

Safeguarding Policy

1.1 Policy Introduction

Safeguarding the welfare of children, young people and vulnerable adult learners is part of the core business of English Speaking Board (International) Ltd. (ESB).

ESB believes that children, young people and vulnerable adult learners should never experience abuse of any kind. We have the responsibility to promote the safety and welfare of all learners, we are committed to practise in a way that protects them. All trustees, employees, and contractors are made aware of this policy, and are aware of the need to be vigilant in this regard.

1.2 Purpose of the Policy

- To protect children, young people and vulnerable adult learners.
- To provide trustees, employees, and contractors with the overarching principles that guide our approach to safeguarding all vulnerable people.
- The policy applies to trustees, employees, and external contractors providing services on behalf of ESB.

1.3 ESB Responsibilities

ESB Safeguarding Team

ESB have appointed members of the senior management team to manage the safeguarding process:

- **Safeguarding Coordinator** - Customer Experience Manager
- **Safeguarding Lead** - CEO

Internal procedures

ESB have an internal **Safeguarding Procedure** that all employees and contractors must adhere to should a safeguarding incident be reported to ESB. All trustees, employees, and contractors are made aware of the procedure.

In the event that a safeguarding incident is reported to ESB, the **Safeguarding Coordinator**, in conjunction with the **Safeguarding Lead**, (and where necessary the **HR Manager**) will follow the safeguarding procedure without delay, acting in the best interest of the vulnerable person, and, maintaining confidentiality at all times.

Safe recruitment practices

ESB will only appoint trustees, employees, and external contractors providing services on behalf of ESB who are deemed suitable to work with children and vulnerable adults.

- The Trustees have agreed, in light of advice by the Charity Commission, to undergo a check to receive a Disclosure and Barring Service certificate, unless already held and portable.
- All employees and contractors providing services on behalf of ESB, who come into contact with children, young people, and vulnerable adults, will be required to gain a basic disclosure certificate which identifies any unspent convictions www.gov.uk/government/organisations/disclosure-and-barring-service.
- Having a criminal record will not necessarily bar an applicant from working with the ESB, and we will not unlawfully discriminate against any individual on the basis of information revealed, however we will meticulously scrutinise all basic disclosure certificates to check for serious, and/or conflicting offences, particularly offences related to children, young people, and/or vulnerable adults.
- ESB shall reject any applicants for the role of trustee, employee and external contractor who refuse to obtain, and provide us with a basic disclosure certificate.

Contact with children and Vulnerable adults

ESB staff do not have direct responsibility for, or contact with, children, young people or vulnerable adults on a regular basis. ESB staff should always be accompanied by adults who are directly responsible, and should never be left alone with children, young people, or vulnerable adults whilst carrying out their job role. If a trustee, employee, or contractor working on behalf of ESB find themselves in this situation, they must withdraw their services immediately.

1.4 ESB Centre Responsibilities

Where joint venture agreements exist, the partner agency (approved ESB centre) is solely responsible for the conduct of its employees and contractors. ESB centres and are responsible for:

- Appointing their own Safeguarding Lead/Safeguarding Coordinator.
- Having in place, their own Safeguarding Policy and Procedures.

In the event that a safeguarding incident occurs at one of ESB's approved centres, it may be necessary to liaise with the Safeguarding Coordinator/Safeguarding Lead at ESB (International) Ltd Head Office, to provide information pertaining to an incident, as per the requirements of this policy, and, as per a signed Centre Agreement:

- *Section 5.3 Right of access, records, people and premises.*
- *Section 5.9 Compliance with legislation, policies, procedures, handbooks and guidance documentation.*

1.5 Sharing of personal data in relation to a Safeguarding Incident.

As an Awarding Body, ESB have trustees, employees and contractors, and some of who will be considered as 'persons in a position of trust'. As a responsible organisation we are committed to the safeguarding of vulnerable people. If a trustee, employee, or contractor working on behalf of ESB suspect that a child/children, young person(s), or vulnerable adult(s) may be at risk of harm, this will be reported the Safeguarding Coordinator.

Where deemed necessary, the CEO, (**Safeguarding Lead**) reserves the right to decide and act upon, whether a safeguarding incident will be reported to the authorities, (e.g. social services, police).

In the event that an incident is reported to the authorities, the use of fair, and lawful personal data will apply, in reference to the **Data Protection Act 2018** (*Special categories of personal data and criminal convictions, Part 2 – Substantial public interest condition*):

Sections:

- 10 (1) a, b, c; (3)
- 11 (1) a, b, c; (2) a
- 12 (1) a (i) (ii), b, c (2) a, b

For more details about the Data Protection Act 2018 legislation, please go to the following website:
<https://www.gov.uk/data-protection>

For further information on how ESB collect and handle your personal data please see our [Privacy Policy](#).

1.6 Communication of the Policy

ESB's Safeguarding Policy is widely communicated, understood and adhered to by trustees, employees, and contractors providing services on behalf of ESB.

1.7 Legislation

ESB are committed to keeping up to date with the latest legislations, in accordance with UK government issued laws that seek to protect children, young people and vulnerable adults, namely:

- Children Act 1989, 2004.
Please note that while the provisions of the Children Acts do not directly apply to awarding bodies, they do form part of the Government's wider safeguarding framework for children. Accordingly, it is important for awarding bodies to be aware of the overall scheme of those Acts and related guidance.
- Children and Families Act 2014
- Data Protection Act 1998, 2018 (GDPR)
- Disclosure and Barring Service (DBS)
- Human Rights Act 1998
- Protection of Freedoms act 2012
- Safeguarding Vulnerable Groups Act 2006
- Safeguarding Vulnerable Groups (NI only) Order 2007, as amended by the Protection of Freedoms Act 2012.
- SEND Code of Practice: 0-25 years HM Government 2014 Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parent and carers; HM Government 2015
- Sexual Offences Act 2003
- United Nations Convention of the Rights of the Child 1991(UN ratified), UK 1992
- Working together to safeguard children HM Government 2015

1.8 Review of the Safeguarding Policy

- ESB will review this policy annually, to ensure its procedures and practices continue to meet legislative and regulatory compliance. If required, ESB reserve the right to make changes at any time in line with customer and stakeholder feedback, changes in its practices, as a result of actions from the regulatory authorities, external agencies, or in compliance with changes in government legislation.

1.9 Policy Definitions

- **Basic Disclosure Certificate:** Displays 'unspent' criminal convictions.
- **CCEA:** The Council for Curriculum, Examinations and Assessment has responsibility for the regulation of qualifications taken by learners in Northern Ireland.
- **Centre:** A Centre is an organisation approved by ESB to offer ESB qualifications.
- **Child/children:** The term refers to a child/children who has/have not reached their 18th birthday in England, Wales and Northern Ireland and their 16th birthday in Scotland.
- **Client:** An approved Centre.
- **Disclosure and Barring Services:** Is a government agency which helps employers make safe recruitment decisions and prevent unsuitable people from working with vulnerable groups.
- **Examiner:** A representative from the Awarding Organisation who judges learners' performance against criteria.
- **External Assessment:** An examination carried out and/or marked by an ESB examiner.
- **Human Resources Manager:** Will review and make recommendations to the Chief Executive about the suitability of employees and external contractors providing services on behalf of ESB on the basis of their basic disclosure certificate where relevant.
- **Internal assessment:** An assessment carried out and marked internally by the Centre.
- **Learner:** An individual who is registered with ESB in order to learn and obtain qualifications.
- **Ofqual:** The Office of Qualifications and Examinations Regulation regulates qualifications, examinations and assessments in England.
- **Qualification Wales:** Qualifications Wales is the independent organisation responsible for regulating general and vocational qualifications in Wales.
- **Regulated activity:** Specified unsupervised activities which are carried out on a frequent or intensive basis, or overnight where the activity gives the person the opportunity to have face-to-face contact with children or vulnerable adults; or certain work in a specified place which provides the opportunity for frequent contact with children or vulnerable adults (e.g. a school); or certain specified positions (e.g. a school governor) and functions (e.g. early years' child minding). Employees of awarding bodies may be engaging in 'regulated activity', if, for example, their role involves frequent visits to schools or examination centres.
- **SQA Accreditation:** Scottish Qualifications Authority Accreditation regulates approved awarding bodies and their accredited qualifications in Scotland.
- **Safeguarding:** Is a term which is broader than 'child protection' and relates to the action taken to promote the welfare of children, young people, and/or vulnerable adults, to protect them from harm.
- **Safeguarding Coordinator:** Appointed to act in the best interest of a vulnerable person upon recipient of a safeguarding incident report form, coordinating the process in line with ESBs' Safeguarding Procedure, without delay, in conjunction with the Safeguarding Lead.
- **Safeguarding Lead:** Senior to the Safeguarding Coordinator, the Safeguarding Lead will review safeguarding incidents and investigation responses in their entirety, make decisions, and where necessary, report incidents to with authorities, (e.g. social services, police) without delay.
- **Spent criminal conviction:** Criminal conviction that has been removed from a persons' record.
- **Unspent criminal conviction:** Criminal conviction that is still displayed on a persons' record.
- **Vulnerable adult:** Refers to someone over the age of 18 years, (16 years in Scotland) to whom a regulated activity is provided, who is, or may be, in need of extra support by reason of disability, age or illness; and is or may be, unable to take care of, unable to protect him or herself, against significant harm or exploitation.
- **Vulnerable person:** Refers to vulnerable people of all ages.
- **Young people/person:** People/a person generally, from 14 to 17 years of age.



Tina Renshaw, CEO

21 September 2018