

Learndirect ERS SAFEGUARDING POLICY

1. POLICY STATEMENT

learndirect ERS is committed to adopting the highest standards and taking all reasonable steps in relation to the safety and welfare of children, young people and adults in respect of its learning services. We will meet our social and moral responsibilities to protect such individuals fully in accordance with the law and where appropriate, with the support of relevant external agencies.

All children, young people and adults, without exception, have the right to protection from abuse regardless of age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, religion and belief, gender, sexual orientation or socio economic background.

We aim to create a positive learning and working environment where every individual can be true to themselves and is able to learn and work without fear of harm. We will ensure that our employees are carefully selected, trained, supervised and have an appropriate level of DBS check in place where required. We will ensure that all employees adopt and abide by the Company's Safeguarding Code of Conduct, are proactive and respond to any allegations appropriately in accordance with the reporting procedure detailed in Q136 available through our company intranet.

2. SCOPE AND PURPOSE

This policy applies to:

- **learndirect** learners and customers.
- employees (individuals who work – or have applied to work for the company either on a permanent, temporary, contractual or voluntary basis);
- employers (organisations that work in partnership with learndirect and employ learners as part of their workforce
- employers who offer work placements to learners or customers
- suppliers (external partners who are in receipt of and/or provide learndirect training or employability services on our behalf);
- external stakeholders and visitors

The purpose of this policy is to set out **learndirect** ERS approach to safeguarding children, young people and adults. It should be read in conjunction with Q136 which details the procedure to be followed when dealing with child protection, safeguarding and PREVENT reporting.

Learndirect ERS SAFEGUARDING POLICY

3. GENERAL PRINCIPLES

The Company's Safeguarding Policy and associated policies are based on the following principle:

- The welfare of children, young people and vulnerable adults are the primary concern
- All children, young people and vulnerable adults have the right to protection from abuse
- It is the responsibility of experts to determine whether or not abuse has taken place but it is everyone's responsibility to report any concerns using the appropriate procedures outlined in this policy
- All incidents of suspicious practice and allegations must be taken seriously and responded to swiftly and appropriately
- Confidentiality must be upheld in line with the Data Protection Act 1998 and the Human Rights Act 1998.

4. DEFINITIONS AND TERMS OF ABUSE

4.1 Child - A child is defined as someone who has not reached 16 years of age.

4.2 Young Person - A young person is defined as someone who has not yet reached 18 years of age.

4.3 Vulnerable Adult - Following the Protection of Freedoms Act 2012 the definition of regulated activity relating to adults no longer labels adults as 'vulnerable'. Instead, the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received; or the personal characteristics or circumstances of the adult receiving the activities or the frequency in which they receive the service. An adult is defined as vulnerable when they are in receipt of a 'regulated activity' in relation to vulnerable adults. Regulated activity is therefore defined by the following 6 broad categories:

- i. Providing health care
- ii. Providing personal care
- iii. Providing social work
- iv. Assistance with cash, bills and/or shopping
- v. Assistance in the conduct of a person's own affairs
- vi. Providing transportation of individuals where that transport is provided because of age, health or disability

For more information please see the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012.

4.4 Discriminatory Abuse

Discriminatory abuse includes psychological abuse, harassment and discrimination which is motivated by a person's age, gender, disability, sexual orientation, race, cultural background or religion. Discrimination may be a motivating factor in other forms of abuse such as domestic violence or hate crime.

Learndirect ERS SAFEGUARDING POLICY

Where the abuse or neglect is motivated by age, gender, sexual orientation, immigration status, racial, religion or disability; or occurs in a domestic violence situation; or perceived as a Hate Crime: the abuse will be considered to be aggravated by these factors. Discriminatory abuse can be in the form of personal or institutional discrimination. Personal discrimination is the prejudice of the individual, whereas, Institutional discrimination is where systems and structures directly discriminate against potential or actual users of a service.

Signs and symptoms of Discriminatory Abuse can include:

- fearfulness expressed in the eyes, person avoids looking at the potential abuser, flinching on approach
- emotional withdrawal
- sleep disturbance
- low self-esteem
- unexplained fear or defensiveness
- isolation / shunning by others
- threats or intimidation, bullying or shouting
- unexplained attacks on property or possessions
- continual favouritism to other people in preference to the individual
- internalising the discrimination to the extent that they express similar discriminatory views about others

Other types of Abuse which could be considered Discriminatory:

Hate Crimes: any incident which constitutes a criminal offence which is perceived by the victim or any other person as being motivated by prejudice and hate.

Ageism: discrimination based on age, especially against the elderly.

Gender Discrimination: is a belief that one sex is superior to the other and that the superior sex has endowments, rights, prerogatives and status greater than those of the inferior sex.

Homophobia: discrimination against (fear or dislike of) homosexual people and homosexuality

Transgender Discrimination: discrimination against people who are transgender

Religious Intolerance: is either intolerance motivated by one's own religious beliefs or intolerance against another's religious beliefs or practices.

Racism: the belief that all members of each race possess characteristics or abilities specific to that race, especially so as to distinguish it as inferior or superior to another race or races.

Disablism: discriminatory, oppressive or abusive behaviour arising from the belief that disabled people are inferior to others.

4.5 Physical Abuse

Physical Abuse is the physical mistreatment of one person by another which may or may not result in physical injury. Physical abuse includes assault, hitting, slapping, scratching, pushing, kicking, pinching, burning, force-feeding, misuse of medication or the withholding of medication or treatment, unwarranted or inappropriate restraint, forced isolation or inappropriate sanctions, unwarranted or

Learndirect ERS SAFEGUARDING POLICY

unauthorised deprivation of liberty, false imprisonment or abduction, rough handling causing injury or any injury not fully explained by the history given.

Signs and symptoms of Physical Abuse can include:

- unexplained bruises or welts on body, including face, lips, mouth, body, arms, back, buttocks, thighs
- bruises in various stages of healing, clusters forming regular patterns, reflecting the shape of an article or finger marks
- unexplained burns, especially on soles, palms and back, immersion burns, rope burns, electric appliance or carpet burns
- unexplained fractures to any part of the body, especially if in various stages of healing, multiple or spinal injuries
- unexplained lacerations or abrasions to the mouth, lips, gums, eyes, external genitalia
- recoiling from physical contact or flinching
- malnutrition – rapid or continuous weight loss, insufficient supply of food on premises, dehydration, complaints of hunger
- lack of personal care, inadequate or inappropriate clothing, inadequate heating
- untreated medical problems
- unmanaged urinary / faecal incontinence
- signs of medication misuse such as drowsiness
- use of furniture and other equipment to restrict movement

Other types of Abuse which could be considered Physical:

Domestic Violence: any incident, or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are, or have been intimate partners, or family members regardless of gender or sexuality;

Forced Marriage: is a marriage conducted without the valid consent of one or both parties where duress is a factor. Forced Marriage is a violation of internationally recognised human rights and contrary to the Matrimonial Causes Act 1973;

‘Honour’ Based Violence: is an incident or crime carried out to protect or defend the honour or ‘izzat’ of the family or community. This type of violence can be distinguished from other forms of violence as it is often committed with some degree and / or collusion from the family and / or community. Honour based violence includes acts of harassment, assault, imprisonment, unexplained death (suicide), forced pregnancy / abortion and in some cases murder. The family may perceive that the person has acted inappropriately and dishonoured the family and community. Consequently, the violence carried out is to punish them for this. For more information about honour based violence visit Karma Nirvana’s website www.karmanirvana.org.uk

Environmental Abuse: includes depriving someone of their liberty, sustained restrictions on a person’s freedom of movement as a result of the physical environment the person is in, culture of the environment or institution. It can also mean a child living without expressions of love, living in unsuitable / unclean accommodation.

Learndirect ERS SAFEGUARDING POLICY

4.6 Sexual Abuse

Sexual abuse is the involvement of individuals in sexual activities to which they have not had the freedom and capacity to give their informed consent to, before and during the act, and/or may not fully comprehend. These acts include rape and attempted rape, sexual assault by penetration, sexual assault, abuser touching the victim's body for their own gratification, indecent exposure, non-contact abuse (pornography), and sexual harassment, causing or inciting a person to engage in sexual activity without their consent. The use of social media and the internet has introduced 'cyber' sexual abuse such as 'sexting' and un-authorised sharing of sexual images.

Signs and symptoms of sexual abuse can include:

- full or partial disclosure or hints of sexual abuse
- signs of depression, stress
- recoiling from physical contact
- unusual difficulty in walking and sitting
- sexually-transmitted disease, urinary tract / vaginal infections
- love bites, bruises or finger marks on thighs or arms
- significant change in sexual behaviour, language or outlook
- fear of males or females
- pregnancy in a person who is not able to consent
- Worries over social media content and sharing of personal content (see Cyber Abuse)

Other types of Abuse which could be considered Sexual:

Female Genital Mutilation: (FGM) is a collective term for procedures which include the removal of part or all of the external female genitalia for cultural or other non-therapeutic reasons.

Sexual Exploitation: Sexual exploitation of young people and vulnerable adults involves exploitative situations, contexts and relationships where the vulnerable person receives 'something' (e.g. food, accommodation, drugs, alcohol, SIM cards and mobile phones, cigarettes, affection, gifts, money) or perceived friendship/boyfriend as a result of them performing, and/or others performing on them, sexual activities.

4.7 Psychological / Emotional Abuse

Psychological or emotional abuse is action or neglect by a person which impairs the psychological wellbeing of another person. This results from being repeatedly made to feel unhappy anxious afraid humiliated or devalued by the actions or inactions and/or attitudes of others and includes emotional abuse, threats of harm or abandonment, deprivation of contact, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks. People who use social media can be at risk from being humiliated or abused 'on-line'

Signs and symptoms of Psychological/Emotional abuse can include:

- fearfulness expressed in the eyes, avoids looking at the caregiver, flinching on approach
- ambivalence to carer
- emotional withdrawal
- sleep disturbance

Learndirect ERS SAFEGUARDING POLICY

- low self-esteem
- unexplained fear or defensiveness
- threats or intimidation, bullying or shouting
- significant pressure on a person to commit criminal acts
- threat to abandon person or put them “away”
- promises which are not kept
- few visitors, phone calls or outings
- locking the person in at home, or in a car
- significant community pressure for example anti-social behaviour
- Withdrawing from on-line or reality social groups (see Cyber Abuse)

Other types of Abuse which could be considered Psychological:

Anti-Social Behaviour: acting in a manner that caused or was likely to cause harassment alarm or distress to one or more persons not of the same household as the defendant.

Discriminatory Abuse: as described above

Cyber Abuse: the use of technology and social networking sites to threaten, bully, harass, groom for exploitation, stalk, pose risks to personal safety and wellbeing or discriminate against an adult at risk. This could be through the use of a PC, laptop, tablet, mobile phone, gaming console or television with internet access. Threats can come through content, contact and conduct. This includes text messages, phone calls, pictures, video clips, emails, chat room messages, instant messaging and websites. Signs and symptoms can include spending long periods of time online, secrecy about a mobile phone and/or computer, withdrawal from social contact, depression, mood swings, unexplained gifts, sleep disturbance and self-harming. For more information see <http://www.digital-stalking.com/>

4.8 Financial or Material Abuse

Financial abuse is the misappropriation of an individual’s funds, benefits, savings, assets etc. or any other action that is against the person’s best financial interests. This includes theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, denying access to money, or the misuse or misappropriation of property, possessions or benefits.

Signs and symptoms of Financial/Material Abuse can include:

- unusual or inappropriate bank activity
- a Power of Attorney obtained when a person is unable to comprehend
- recent change of deeds or title of house
- person lacks belongings or services which they can clearly afford
- recent acquaintances expressing sudden or disproportionate affection for a person with money or property
- carer asks only financial questions of the worker, does not ask questions about care
- withholding money
- person managing financial affairs is evasive or uncooperative.

Learndirect ERS SAFEGUARDING POLICY

4.9 Neglect and Acts of Omission

Neglect is the deliberate withholding OR unintentional failure to provide appropriate and adequate care and support. Section 44 Mental Capacity Act 2005 states “Anyone who has a duty of care to a person who lacks capacity is guilty of an offence if they deliberately or recklessly ill-treat that person or if they wilfully neglect that person.”

It does not matter whether the behaviour was likely to cause, or actually caused, harm or danger to the victim's health. Wilful neglect usually means that a person has deliberately failed to carry out an act they knew they had a duty to do.

Signs and Symptoms of Neglect and Acts of Omission can include:

- physical condition of the person is poor
- unexplained or untreated deterioration in health and wellbeing, including not seeking appropriate medical attention
- inadequate heating or lighting
- poor personal hygiene
- malnutrition – loss of weight
- dehydration
- demanding food or drink
- pressure sores
- inconsistent or reluctant contact with health or social agencies
- lack of social support and/or refusal to arrange access to callers / visitors
- inappropriate, old or shabby clothing, or being kept in night clothes during the day
- sensory deprivation, not allowed to have hearing aid, glasses or other aids to daily living
- accumulation of medication, or prescriptions not being collected from pharmacy
- increased number of incidents or accidents e.g. falls or physical altercations with others, which appear to have resulted from a lack of supervision both inside and outside of the home environment

4.10 Extremism and Radicalisation

Since 2010, when the Government published the Prevent Strategy, there has been an awareness of the specific need to safeguard children, young people and families from violent extremism. There have been several occasions both locally and nationally in which extremist groups have attempted to radicalise vulnerable children and young people to hold extreme views including views justifying political, religious, sexist or racist violence, or to steer them into a rigid and narrow ideology that is intolerant of diversity and leaves them vulnerable to future radicalisation.

learndirect values freedom of speech and the expression of beliefs / ideology as fundamental rights underpinning our society's values. Individuals have the right to speak freely and voice their opinions. However, freedom comes with responsibility and free speech that is designed to manipulate the vulnerable or that leads to violence and harm of others goes against the moral principles in which freedom of speech is valued. Free speech is not an unqualified privilege; it is subject to laws and policies governing equality, human rights, community safety and community cohesion.

Learndirect ERS SAFEGUARDING POLICY

The normalisation of extreme views may also make children and young people vulnerable to future manipulation and exploitation. **learndirect** ERS is clear on its legislative and moral duty to view exploitation and radicalisation as a safeguarding concern and act accordingly.

Signs and Symptoms of Extremism or Radicalisation can include:

- being in contact with extremist recruiters;
- accessing violent extremist websites, especially those with a social networking element;
- possessing or accessing violent extremist literature;
- using extremist narratives and a global ideology to explain personal disadvantage;
- justifying the use of violence to solve societal issues;
- joining or seeking to join extremist organisations; and
- significant changes to appearance and/or behaviour;
- experiencing a high level of social isolation, resulting in issues of identity crisis and/or personal crisis

learndirect ERS has a separate policy to ensure we comply with and support CONTEST, the Government's Counter Terrorism Strategy and in particular the PREVENT strategy to stop people from becoming terrorists or supporting terrorism.

5. PROCEDURE FOR REPORTING

learndirect ERS Safeguarding – PREVENT reporting procedure Q136 which details the procedure to be followed when dealing with child protection, safeguarding and PREVENT reporting. In order to ensure appropriate action is taken in such circumstances the **learndirect** has adopted and utilised the principles of the 5 R's model below:

- Recognition
- Response
- Reporting
- Recording
- Referral

6. SUPPORT

learndirect is committed to providing timely and effective support to all learners, customers and employees to achieve and maintain a safe and secure environment for all. To support this staff receive training to support the 5 R's model. Details of useful contacts and support agencies such the local Safeguarding Board; Local Children's' Services, Local Adult Services; Local Police Station and other specialist agencies are also available locally and centrally.

Further details on support provisions are detailed are below:

learndirect employees: The Optum EAP service offers confidential, independent help, information and guidance. It is accessed by telephone and is totally confidential. The Helpline is available 24 hours a day, 365 days a year to employees. It also allows for up to 4 face-to-face counselling sessions, offered near the caller's home or place of work.

Learndirect ERS SAFEGUARDING POLICY

learndirect also provides our learner population with an Employee Assistance Programme (EAP) if they require it. The service is set up to help and support our learners whilst they are on their journey with learndirect if they experience difficult times. The service provides confidential access to professional care, self-help programs, interactive tools and educational resources to help with life's changes and challenges.

The details for Optum are as follows:

learndirect Learners:

Telephone helpline number: 0800 282 193

Online portal: www.livewell.optum.com

Access code: learndirectEAP

Policy Version Control

Issue	Issue Date	Author	Revision Notes
1	September 2016	Caroline Groom	New ERS Safeguarding Policy