mandatory duty surrounding the Governments Counter Terrorism and Security Act 2015 all staff undertake Prevent training aligning with their role within JLMS Management.

Periodic updates surrounding key safeguarding concepts are communicated monthly via the internal communication channels. Monthly focus topics are also distributed via these internal communication channels to raise awareness and promote discussion in all areas under the wider safeguarding agenda including areas such as radicalisation, mental health issues, positive relationships, and staying safe on the internet, which will educate employees alongside giving greater knowledge to be passed onto learners.



There is reference to safeguarding in all team meetings – carried out monthly, with managers utilising the information in the monthly safeguarding and equality newsletters and the company newsletter health and safety section, to stem discussions. There is also an annual CPD update for formal procedures.

Additional training programmes to support dealing with unpredictable behaviour and behavioural learning difficulties will become available in the near future.

Key Individuals involved in both learner recruitment and staff recruitment complete and in-house safer recruitment training course.

## 10. Keeping Yourself Safe

To maintain yours and the learner's safety, the following are strictly prohibited:

- Befriending learners on personal social media sites
- Distributing personal telephone numbers
- Visit learners at home or transporting learners to and from locations (this includes travelling in a the car with a learner driving)
- Do not use sarcasm, insults or belittling comments towards learners
- Personal relationships with learners

It also important to be mindful of the following when conducting yourself:

- Locations of one to one meetings with colleagues. These should take place at a neutral location
- You will naturally build a rapport with learners through the apprenticeship contact, and the learners may see you as a confidante and support, but be sure to maintain professional boundaries whenever carrying out work on JLMS Management's behalf.
- Be respectful of all young and vulnerable people, and appreciate you are in a position of trust. We have the opportunity to listen to their concerns and support them.
- Uphold confidentiality within certain remits when required by the situation, but be careful not to promise to keep secrets or ask others to do so.
- Avoid spending time alone with learners in a closed environment. If this is unavoidable for example during a formal assessment/ examination ensure a member of the site staff is aware where you are and monitors this.
- Be careful when giving learner advice – as this is based on your opinion, focus support around information (facts) and guidance (signposting).
- Be mindful of any learners you acquire that by default creates a conflict of interest i.e. a partner or friend becomes a learner. Discuss appropriateness/ alternative assessor arrangements with your line manager.
- If a learner offers you gifts of any sort as a result of the support through their programme, please refer to the bribery policy for the process to follow
- If at any point you feel unsafe in a learners company inform the site manager, your line manager, the Designated Safeguarding Officer and leave the premises.



### **11. Keeping Learners Safe**

Learners are made aware of all of JLMS Management's relevant policies, who the designated persons are and how to report a concern during their induction to the programme. There is also a direct email address to allow the learners to access support from the Designated Safeguarding Officer confidentially.

Equality and diversity, safeguarding and prevent are discussed during each apprenticeship visit. Learning surrounding these activities is discussed and documented at each visit, along with pastoral checks.

Where JLMS Management acts as a lead provider, providing funding to other companies, JLMS Management will endeavour to provide appropriate training and guidance to subcontracts to ensure JLMS Management policies and procedures are followed alongside the due diligence checks carried out.

Where JLMS Management acts as a subcontract to other companies - JLMS Management will commit to upholding the policies and procedures of the training provider/college which holds the funding. JLMS Management will also attend any relevant training/ updates, adhere to monitoring requirements, be aware of and adhere to funding regulations as set out by the different funding authorities.

### **11. Leadership and Management**

A dedicated safeguarding board, meets annually providing a greater focus on safeguarding and safety of learners. It also features as a mandatory agenda item during every governance meeting.

The effectiveness of all welfare support and educational material is analysed periodically by learner surveys and learner welfare audit reviews of all processes and material.

The safeguarding officer team are also subject to Quality Assurance checks carried out by the Safeguarding Lead

### **12. Associated Policies**

- Equality and Diversity Policy
- Grievance Policy
- Disciplinary Policy
- Social Networking and Media Policy
- Prevent Policy
- Resourcing Policy
- Bribery Policy

## Appendix A

List of posts that require appropriate type of DBS and barring list check

JLMS Management Posts	No check	Enhanced DBS check	Enhanced DBS check (Child Barred List)
Main learner facing teams (e.g., Assessors, EPA's Learner Support Tutors)			✓
Potential to be learner facing (e.g., Area Managers, Internal Quality Assurers)			✓
Learner contact with potential influence (e.g., Apprenticeship Recruitment)		✓	
Other field based staff (e.g., Account Managers)	✓		
Other head office staff (e.g., IT)	✓		

## Appendix B

Statement on the secure storage, handling, use, retention and disposal of disclosures and disclosure information

### General Principles

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, JLMS Management complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining with the safe handling, use, storage, retention and disposal of DBS disclosure information.

### Storage and Access

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### Handling

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. The HR Team will be responsible for maintaining a record of all those to whom disclosures or disclosure information has been revealed. It is recognised that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### Usage



Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### Retention

Once a recruitment (or other relevant) decision has been made, JLMS Management does not keep disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, JLMS Management will consult the DBS about this before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

### Disposal

Once the retention period has elapsed, JLMS Management will ensure that any disclosure information is immediately destroyed by secure means, i.e. by shredding or confidential waste disposal. While awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). JLMS Management will not keep any photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure. However, JLMS Management will keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken.

## **Appendix C**

### DBS Disclosure Process

JLMS Management is a registered provider who is a registered body responsible for authorising and processing applications for DBS checks.

Successful candidates will be sent a DBS disclosure application form and guidance with the written offer of employment. The completed disclosure form and associated ID documentation must be verified in person. This can either be done by bringing the documents to their line manager, who will authenticate and scan the documents then forward to the HR Team; or the individual can bring the documents to the HR Team directly. The HR Team is responsible for checking the form is fully completed, confirm which type of disclosure is required and will forward to Atlantic Data.

Atlantic Data will then process the application and return a disclosure report to the HR Team, with a copy also sent to the individual. The published DBS turnaround time is for 95% of disclosures to be sent out within 4 weeks.

Wherever possible the DBS disclosure should be obtained prior to the individual commencing employment, but sometimes this may not be possible. In such cases the individual can commence employment but only on a supervised basis for those aspects of



the job involving contact with children or adults at risk until such time as a satisfactory disclosure report is received.

In some cases, an applicant may already have received a satisfactory disclosure report for their current or a previous position at JLMS Management. It may be appropriate to use the existing report to assess suitability for the post, taking account of the date the report was produced and similarities between the two positions. A Member of HR Team should be consulted in such cases.

Disclosure reports for applicants with a substantial record of overseas residence, including current UK residents and British nationals, may not include information on convictions from outside the UK. In most circumstances however, a disclosure report should still be sought. The DBS can also offer guidance on the availability of criminal record checks in a variety of foreign countries and the applicant can be requested to obtain the equivalent checks from the country in question, where available.

## **Appendix D**

### D1 - Learner Safeguarding Concerns

D2 - Parent, Employer, or Learner raises a concern over a JLMS Management member of staff



D3 - Safeguarding concern witnessed or reported relating to activity in learner setting



## Appendix E

### Detailed Procedure for dealing with Safeguarding Concerns

#### 1. Recognition

Signs of abuse can be difficult to spot, as can a learner trying to find the right language to tell you about a concern. If you have any concerns over the welfare of the learner from what you have seen, heard, discussed with the learner or you have noticed changes in their behaviour which cause you safeguarding concerns, you must report it to the designated person. You do not personally have to believe the concerns in order to raise them, any concerns raised should be taken seriously. See appendix F for indicators of abuse to help.

#### 2. Response

No report or concerns about possible abuse should be ignored. Your main role here is to listen and record with no judgements or leading questions; use open question to gather factual details – when did it take place, who said what, what happened. You must stay calm and not let the learner know if you feel panicked or shocked. Do not make any promises about what will happen next, but only that you will pass it onto the designated person within JLMS Management, and that we will do everything we can to help. It is good practice to show support and reassurance but be mindful to maintain a situation where you do not put yourself at risk. It would also be useful to have information regarding current agency support – i.e. have the police already been informed, is the person receiving local authority or medical support.

#### 3. Record

Ensure you record notes of the incident or disclosure as close to the time as possible. The notes should be dated and signed where possible. The notes should detail what you saw/heard or what was discussed with an individual, the names of those involved and the time, location and what action you took. Use the disclosure form where possible, but any form of notes will be acceptable.

#### 4. Report

Report the concerns to the designated person, ensuring you have recorded all details as above. This communication can be face to face, via email, or phone call followed up by email. All communication and documents will remain confidential between the designated person and individual that has reported it, unless the designated person deems it appropriate to take further action and involve other agencies.

#### 5. Referral

The designated person will then take the decision of what course of action should be taken. Only the designated person should be taking the decision to make referrals outside of the organisation.



## Appendix F

Indicators of abuse:

Type of abuse	Indicators
Physical Abuse	<ul style="list-style-type: none"> <li>• Multiple bruising</li> <li>• Fractures</li> <li>• Burns</li> <li>• Bed sores</li> <li>• Fear</li> <li>• Depression</li> <li>• Unexplained weight loss</li> <li>• Assault (can be intentional or reckless)</li> </ul>
Neglect and Acts of Omission	<ul style="list-style-type: none"> <li>• Malnutrition</li> <li>• Untreated medical problems</li> <li>• Bed sores</li> <li>• Confusion</li> <li>• Over-sedation</li> <li>• Deprivation of meals may constitute “wilful neglect”</li> </ul>
Psychological and Emotional Abuse	<ul style="list-style-type: none"> <li>• Fear</li> <li>• Depression</li> <li>• Confusion</li> <li>• Loss of sleep</li> <li>• Unexpected or unexplained change in behaviour</li> <li>• Deprivation of liberty could be false imprisonment. Aggressive shouting causing fear of violence in a public place may be an offence against Public Order Act 1986, or harassment under the Protection from Harassment Act 1997</li> </ul>
Sexual Abuse	<ul style="list-style-type: none"> <li>• Loss of sleep</li> <li>• Unexpected or unexplained change in behaviour</li> <li>• Bruising</li> <li>• Soreness around the genitals</li> <li>• Torn, stained or bloody underwear</li> <li>• A preoccupation with anything sexual</li> <li>• Sexually transmitted diseases</li> <li>• Pregnancy</li> <li>• Rape – e.g. a male member of staff having sex with a Mental Health client (see Mental Health Act 1983)</li> <li>• Indecent Assault</li> </ul>
Financial and Material Abuse	<ul style="list-style-type: none"> <li>• Unexplained withdrawals from the bank</li> <li>• Unusual activity in the bank accounts</li> <li>• Unpaid bills</li> <li>• Unexplained shortage of money</li> </ul>



	<ul style="list-style-type: none"> <li>• Reluctance on the part of the person with responsibility for the funds to provide basic food and clothes etc.</li> <li>• Fraud</li> <li>• Theft</li> </ul>
Organisational Abuse	<ul style="list-style-type: none"> <li>• Inflexible and non-negotiable systems and routines</li> <li>• Lack of consideration of dietary requirements</li> <li>• Name calling; inappropriate ways of addressing people</li> <li>• Lack of adequate physical care – an unkempt appearance</li> </ul>
Domestic Abuse	<ul style="list-style-type: none"> <li>• Incident of pattern of incidents of controlling, coercive, or threatening behaviour, violence, or abuse; by someone who is or has been an intimate partner or family member regardless of gender or sexuality. Includes: psychological, physical, sexual, financial, emotional abuse; so called 'honour based violence'; Female Genital Mutilation; forced marriage</li> <li>• Age range extended down to 16 (for the purpose of the safeguarding adult arrangements, safeguarding children arrangements would be applied to a person under 18)</li> </ul>

## Appendix G

### Safeguarding Disclosure Form

The form overleaf should be used when recording any safeguarding disclosure reported within the organisation. This should be recorded by the DSL or a member of the safeguarding team.



## Safeguarding Disclosure Form

<b>Date and time of incident or disclosure</b>
<b>Name, age, ethnicity or religion, any disabilities of person(s) involved</b>
<b>Names of parents or carers, address and telephone numbers of person(s) involved</b>
<b>Names, ages, telephone numbers and addresses of any witnesses</b>
<b>Name, role and contact details of person completing this form</b>
<b>Details of what happened or disclosure of allegations</b> (do not interpret information – use the same language that was used by the young person or child). Are you reporting your own concerns or those reported by somebody else?
<b>What action was taken (if not action was taken explain why)</b>
<b>Who did you report the incident to (names and contact details)</b>
Within JLMS management:
Other agencies:
Parents / Careers:
<b>Are any other young people potentially at risk?</b>
<b>Any of relevant information</b>
Signed: _____ Print Name: _____
Date: _____ Time: _____

This policy will be reviewed annually on the date given at the start of this document.

**Signed:** *JWelsh.*

**Date:** 1<sup>st</sup> June 2021

**Name:** James Welsh

**Position:** Managing Director