



PHX SAFEGUARDING VULNERABLE ADULTS POLICY

A vulnerable adult is defined as a person aged eighteen or over, who has either a dependency upon others in the performance of, or a requirement for, assistance in the performance of basic functions; a severe impairment in the ability to communicate with others; or has a reduced ability to protect themselves from assault, abuse or neglect. This can be as a result of a learning or physical disability (not normally to include dyslexia); a physical or mental illness chronic or otherwise (including an addiction to alcohol or drugs); or a reduction in physical or mental capacity.

- Specifically, **PHX Training Ltd** recognises the need to work with other agencies in
- undertaking its safeguarding commitments, including:
- to designate a member of staff as having lead responsibility for safeguarding and ensure that they receive appropriate training
- to operate safe recruitment procedures
- to have in place procedures to deal with concerns/suspicious about all Learners welfare.
- to have in place procedures to deal with allegations of abuse against members of staff and learners
- to liaise with all providers regarding new learners
- to ensure all staff working with learners receive appropriate safeguarding training and are aware of their responsibilities
- to review this policy and specific sub-policies and procedures annually;

Types of abuse

- **PHX Training** recognises that at times learners may be subject to abuse or neglect. It is therefore important to be clear what this may entail.
- Abuse can be physical abuse, neglect, sexual abuse and/or emotional abuse.

DESIGNATED PERSON WITH LEAD RESPONSIBILITY FOR ISSUES RELATING TO THE SAFEGUARDING OF VULNERABLE ADULTS

Appointment

The Managing Director shall nominate a member of staff with lead responsibility for issues relating to the safeguarding of learners. They will undertake appropriate training.

Name and contact details

The **Designated Safeguarding Person's** name for 2011 is **Dan Scott** at Whitehaven who can be contacted on 01539 738795

He is supported by a structure of staff in other PHX Centres-

Allison Wood	Barrow
Debbie Rath	Kendal
Mark Seymour	Blackpool
Malcolm McCarron	Southport
Julie Bryceson	Workington

They are known as **Support Persons**

Training

- They will receive training in safeguarding issues and inter-agency working and will receive refresher training at least every two years.
- They will also be required to keep up-to-date with any developments in safeguarding issues.

Responsibilities of Designated Person - please see job description

Responsibilities of Support Persons – please see job description

Responsibilities Of Directors

- **The Directors of PHX** have ultimate responsibility for the safeguarding of all vulnerable learners.
- This includes the making and reviewing of organizational policy and monitoring of its implementation.

CODE OF CONDUCT FOR STAFF AND VOLUNTEERS

- All staff are required to demonstrate exemplary behaviour in order to maintain high professional standards and act as a role model. Such behaviour also has the advantage of protecting staff from allegations of misconduct.
- Similarly, volunteers are expected to conduct and protect themselves properly and effectively when they are in the presence of learners
- The following are common sense examples for staff and volunteers of how to create a positive culture and climate.

Good practice means:

- always try to work in an open environment (eg avoiding private or unobserved situations and encouraging open communication)
- as a rule, try to avoid being alone with participants. There may be rare occasions when a confidential interview or a one-to-one meeting is necessary and in such circumstances the interview should be conducted in a room with an open door or visual access. Where this is not possible, the member of staff should ensure that there is another adult nearby or that another adult is aware of their meeting, its purpose and expected duration. The other adult should maintain awareness of the progress of the meeting and should feel free to question the venue, duration or any aspect of the meeting with which they feel uncomfortable
- never make gratuitous physical contact with a participant. There may be occasions where a distressed participant needs comfort which may include physical comforting and staff should use their discretion to ensure that it is appropriate and not unnecessary or unjustified contact. Be cautious where physical contact is inescapable (eg to demonstrate equipment or a particular exercise/move) staff should be aware of the limits within which such contact should take place and of the possibility for misinterpretation of such contact;
- treat all adults equally and with respect and dignity. **PHX Training Ltd** will take positive action to eliminate discrimination against any person or group of people. Staff should ensure that learners are protected from discrimination on any grounds (including ability) and challenge discriminating comments and behaviour. Activities should be designed to include all adults and to promote positive attitudes towards differences. Be clear about what the objectives of the activity are before it begins and always put the welfare of each learner first, before winning or achieving goals
- maintain a safe and appropriate distance with learners eg it is not appropriate for staff or volunteers to have an intimate relationship with any learner
- build balanced relationships based on mutual trust which empowers learners to share in the decision-making process.
- never use physical force against a learner, unless it constitutes reasonable restraint to protect her/him or another person or to protect property. If it is necessary to restrain a learner because they are an immediate danger to themselves or others or to property then the minimum amount of force should be used for the shortest amount of time. Remain calm and get the attention and support of other staff. The incident should be recorded in writing, with a witness statement (where possible), immediately afterwards.

- keep a written record of any injury sustained by a learner, along with the details of any treatment given;
- never make sexually suggestive comments to a learner, even in fun;
- never allow allegations made by a learner to go unchallenged, unrecorded or not acted upon
- never do things of a personal nature for learners if she/he can do it for her/himself. However, it may sometimes be necessary for staff to do things of a personal nature for learners, particularly if they are disabled. These tasks should only be carried out with the full understanding and consent of their carer or themselves. Staff should be responsive to a person's reactions. If a person is fully dependent on you talk with her/him about what you are doing and give choices where possible. This is particularly so if you are involved in any physical contact, lifting or assisting someone to carry out particular activities. Avoid taking on the responsibility for tasks for which you are not appropriately trained;
- never offer learners lifts or arrange personal meetings that fall outside the policies and procedures of the training organization
- always refer any problems to the **Designated Person**

DEALING WITH DISCLOSURE OF ABUSE AND THE PROCEDURE FOR REPORTING CONCERNS

If a learner tells a member of staff or a volunteer about possible abuse:

- listen carefully, stay calm and do not pre-judge
- do not interview the learner, although if necessary you may seek to clarify, using open questions and without putting words into the young person's, in order to be sure that you understand what she/he is telling you, but keep questions to the minimum needed for clarity
- reassure the learner that by telling you, they have done the right thing
- inform the learner that you must pass the information on, but that only those that need to know about it will be told. Tell them who you are going to report the matter to
- note the main points carefully, specifically: date and time of report; date, time and place of alleged abuse
- your name and name of complainant
- name of learner alleged to have been abused, if different from above
- nature of alleged abuse
- Staff should record the young person's disclosure carefully and aim for a verbatim account if possible. It is important to report the disclosure as factually as possible. Opinion should be avoided or clearly presented as an opinion
- description of any injuries observed, if any
- any other information given, including siblings if relevant
- confirmation that the learner has been advised of the next steps
- A member of staff may have concerns or suspicions of abuse without having received a disclosure from a learner. In these circumstances the member of staff should record their concerns as factually as possible, reproducing verbatim any words used by any learners concerned, and avoid expressing opinions. Where opinions are unavoidable, they should be clearly presented as such
- Staff should not investigate concerns or allegations themselves, but should report them immediately to the Designated Person or Support Persons. They will then make a referral to the **Relevant Safeguarding Adults Board**
- If abuse is suspected but not disclosed, it may be appropriate to remind the student about the availability of an appropriate counselling service.

WHISTLEBLOWING

Whistleblowing is an important aspect of safeguarding. This is where staff and learners are encouraged to share genuine concerns about a colleague's behaviour in confidence, with the **Designated Person**

Working with vulnerable persons places staff and volunteers in positions of power. In order to retain the trust of vulnerable persons, it is essential that all reasonable steps are taken to ensure this power is exercised responsibly.

There may be situations whereby staff or volunteers have genuine concerns about the conduct of a colleague towards a participant. **All at PHX Training** have the right and the responsibility to raise concerns, without prejudice to their own position, about the behaviour of staff, managers, volunteers, or learners, which may be harmful to those in their care and will receive appropriate support when doing so.

In accordance with the Public Interest Disclosure Act 1988 and **PHX's** Public Interest Disclosure Procedure (Whistleblowing), **PHX** will support and protect those staff and learners who, in good faith and without malicious intent, report suspicions of abuse or concerns about colleagues and their actions.

Whistleblowing should be part of transparent work practices and is not intended to set up mistrust or suspicion among staff and volunteers.

Staff who want to get free confidential advice about whistleblowing can contact Public Concern at Work on 020 7404 6609 or visit their website at: www.pcaew.org.uk.

Support for staff

Members of staff personally affected by particular cases (eg where they have handled disclosure) may wish to talk through their concerns with the **Designated Person** and may also be referred to appropriate counseling

REPORTING AND DEALING WITH ALLEGATIONS OF ABUSE AGAINST MEMBERS OF STAFF

Application

These procedures apply to all staff and volunteers

Dealing with an allegation

- It is imperative that those dealing with an allegation maintain an open mind and that investigation are thorough and not subject to delay.
- **PHX Training Ltd** recognises that the welfare of the learner is the paramount concern. It also recognises that
- hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career.
- Therefore, those dealing with such allegations within **PHX Training Ltd** will do so with sensitivity and will act in a careful, measured way.

Receiving an allegation

- A member of staff who receives an allegation about another member of staff should follow the previous guidelines for dealing with disclosure.

- The allegation should be reported immediately to the **Managing Director**, unless the **Managing Director** is the person against whom the allegation is made, in which case the report should be made to the **Designated Person**
- **The Managing Director** or **Designated Person** if the allegation is against the **Managing Director** should:
 - obtain written details of the allegation from the person who received it, that are signed and dated. The written details should be countersigned and dated by the **Managing Director** or **Designated Person** and record information about times, dates, locations and names of potential witnesses.

Initial Assessment by the Managing Director or Designated Person

The Managing Director or Designated Person should make an initial assessment of the allegation, consulting with the Safeguarding Organisation or Social Services as appropriate.

Where the allegation is considered to be either a potential criminal act or indicates that the Learner has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to Cumbria Safeguarding Unit.

It is important that the **The Managing Director or Designated Person** does not investigate the allegation. The initial assessment should be on the basis of the information received and is a decision whether or not the allegation warrants further investigation.

Other potential outcomes are:

- The allegation represents inappropriate behaviour or poor practice by the member of staff and is neither potentially a crime nor a cause of significant harm to the learner. The matter should be addressed in accordance with **PHX's Staff disciplinary procedure**
- The allegation can be shown to be false because the facts alleged could not possibly be true.

Enquiries and investigations

- **PHX Training Ltd** may use the outcome of external agency enquiries as part of its own procedures. However, **PHX Training Ltd** shall assist the agencies with their enquiries.
- **PHX Training Ltd** shall hold in abeyance its own internal enquiries while the formal police or social services investigations proceed. To do otherwise may prejudice the investigation. Any internal enquiries shall comply with **PHX's Staff Disciplinary Procedure**
- If there is an investigation by an external agency, for example the police, **The Managing Director or Designated Person** shall normally be involved in, and contribute to, the inter-agency strategy discussions. **The Managing Director or Designated Person** is responsible for ensuring that PHX gives every assistance with the agency's enquiries. She/he will ensure that appropriate confidentiality is maintained in connection with the enquiries in the interests of the member of staff about whom the allegation is made.
- **The Managing Director or Designated Person** shall advise the member of staff that she/he should seek advice from a friend or representative, eg through a trade union.
- **The Managing Director or Designated Person** will consult with the police or other investigating agency (eg social services), particularly in relation to timing and content of the information to be provided, and shall inform the Learner making the allegation that the investigation is taking place and what the likely process will involve;

- inform the member of staff against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve
- **The Managing Director or Designated Person** shall keep a written record of the action taken in connection with the allegation.

Suspension of staff

- Suspension should not be automatic. In respect of staff other than the **Managing Director** suspension can only be carried out by the **Managing Director** in accordance with the **PHX's Staff Disciplinary Procedure** In respect of the **Managing Director**, suspension can only be carried out by **The Operations Manager**.
- Suspension may be considered at any stage of the investigation. It is a neutral, not a disciplinary act and shall be on full pay. Consideration should be given to alternatives: eg paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties.
- There must be good reason to suspend in each case, for example where a Learner is at risk; where the allegations are potentially sufficiently serious to justify dismissal on the grounds of gross misconduct, where necessary for the good and efficient conduct of the investigation.
- If suspension is being considered, the member of staff should be encouraged to seek advice, for example from a trade union.
- Prior to making the decision to suspend, the **Managing Director** should interview the member of staff. This should take place with the approval of the appropriate agency [identified by the SafeGuarding Unit]. In particular, if the police are engaged in an investigation the officer in charge of the case shall be consulted.
- The member of staff shall be advised to seek the advice and/or assistance of her/his trade union and should be informed that they have the right to be accompanied by a friend.
- The member of staff shall be informed that an allegation has been made and that consideration is being given to suspension. It shall be made clear that the interview is not a formal disciplinary hearing, but solely for raising a serious matter which may lead to suspension and further investigation.
- During the interview, the member of staff shall 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's innocence or guilt, but to give the opportunity for the member of staff to make representations about possible suspension.
- The member of staff shall be given the opportunity to consider any information given to her/him at the meeting and prepare a response, although that adjournment may be brief.
- If the **Managing Director** considers that suspension is necessary, the member of staff shall be informed that she/he is suspended from duty. Written confirmation of the suspension, with reasons, shall be dispatched as soon as possible and ideally within one working day.
- Where a member of staff is suspended, the **Managing Director** shall address the following issues:
 - the **Operations Manager** shall be informed of the suspension in writing that a member of staff has been suspended pending investigation (minimal information given)
 - Where the **Managing Director** has been suspended, the **Operations Manager** will take action to address the management of **PHX Training Ltd**
 - Consideration shall be given to informing the learner making the allegation of the suspension;
 - senior staff who need to know of the reason for the suspension shall be informed

- depending on the nature of the allegation, the **Designated Person** in consultation with the **Operations Manager** shall consider whether a statement to learners and the press should be made, taking due regard of the need to avoid unwelcome publicity
 - The **Operations Manager** shall consider carefully and review the decisions as to who is informed of the suspension and investigation. The relevant **CSAB** and external investigating authorities shall be consulted on this point.
 - The suspended member of staff shall be given appropriate support during the period of suspension. She/he shall also be provided with information on progress and developments in the case at regular intervals.
 - The suspension shall remain under review in accordance with the **PHX's Staff Disciplinary Procedure**
 - The disciplinary process shall be conducted in accordance with the **PHX's Staff Disciplinary Procedure**
- The member of staff shall be informed of:**
- the disciplinary charge against her/him
 - her/his entitlement to be accompanied or represented by a trade union representative or friend.
 - Where the member of staff has been suspended and no disciplinary action is to be taken, the suspension shall be lifted immediately and arrangements made for the member of staff to return to work. It may be appropriate to offer counselling.
 - The learner making the allegation shall be informed of the outcome of the investigation and proceedings. This shall occur prior to the return of the member of staff (if suspended) to **PHX Training**

The **Designated Person** in consultation with the **Managing Director** shall give consideration to what information should be made available to employees and learners of **PHX Training**.

Allegations without foundation

- False allegations may be indicative of problems of abuse elsewhere. A record shall be kept and consideration given to a referral to the [local social services department or agency as determined by local arrangements] in order that other agencies may act upon the information.
- In consultation with the **Designated Person** the **Managing Director** will where the member of staff has been suspended and no disciplinary action is to be taken, deem that the suspension shall be lifted immediately and arrangements made for the member of staff to return to work
- The learner making the allegation will be informed of the outcome of the investigation and proceedings. This shall occur prior to the return of the member of staff (if suspended) to **PHX Training**.
- The **Designated Person** in consultation with the **Managing Director** shall give consideration to what information should be made available to employees and learners of **PHX Training**
- In consultation with the **Designated Person** the **Managing Director** shall:
- inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or safeguarding action will be taken. Consideration should be given to offering counselling/support;
- where the allegation was made by a learner other than the alleged victim, consideration shall be given to informing them of the outcome
- 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.

Independent Safeguarding Authority

If a member of staff is dismissed or resigns before the disciplinary process is completed, she/he should be informed about the **PHX's** duty (from October 2009) to inform the Secretary of State for Education under the **Independent Safeguarding Authority**.

Monitoring effectiveness

- Where an allegation has been made against a member of staff, the **Designated Person** shall, at the conclusion of the disciplinary process, consider whether there are any matters arising from it that could lead to the improvement of the **PHX Training's** procedures/policies and/or which should be drawn to the attention of the relevant **CSAB**.
- Consideration shall also be given to the training needs of staff.

POLICY AND PROCEDURES ON THE RECRUITMENT AND SELECTION OF EMPLOYEES AND ON THE VETTING OF APPLICANTS TO COURSES WHICH INVOLVE CONTACT WITH VULNERABLE CLIENT GROUPS

- **PHX Training** has in place a formal policy safe recruitment and selection of staff. This includes a formal policy and procedure on vetting job applicants through the Vetting and Barring Scheme.
- These policies and procedures shall be reviewed annually.

CONFIDENTIALITY, RECORDS MANAGEMENT AND DATA PROTECTION

- A good working relationship between staff and learners depends to a large extent on the establishment of trust. This may be described as a 'confidential relationship'. However, guarantees of absolute confidentiality should not be given as it may prove necessary to make a referral to an appropriate agency.
- If a learner discloses abuse to a member of staff, it is important that the boundaries of confidentiality and the need to pass on that information are explained to them. It is often easier to explain to the learner that you have a responsibility to pass on information on certain matters than to get into a situation where you break a confidence.

PHX Training Ltd will need to break confidences in the following exceptional circumstances with or without the

- learner's consent if necessary where, in her/his professional judgment:
- there is a serious risk of the learner harming themselves or being harmed
- there is a serious risk of another person being harmed
- there is a risk of a serious crime being committed.
- All written case records shall be passed to the **Designated Person**.
- The **Designated Person** shall keep all case records in secure conditions for a period of six years.
- Case records shall include a written record of the outcome and details of any disciplinary action taken.
- Where an allegation has been found to be without substance, a record of the allegation, investigation and outcome shall be retained.
- Once the six-year period has elapsed the **Designated Person** shall arrange for the records to be destroyed under controlled conditions.
- Case records are confidential. They may be accessed by the subject of the record but not by any third party other than the **Managing Director**, the **Designated Person**, and the **Operations Manager**
- Other staff must not keep any records relating to a safeguarding case.

SIGN

DATE