

# Safeguarding Policy

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## 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 International).

ESB International 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.

### 1.1 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 International.

### 1.3 Safeguarding Definition

Safeguarding is a term which is broader than 'child protection' and relates to the action taken to promote the welfare and safety of all people, including children, young people, and vulnerable adults, to protect them from harm.

ESB International is committed to:

- Protecting children, young people and vulnerable adults from maltreatment.
- Preventing impairment of children's, young person's and vulnerable adult's health and development.
- Ensuring that children and young people grow up in circumstances consistent with the provision of safe and effective care.
- Taking action to enable all children and young people have the best outcomes.
- People, and organisations, working together to prevent and stop both the risks and experience of abuse or neglect.
- People, and organisations, making sure that the adult's wellbeing is promoted including, where appropriate, taking fully into account their views, wishes, feelings and beliefs in deciding on any action.
- Recognising that vulnerable people sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances and therefore potential risks to their safety or well-being.

## 2. ESB International's Safeguarding Responsibilities

ESB International staff or contractors do not have direct responsibility for, or frequent contact with children, young people, or vulnerable adults on a regular basis, therefore, ESB International staff or contractors should be accompanied by other adults when around children and/or vulnerable adults whilst carrying out duties as part of their employment or contract. If ESB International staff or contractors should find themselves without an accompanying adult, they must withdraw their services immediately.

### ESB International Safeguarding Team

ESB International has appointed members of its Senior Leadership Team to manage the safeguarding process:

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

### Internal procedures

ESB International has an internal [Safeguarding Procedure](#) that all employees and contractors must adhere to should a safeguarding incident be reported to ESB International. All trustees, employees, and contractors are made aware of the procedure.

In the event that a safeguarding incident is reported to ESB International, 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.

### Safeguarding Training

ESB International will provide necessary training in respect to the safeguarding of children, young people and vulnerable adult learners and where appropriate in order for trustees, employees, and external contractors providing services on behalf of ESB International to keep up to date with legislative changes.

### Human Resources - Safe Recruitment Practices – DBS Checking

ESB International cannot ask employees and external contractors providing services on behalf of ESB to gain an Enhanced Disclosure and Barring Service certificate as the frequency of the activity does not meet the regulated activity criteria <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

However, those contractors and employees who assess children, young people and vulnerable adults as part of their employment responsibilities or contracting assignments must provide, as a minimum, a Basic Disclosure Certificate which identifies any unspent convictions. All assessment activities with children, young people and vulnerable adults take place with a second adult in the room.

Employees and contractors will need to obtain and supply a new Basic Disclosure Check every 3 years to satisfy ESB's safeguarding requirements. With every new contract, contractors will be required to self-certify and declare there have been no changes in their criminal record. Failure to provide a Basic Disclosure Certificate may result in termination of contract for contractors.

It is the responsibility of the HR Manager, in conjunction with the HR team, to ensure that all email correspondence and documents received in relation to Basic Disclosure Checks are thoroughly checked and challenged where necessary, and stored confidentially in accordance with data protection law. For details, please see ESB International's [Privacy Policy](#) and [Data-Protection-Policy](#).

If you are added to a barred list during the course of your employment or contract, you must inform HR for investigation.

### Trustee, employee, and contractor (“informants”) responsibility

Safeguarding is everybody’s responsibility. ESB International staff working on behalf of ESB who do have some contact with children, young people, and vulnerable adults are considered to be ‘persons in a position of trust’, and are considered to be an ‘informant’ should a safeguarding issue or incident become known to them. Trustees, employees, or contractors must never ‘assume’ that somebody else is aware, or that somebody else is going to take action.

It is not the responsibility of an informant to decide the severity of an incident and whether to report it or not. If ever a trustee, employee, or contractor either suspects, or has confirmation that a child, young person or vulnerable adult has been subject to abuse of any kind or maltreatment in an ESB centre, this must be acted upon with immediate effect by reporting the incident. Failure to listen, take seriously, record, and act upon a safeguarding incident in accordance with the [Safeguarding Procedure](#) could result in disciplinary action, for employees, or termination of a contract for contractors working on behalf of ESB International.

### If an allegation is made against a trustee, employee or contractor working on behalf of ESB International

In the event that ESB International receives an allegation against an ESB trustee, employee or contractor in any of the above formats, the information must be relayed to Safeguarding Coordinator, and the HR Manager in the strictest confidence. An allegation could arrive in the form of an email, a formal complaint or a telephone call, in which case, the Safeguarding Coordinator and the HR Manager will need to be informed in confidence. It is the responsibility of the Safeguarding Coordinator, the HR Manager and the Safeguarding Lead to take immediate action to independently investigate the allegations, establish the facts, and take the necessary action in line with the Disciplinary Procedure for employees, or, contractual agreements for trustees or external contractors.

### Good practice when working with children, young people and vulnerable adults

- Always work in an open environment avoiding private or unobserved situations and encouraging open communication.
- Adopt a relaxed, informal and friendly atmosphere.
- Listen to what children, young people and vulnerable adults say.
- Treat all children and vulnerable adults equally with respect and dignity.
- Always put the welfare of each child, young people and vulnerable adult first.
- Maintain a safe and appropriate distance with children, young people and vulnerable adults.
- Be an excellent role model.
- Keep an appropriate physical and professional distance.
- Be aware of the effect that your words and actions may have.

### You should **NEVER**:

- Spend excessive amounts of time alone with children, young people vulnerable adults without being in the presence of other adults.
- Stray from the assessment structure.
- Conduct unsupervised activities.
- Ask for unnecessary requirements to fulfil the requirements of the assessment.
- Say anything that might make a child, young person, or vulnerable adult feel uncomfortable.

- Act in a manner that is overly familiar with a child, young person or vulnerable adult.
- Say anything that could be interpreted as aggressive, hostile or impatient.
- Be drawn into personal conversations or introducing personal subjects.
- Sit or stand too close to a child, young person or vulnerable adult i.e. invading their personal space.
- Stand over a child, young person or vulnerable adult i.e. making them feel pressured.
- Exchange personal contact details.
- Take, or upload photographs or video footage of assessments, on personal social media accounts, such as Twitter, Facebook, Instagram, or any other social media platforms where photographs and video footage can be shared, viewed and accessed by the public, without prior consent being obtained.
- Allow or engage in any form of inappropriate touching.
- Allow children, young people or vulnerable adults to use inappropriate language unchallenged.
- Make sexually suggestive comments to a child, young person or vulnerable adult, even in the context of a joke.
- Reduce a child, young person, or vulnerable adult to tears as a form of control.
- Allow allegations made by a child, young person or vulnerable adult to go unchallenged, unrecorded or not acted upon.
- Promise a child, young person or vulnerable adult that their confidences will be kept secret.

### 3. ESB International Approved Centre Responsibilities

Where joint venture agreements exist, the partner agency (approved ESB International centre) is solely responsible for the conduct of its employees and contractors. ESB centres 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 Centre Roles and Responsibilities*

- *5.1 regarding compliance with Regulators, legislation, policies, procedures, handbooks and guidance documentation.*
- *5.7 regarding right of access to people, premises, records and information, data and documents*

### 4. Sharing of personal data in relation to a Safeguarding Incident

As an Awarding Body, ESB International has trustees, employees and contractors, some of whom 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 International suspects that a child/children, young person(s), or vulnerable adult(s) may be at risk of harm, this will be reported to 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:

<https://www.gov.uk/data-protection>.

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

## 5. 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 International.

## 6. Legislation

ESB International is committed to keeping up to date with the latest legislation, 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 2018
- UK General Data Protection Regulation (UK 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

## 7. 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 reserves 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.

## 8. Policy Definitions

**Basic Disclosure Certificate:** Displays 'unspent' criminal convictions.

**CCEA Regulation:** CCEA Regulation as an independent function within The Council for Curriculum, Examinations and Assessment is responsible for the accreditation and regulation of regulated qualifications offered in Northern Ireland.

**Centre:** A Centre is an organisation approved by ESB International to offer ESB qualifications.

**Child/children:** The term refers to a child/children who has/have not reached their 18<sup>th</sup> birthday in England, Wales and Northern Ireland and their 16<sup>th</sup> 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.

**Assessor:** A representative from the Awarding Organisation who judges learners' performance against criteria.

**External Assessment:** An assessment carried out and/or marked by an ESB Assessor or marker.

**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 based on 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.

**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 assessment centres.

**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 person's record.

**Unspent criminal conviction:** Criminal conviction that is still displayed on a person's 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.

Revision No	Change to previous release	Reason for change
3	SQA reference removed on p4	Withdrawal from SQA Accreditation
4	Section 1.4 - data protection details and links updated Section 1.8 – data protection legislation updated	Website changes Legislation change
5	Annual Review completed	All links and terminology updated Section 1.5 Reference to ESB Centre Agreement updated
6	Wording added to 'Human Resources-Safe Recruitment Practices-DBS Checking'	Review
7	ESB updated to ESB International 2 'contractors' added Human Resources - Safe Recruitment Practices – DBS Checking amended 8 CCEA amended to CCEA Regulation Reference to Qualifications Wales removed	Review  Updated to reflect current practice  Withdrawal from Qualifications Wales