**Safeguarding & Prevent Policy**

**Including British Values**

‘We promote and encourage our teaching and learning practices within our delivery to foster:’

## **Effectiveness of leadership and management**

Quality of Teaching, Learning & Assessment

* Teaching, learning and assessment promote equality, raise awareness of diversity and tackle discrimination, victimisation, harassment, stereotyping, radicalisation and bullying
* Staff are aware of and plan for individual learners’ diverse needs in teaching or training sessions and provide effective support, including making reasonable adjustments for disabled learners or those with special educational needs
* Teaching promotes learners’ spiritual, moral, social and cultural development

## **Personal development, behaviour and welfare of learners**

* How well learners know how to protect themselves from the risks associated with radicalisation, extremism, forms of abuse, grooming and bullying, including through the use of the internet, and how well they understand the risks posed by adults or young people who use the internet to bully, groom or abuse other people, especially children, young people and vulnerable adults
* How well learners know how to keep themselves fit and healthy, both physically and emotionally
* The extent to which learners feel and are safe and have a good understanding of how they can raise concerns if they do not feel safe; the confidence that any concerns they may have are taken seriously and followed through appropriately
* Learners’ understanding of their rights and responsibilities as a learner and, where relevant, as an employee, as citizens and consumers in the community; and how well they work cooperatively with others in all settings and promote good and productive working relationships with their peers, employees and employers
* The extent to which learning programmes, including enrichment activities, allow all learners to explore personal, social and ethical issues and take part in life in wider society and in Britain

**Leadership & Management**

* The extent to which leaders promote all forms of equality and foster greater understanding of and respect for people with protected characteristics, and how well learners and staff are protected from harassment, bullying and discrimination, including those based with employers and at other sites external to the provider
* How well the provider prepares learners for successful life in modern Britain and promotes the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different backgrounds, faiths and beliefs
* The effectiveness of safeguarding practice, including the prevention of radicalisation of learners and compliance with the prevent duty

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1. **OUR COMMITMENT**

JC TRAINING & CONSULTANCY LTD is committed to practices that protect learners and vulnerable adults from harm and creating a ‘safer’ learning environment that promotes well-being and security.

JC TRAINING & CONSULTANCY LTD will ensure that all staff and associates recognise and accept their responsibilities to develop awareness of the issues that may cause harm to young people or to vulnerable adults. We will ensure our staff and associates maintain their knowledge of safeguarding policies and procedures acting appropriately to address any safeguarding concerns. We expect all our partners/associates /contractors who work with us to share this commitment.

1. **PRINCIPLES**

The welfare of learners and vulnerable adults is everyone’s responsibility, particularly when it comes to protecting them from abuse. Learners and vulnerable adults have a lot to gain from us. Our programmes provide an excellent opportunity for participants to learn new skills, grow in confidence and maximise their potential.

This policy is based on the following principles:

* The welfare of learners and vulnerable adults is the primary concern.
* All learners and vulnerable adults, whatever their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/or sexual identity have the right to protection from abuse.
* It is everyone's responsibility to report any concerns about abuse to the Designated Safeguarding Officer.
* All incidents of alleged poor practice, misconduct and abuse will be taken seriously and responded to swiftly and appropriately. This may lead to an investigation of a possible criminal offence by the police, involvement of an appropriate social care worker or an investigation of our provision and consideration of disciplinary action on staff or learners.
* All personal data will be processed in accordance with the requirements of the Data Protection Act 1998
* All appropriate staff and associates have appropriate CRB or vetting and barring clearance in line with ‘safer recruitment’ practices
1. **DEFINITIONS**

For the purposes of this policy learners under the age of 18 and those who are considered vulnerable. The Safeguarding Vulnerable Groups Act 2006 defines a ‘vulnerable adult’ as:

A person aged 18 and over who may, amongst other indicators:

* Suffer from a mental illness
* Have a physical or sensory disability
* Have a learning difficulty
* Have a debilitating physical illness
* Be a substance abuser
* Be a carer
* Suffer discriminatory abuse on the grounds of race, culture, religion, gender, disability or sexual orientation
* Be in need of community care services by reason of mental or other disability, age or illness
* Be unable to protect himself or herself against significant harm or serious exploitation
1. **SCOPE**

This policy applies and is communicated to all employees, associates, contractors, learners and clients of JC TRAINING & CONSULTANCY LTD as all have a role to play in safeguarding the welfare of learners and vulnerable adults and preventing their abuse. This policy focuses on protection from abuse, neglect and protection from radicalisation and is designed to provide a procedure which should be followed in any engagement between JC TRAINING & CONSULTANCY LTD and learners and/or vulnerable adults including virtual environments such as teleconferencing, video conferencing, websites, social networking, blogging etc.

Categories of abuse include:

Physical abuse

This may include ‘hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions’

Some of the recognised signs of physical abuse are:

. unexplained burns

. scratches

. bruising and abrasions

. drowsiness from misuse of medication

. anxiety in the presence of an abuser

Sexual abuse

This may include ‘rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting’

Some of the recognised signs of sexual abuse are:

. changes in behaviour

. bruising

. sexually transmitted diseases

. sexualised behaviour

Psychological/emotional abuse

There is a strong similarity between the descriptions of these. Emotional abuse is generally described as an element of psychological abuse. Psychological abuse may include emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks

Some of the recognised signs of psychological or emotional abuse are:

. fear

. passivity

. confusion

. apathy

. lack of eye contact

. low self-esteem

. disturbed sleep patterns

. reluctance to talk openly

Financial or material abuse

This may include ‘theft, fraud, exploitation or the misuse or misappropriation of property, possessions or benefits’

Some of the recognised signs of financial or material abuse are:

. loss of jewellery and person property

. lack of money to purchase basic items

. a bill not being paid when money is entrusted to a third party

. inadequate clothing

. loss of money from a wallet or purse

. unexplained withdrawal of cash

Neglect and acts of omission

This may include ‘ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate heating and nutrition’

Some of the recognised signs of neglect and acts of omission are:

. dehydration

. infections

. malnutrition

. hypothermia

Discriminatory abuse

This may include abuse, bullying and harassment based on the individual’s age, sex, disability, religion, race or ethnicity or sexual orientation. Some of the recognised signs of discriminatory abuse might be very similar to psychological and emotional abuse.

1. **PURPOSE**

The purpose of this policy is to provide advice for staff and associates working with us on helping us to meet our commitment of ensuring that any child or vulnerable adult receiving any form of training, advice or guidance through us is protected from all forms of exploitation and abuse.

All staff and associates are asked to subscribe to our Code of Behaviour to help embed the delivery of our policy commitment. We recognise that no guidance can be exhaustive however, our policy is to ensure, so far as is possible, that all who work with us maintain a

proper focus on safeguarding.

1. **POLICY**

The policy and procedure will address the following situations:

* where allegations are made or suspicions/concerns arise that a learner under 18, or a vulnerable adult is or may be being abused
* where allegations are made or suspicions/concerns arise related to a member of staff abusing a learner under 18 or a vulnerable adult
* where a member of JC TRAINING & CONSULTANCY LTD is deemed to pose a threat to under 18s and/or a vulnerable adult
	1. In line with current legislation and best practice guidance, our fundamental belief is that young people and vulnerable adults have the right to make important decisions about their own lives and that protection of learner’s welfare is paramount.

 Consequently, JC TRAINING & CONSULTANCY LTD feels that Safeguarding issues take priority in relation to any other policies/ procedures.

6.2 JC TRAINING & CONSULTANCY LTD response to its role in safeguarding the welfare of its learner’s concerning safeguarding is:

a. to work in accordance with the policies of the Local Safeguarding Boards

 b. to provide appropriate development to all relevant members of staff to ensure that they are aware of safeguarding issues and the procedures that must be followed

 c to ensure all staff understand their responsibilities in relation to safeguarding young people and vulnerable adults

 d. to provide guidance to all JC TRAINING & CONSULTANCY LTD learners in the workplace

 e. to make appropriate referrals of young people under 19 yrs. of age and venerable adults to Social Services or other appropriate agencies (Police or NSPCC) where there are concerns that the young person or vulnerable adult is or may be being abused

 f to prohibit sexual relationships between staff and learners under 18

 h. to ensure that young people and vulnerable adults have the right of access to JC TRAINING & CONSULTANCY LTD employees and associates who will respect their confidences; and who will not judge, intervene and act, except in extreme circumstances, without the young person’s agreement

 I. to ensure the young person and/or vulnerable adult is offered all possible support,

 j. to recognize JC TRAINING & CONSULTANCY LTD duty of care and that the learner’s welfare must be paramount. Hence, in extreme circumstances, it may be necessary to breach a person’s confidentiality to protect them from harm. Learners must be informed of this position through JC TRAINING & CONSULTANCY LTD literature reinforced by verbal explanations from assessors. All JC TRAINING & CONSULTANCY LTD employees and associates have a general duty to ensure the confidentiality of information relating to both learners and employers

 k. to ensure that in situations where abuse is alleged or suspected JC TRAINING & CONSULTANCY LTD will take account of the advice from the Social Services Safeguarding Team (See No. 15) on circumstances warranting breach of confidentiality. These include:

* a young person/vulnerable adult in a dangerous situation
* a situation when inaction might place them/someone else in a dangerous situation
* a young person/vulnerable adult in fear of the abuser
* when inaction infringes the rights of other learners
* when inaction could lead to someone being harmed

l. To ensure that confidentiality is maintained and incidents will never be discussed within or outside JC TRAINING & CONSULTANCY LTD except on a strictly “need-to-know” basis. For example, it may be important to ensure that the tutor /assessor/IQA is aware that the learner may need support

m. To allow the young person/vulnerable adult to be heard and tell their story

n. To ensure that a written factual record of discussions with the learner are evidenced as soon as possible of the key details regarding the allegations and the actions taken. The record should be factual and objective in terms of what is reported by the learner and not based on opinions, thoughts or impressions

o. To ensure a record is kept, confidentially and centrally, in the JC TRAINING & CONSULTANCY LTD office, of all concerns, discussions and decisions where there are safeguarding concerns

p. To recognize the particular challenges and difficulties young people/vulnerable adults with special educational needs have, by ensuring they are appropriately supported. For example, their physical or mental impairment (including communication difficulties) might mask possible abuse

q. To ensure JC TRAINING & CONSULTANCY LTD takes appropriate action to exclude or refuse admission to any individual who may pose a risk to young people or vulnerable adults

1. **BEHAVIOUR**

Staff and associates must respect a young person’s/vulnerable adult’s rights to privacy and encourage them to feel comfortable enough to report attitudes or behaviour they do not like.

Our staff and associates are expected to act with discretion with regard to their personal relationships. They should ensure their personal relationships do not affect their professional role within the organisation.

All staff and associates should be aware of the procedures for reporting concerns or incidents, and should familiarise themselves with the contact details of the Designated Safeguarding Officer. If a member of staff or associate finds himself or herself the subject of inappropriate affection or attention from a young person/vulnerable adult, they should make others aware of this.

If a member of staff or associate has any concerns relating to the welfare of a young learner/vulnerable adult, be it concerns about actions or behaviour of another staff member or associate or concerns based on any conversation with the young person/vulnerable adult, particularly if an allegation is made, they should report this to the Designated Safeguarding Officer.

Staff and associates should not start an investigation or question anyone after an allegation or concern has been raised. Staff or associates should just record the facts and report these to the Designated Safeguarding Officer. The Designated Safeguarding Officer for matters concerning safeguarding is the Jennifer Crook (Business Director).

All staff and associates are to be aware of and adhere to the JC TRAINING & CONSULTANCY LTD Safeguarding Children and Vulnerable Adults Professional Code of Conduct which can be found in Appendix 4.

All staff and associates are also to be aware of the JC TRAINING & CONSULTANCY LTD document ‘The 5 R’s of Safeguarding’ which is to be communicated during induction training.

1. **REPORTING**

All members of staff or associates working closely with children and/or vulnerable adults should be alert to the possibilities of abuse. Any incidence or alleged incidence of abuse whatever the nature must be immediately reported to the Designated Safeguarding Officer, In the event of this not being possible you should report your concerns directly to your Manager. In all cases whoever receives your report should, without delay, having carefully recorded your testimony, pass the report to the Designated Safeguarding Officer who will put in place preventative measures to stop any possible abuse from continuing and put in place actions to resolve the issue in the long term.

1. **RECORDING**

When recording an alleged incidence of abuse, the record must be precise and use the words of the complainant. The record should use accurate quotation and should also, if appropriate, include factual observations about the physical and emotional state of the person sharing their concerns with you. The information must be recorded and stored securely, and should be accessible only to those who need access as part of action taken to resolve a complaint or allegation. Recording must be completed on Alert Forms 1 and 2 which can be found in appendix 1 and 2 of this policy.

Only the Designated Safeguarding Officer can make a decision to refer a complaint or allegation, having gathered and examined all relevant testimony and information, to the appropriate Safeguarding Authority.

1. **ALLEGATIONS OF ABUSE AGAINST STAFF**

Allegations of abuse, or concerns raised against JC TRAINING & CONSULTANCY LTD staff or associates, will always be treated seriously. The allegation must be referred to the Designated Safeguarding Officer who will follow the safeguarding procedure in the same way as for other safeguarding allegations, taking the appropriate steps to ensure the safety of the learner and any others who may be at risk. Actions will be taken both to protect the learner and the accused member of staff and these may include ensuring that the member of staff is not placed in a vulnerable situation while investigations take place.

1. **RESPONDING TO A DISCLOSURE/ALLEGATION OF ABUSE**

If a learner informs you directly that they are concerned about someone’s behaviour towards them; this is known as disclosure. The person receiving the disclosure should:

* Stay calm and listen carefully to what is said
* Find an appropriate early opportunity to explain that it is likely that the information will need to be shared with others – do not promise to keep secrets
* Allow the individual to continue at his/her own pace
* Ask questions for clarification only and at all times avoid asking questions that suggest a particular answer
* Reassure the individual that they have done the right thing in telling you
* Tell them what you will do next and with whom the information will be shared. Tell them that you will be speaking to the person at JC TRAINING & CONSULTANCY LTD who is responsible for their protection and that they may contact the relevant Safeguarding Board if it is felt necessary and they will advise what we should do next.
* Record in writing what was said using the individual’s own words as soon as possible – note date, time any names mentioned, to whom the information was given and ensure that the record is signed and dated. As soon as possible after the event transfer this information onto Alert Form 1 found in appendix 1 of this policy.
* Contact the Designated Safeguarding Officer immediately and do not talk to other people about the incident. Others should only be made aware on a ‘need to know’ basis.
1. **COMMUNICATION**

Our commitment and approach to Safeguarding & Prevent is communicated to all staff and associates by managers during recruitment, at induction and throughout training. This Safeguarding & Prevent policy should be read in conjunction with the policies detailed below: -

-Equality and Diversity

-Health and Safety

-Whistleblowing

- Online Safety

It is imperative that all learners, employers, and staff are provided the training and development needed to understand the policy surrounding Safeguarding and Prevent, understand the recording and reporting process involved whilst understanding what defines a Safeguarding and Prevent concern.

JC Training & Consultancy promote and communicate the policy and procedures to all learners, employers and employees through methods that include but not limited to:

1. **Apprentices:**
* During induction to Apprenticeship
* Monthly during review process with tutor
* As part of teaching and learning
* Check and review of understanding – Q&A
* Monthly Apprentice Engagement of learning, distance travelled and progression meeting
* Resources & Literature shared to the Apprentice including County Lines (Regional Updates)
1. **Employer:**
* Completion of Organisational Needs Analysis
* During induction process for Apprenticeship
* Monthly Employer Performance Reviews Conducted
* Review of policies and procedures to protect their own Apprentices, Employees and external partnerships
* Sharing of regional County Lines Updates
1. **JC Training & Consultancy Employees:**
* Start of the employment as part of the induction process
* Regular training and development on Safeguarding & Prevent including identification, reporting, and recording (internal and external referral)
* Standardisation/Meetings to develop skills and abilities in promoting the policy and procedure, recording concerns, and reporting processes.
* One to one Appraisals
* Training delivered by external Safeguarding & Prevent teams (Regional/National)

**Use of IT**

As part of our Safeguarding & Prevent Strategy we ensure that all access to Information Technology and Communication equipment including online access is secure and content is trustworthy for use by learners, employers, and employees to safeguard all in maintaining safety, health and wellbeing.

JC Training & Consultancy are certified through CyberSmart and enact full policies and procedures in relation to access during teaching, platforms and systems including the checking and verification of all equipment to safeguard all individuals.

1. **OUR COMMITMENT TO REVIEWING OUR SAFEGUARDING PRACTICES**

We will work in partnership with local safeguarding & Prevent partnerships and committees, to include the Safeguarding Children’s Boards, Safeguarding Adults Boards, Prevent Officers including Prevent Strategy and County Lines to seek guidance on developing our safeguarding practices and dealing with allegations of harm that may have occurred at home or in other situations outside of our remit. All policies and practices are reviewed regularly to ensure that we have sound systems in place to minimise abuse of vulnerable adults and young people and to act where abuse is suspected.

The policies and procedures are reviewed on an annual basis with interim reviews carried out quarterly.

1. **FURTHER INFORMATION WEBSITE HYPERLINKS AND DEFINITIONS OF ABUSE (NIACE)**

- www.isa-gov.org.uk

- Safeguarding Vulnerable Groups Act 2006

- NIACE Safer Practice, Safer Learning

- PLEASE ALSO SEE APPENDIX 3

1. **CHANGES TO THE POLICY**

This policy will be monitored and reviewed regularly, to ensure that it meets the needs of the business and to ensure compliance with relevant legislation. Full review will take place annually.

This Policy does not form part of the contract of employment.

JC TRAINING & CONSULTANCY LTD has a **Safeguarding & Prevent Policy** and a procedure which explains what staff must do if abuse is suspected or identified. The Policy makes it clear that anyone who suspects abuse has a duty to report it so that the matter can be fully looked into and if necessary, appropriate steps taken to protect the learner. Any report of abuse will be taken seriously and looked into in a fair and thorough manner. If you have concerns or you think someone may be being abused, don't assume that someone else is doing something about the situation.

**What is abuse?**

Abuse is anything that harms another person, particularly when it is done by someone who is in a position of power or authority over the person and/or who is trusted by them.

**Who can abuse?**

We know abuse can happen and that it can happen anywhere. Abuse can be carried out by anyone such as family, friends, and neighbours, paid staff, carers, volunteers, other service users or tenants, strangers.

**What types of abuse?**

Abuse can take many forms and vary in severity.

• Physical abuse such as hitting, pushing, locking someone in a room

• Verbal abuse such as shouting, swearing

• Emotional abuse such as bullying, taunting or humiliating someone

• Sexual abuse such as inappropriate touching, forcing someone to take part in any sexual act against their will

• Financial abuse such as misusing, withholding or taking someone's money

• Neglect such as not providing necessary food, care or medicine

• Discrimination such as ill treatment due to the person's age, gender, disability or religious beliefs

If a vulnerable young person or adult makes a disclosure of abuse to you listen to them and offer necessary support and reassurance. Using the attached Alert Form, record accurately and in detail what they tell you. Avoid leading questions. You should also record what you observed, the nature of allegation, your own actions/response at the time, who was present at the time and the times and dates of the incident. It is important to avoid contaminating any evidence and if necessary, take steps to preserve evidence.

**Following the recent changes and guidelines relating to Sexual Abuse, JC training & Consultancy are here to support any concerns and will provide further support and referral as required.**

**What Is Consent?**

Consent is defined by section 74 Sexual Offences Act 2003. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

 Consent to sexual activity may be given to one sort of sexual activity but not another, e.g.to vaginal but not anal sex or penetration with conditions, such as wearing a condom.

 **Consent can be withdrawn at any time**during sexual activity and each time activity occurs. In investigating the suspect, it must be established what steps, if any, the suspect took to obtain the complainant’s consent and the prosecution must prove that the suspect did not have a reasonable belief that the complainant was consenting. There is a big difference between consensual sex and rape.

 This aide focuses on consent, as allegations of rape often involve the word of the complainant against that of the suspect. The aim is to challenge assumptions about consent and the associated victim-blaming myths/stereotypes and highlight the suspect’s behaviour and motives to prove he/she did not reasonably believe the victim was consenting. We provide guidance to the police, prosecutors and advocates to identify and explain the differences, highlighting where evidence can be gathered and how the case can be presented in court.

**Capacity To Consent**

 Issues to consider include whether the complainant had the capacity to consent if:

* s/he was under the influence of drink or drugs;
* s/he suffers from a medical condition which limits their ability to consent or communicate consent;
* s/he has a mental health problem or learning disabilities;
* s/he was asleep or unconscious.

**Freedom To Consent**

 **Issues to consider include whether the complainant had the freedom to consent, for example, in situations such as:**

* Domestic violence – where a partner or family member may use force or power to remove a complainant’s freedom to consent;
* Where the suspect was in a position of power where they could abuse their trust, especially because of their position or status – e.g. a family member, teacher, religious leader, employer, gang member, carer, doctor;
* The complainant was dependant on the suspect, e.g. financially or for care.
* If the complainant was young, was s/he significantly younger than the suspect?

**• Was the complainant old enough to consent?**

* Sexual consent is an agreement to participate in a sexual activity. Before being sexual with someone, you need to know if they want to be sexual with you too. It’s also important to be honest with your partner about what you want and don’t want.
* Consent is never implied by things like your past behavior, what you wear, or where you go. Sexual consent is always clearly communicated — there should be no question or mystery. Silence is not consent. And it’s not just important the first time you’re with someone. Couples who’ve had sex before or even ones who’ve been together for a long time also need to consent before sex — every time
* **Freely given.**Consenting is a choice you make without pressure, manipulation, or under the influence of drugs or alcohol.
* **Reversible.**Anyone can change their mind about what they feel like doing, anytime. Even if you’ve done it before, and even if you’re both naked in bed
* **Informed.**You can only consent to something if you have the full story. For example, if someone says they’ll use a condom and then they don’t, there isn’t full consent.
* **Enthusiastic.**When it comes to sex, you should only do stuff you WANT to do, not things that you feel you’re expected to do.
* **Specific.**Saying yes to one thing (like going to the bedroom to make out) doesn’t mean you’ve said yes to others (like having sex).

**Sexual Harassment, Sexual Assault and their myths and misconceptions**

 **Sexual assault**

 (1)A person (A) commits an offence if—

 (a)he intentionally touches another person (B),

 (b)the touching is sexual,

 (c)B does not consent to the touching, and

 (d)A does not reasonably believe that B consents.

 (2)Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

 (3)Sections 75 and 76 apply to an offence under this section.

 (4)A person guilty of an offence under this section is liable—

 (a)on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

 (b)on conviction on indictment, to imprisonment for a term not exceeding 10 years

 **Assault by penetration**

 (1)A person (A) commits an offence if—

 (a)he intentionally penetrates the vagina or anus of another person (B) with a part of his body or anything else,

 (b)the penetration is sexual,

 (c)B does not consent to the penetration, and

 (d)A does not reasonably believe that B consents.

 (2)Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

 (3)Sections 75 and 76 apply to an offence under this section.

 (4)A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.

 **Sexual Harassment**

 Sexual harassment is unwanted behaviour of a sexual nature which:

* violates your dignity
* makes you feel intimidated, degraded or humiliated
* creates a hostile or offensive environment

 You don’t need to have previously objected to someone's behaviour for it to be considered unwanted.

 **Legal Definition of Rape**

 A person (A) commits an offence if—

 (a)he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,

 (b)B does not consent to the penetration, and

 (c)A does not reasonably believe that B consents.

 (2)Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

 (3)Sections 75 and 76 apply to an offence under this section.

 (4)A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for life.

 **The myths and misconceptions of rape**

The form of dress a person wears does not mean they should expect to be raped.

* The majority of rape cases are where the offender and complainant know each other.
* Trauma can affect memory and create inconsistency.
* Being drunk makes the complainant vulnerable. It does not mean they were ‘asking for it’;
* Most victims do not fight; resistance and self-protection/defence can be through dissociation, freezing or trying to befriend the defendant – in fact any effort to prevent, stop or limit the event. It does not have to succeed to be an ‘effort’.
* Late reporting may be due to inability to cope with the trauma of the incident, fear of repercussions, maturity with age recognising the abuse, control of the complainant, fear of going to court.
* In cases of adult survivors of child abuse the complainant may regress and behave or speak as a child.

 **Myths:**

 What are rape myths?

 There are many common myths about rape, sexual abuse and sexual violence.

 These myths can make it difficult for survivors to talk to anyone or get help. Survivors often think others will blame them or they won’t be believed. This can cause shame and self-blame.

 These myths can also affect how survivors are treated by family and friends, services, and organisations.

 Through our work, we challenge these myths and work to improve understanding of sexual violence and abuse.

 Here are a few examples of common myths about rape, sexual violence and sexual abuse.

 **Myths:**

 Myth: If someone gets really drunk, it’s their own fault if they end up getting raped. They should have kept themselves safe.

 **Fact:** People have the right to drink alcohol without getting assaulted. Having sex with someone who is very drunk, drugged or unconscious is rape – and it is always the rapist’s fault. Myth: Women often lie about rape because they regret having sex with someone, or because they want attention.

 **Fact:** Stories in the media can give the impression that women often lie about sexual violence. In fact, false allegations of rape are very rare. Most people who have been raped or experienced sexual violence or abuse never tell the police.

 **Myths:**

 Myth: If someone didn’t scream or try to fight their attacker off, then it wasn’t rape.

 **Fact:**There are many reasons why someone might not scream or struggle. In fact, many people find that they cannot move or speak at all – this is a very common reaction. Some rapists also use manipulation or threats to intimidate or control the other person. No matter whether or not someone 'fights back', if they didn’t freely consent to sex then it is rape.

 Myth: If you are in a relationship with someone, it’s always OK to have sex with them.

 **Fact:** Everyone has the right to say 'no' to any type of sexual activity at any time – including with their partner. Consent must be given and received freely every time. Rape and sexual violence in a relationship is illegal.

 **Myths:**

 Myth: People who were sexually abused as children are likely to become abusers themselves.

 **Fact:** The vast majority of people who were sexually abused as children never rape or sexually abuse other people. This is a dangerous myth that is sometimes used to excuse the behaviour of people who do sexually abuse children or others. There is never any excuse for sexual violence against children or adults.

 Myth: Women shouldn’t go out alone at night as they are likely to get raped.

 **Fact:**Only one in 10 of rapes are committed by 'strangers'. The rest are committed by someone the survivor knows – such as a friend, neighbour, colleague, partner, or family member. People are raped in their homes, their workplaces and other settings where they previously felt safe. The risk of rape by a stranger shouldn’t be used as an excuse to restrict what women can do.

 Myth: Women provoke men to rape them by wearing revealing clothes or flirting.

 **Fact:** It doesn’t matter what a woman is wearing, or how she is behaving – if she doesn’t consent to sex, that is rape. Only the rapist is ever responsible for rape.

 <https://rapecrisis.org.uk/get-informed/about-sexual-violence/myths-vs-realities/>

**Importance On Gaining Consent**

 Consent happens when all people involved in a sexual activity agree to take part by choice. They also need to have the freedom and capacity to make that choice.

 We all have the right to not agree to any type of sexual activity. We have the right to change our minds at any time, or consent to doing one sexual thing with someone but not another.

 Sexual activity without consent

 Sexual activity without consent is [sexual violence](https://rapecrisis.org.uk/get-informed/about-sexual-violence/what-is-sexual-violence/).

 If someone says "no" to any type of sexual activity, they do not consent.

 But if someone doesn't say “no” out loud, that doesn’t automatically mean that they have consented to sex.

 If someone seems unsure, stays quiet, moves away or doesn’t respond – this is not consent. Many people who have experienced sexual violence find that they were [unable to move or speak](https://rapecrisis.org.uk/get-help/looking-for-tools-to-help-you-cope/feelings/fight-or-flight-response/) - this is a common reaction.

 If someone is asleep, unconscious, drunk or drugged, they cannot consent to sexual activity.

 If someone is threatened, bullied, pressured or manipulated into saying yes, this is not consent.

 If someone's not sure whether you are giving your consent for something sexual, they should check with you.

 If they can see or suspect you're not 100% comfortable or happy with what's happening between you, they should stop.

 **What consent looks like**

 Here are some examples of what consent does and does not look like in practice.

 Consent looks like:

* Enthusiastically saying “yes!”
* Talking to your partner about what you do and don't want, and listening to them in return
* Checking in with your partner – “Is this OK? Do you want to slow down? Do you want to stop?”
* Respecting someone’s choice if they say “no” – never trying to change their mind or put pressure on them

 Consent does **not** look like:

* Feeling like you have to agree to sex because you are worried about your partner’s reaction if you say “no”
* Someone having sex with you when you are asleep or unconscious
* Someone carrying on with sexual activity despite your non-verbal cues – for example, if you pull away, freeze, or seem uncomfortable
* Someone assuming that you want to have sex because of your actions or what you are wearing (for example, flirting, accepting a drink, wearing a short skirt)
* Someone assuming that because you have had sex with them before, you want to have sex again
* Someone removing a condom during sex, when you have only agreed to sex when using one

 Sexual activity without consent is sexual violence

**Responding & Reporting**

 **The five F’s – Fight, Flight, Friend, flop, and freeze**

 The 'fight or flight' response is how people sometimes refer to our body's automatic reactions to fear. There are actually 5 of these common responses, including 'freeze', 'flop' and 'friend', as well as 'fight' or 'flight'.

 The freeze, flop, friend, fight or flight reactions are immediate, automatic and instinctive responses to fear. Understanding them a little might help you make sense of your experiences and feelings.

* **Fight**: physically fighting, pushing, struggling, and fighting verbally e.g. saying 'no'.
* **Flight**: putting distance between you and danger, including running, hiding or backing away.
* **Freeze**: going tense, still and silent. This is a common reaction to rape and sexual violence. Freezing is not giving consent, it is an instinctive survival response. Animals often freeze to avoid fights and potential further harm, or to 'play dead' and so avoid being seen and eaten by predators.
* **Flop**: similar to freezing, except your muscles become loose and your body goes floppy. This is an automatic reaction that can reduce the physical pain of what's happening to you. Your mind can also shut down to protect itself.
* **Friend**: calling for a 'friend' or bystander for help, for example by shouting or screaming, **and/or**'befriending' the person who is dangerous, for example by placating, negotiating, bribing or pleading with them. Again, this is not you giving your attacker consent, it is an instinctive survival mechanism

 **Help & Support**

Rape Crisis –https://rapecrisis.org.uk/

Samaritans - https://www.samaritans.org/  Survivors Trust - https://www.thesurvivorstrust.org/

 JC Training & Consultancy –https://www.jctrainingandconsultancy.com/Safeguarding-Policy.php

 **How** **To** **Support Others**

 - Follow Organisational Safeguarding Reporting Process

 - Engage with partner agencies for referral

**PREVENT (continued)**

**(Including British Values)**

**The scope of this policy details the extent of enacting including identification, recording, and reporting for:**

* The legal responsibility to fulfil the Prevent duty statement
* How to protect apprentices and employees from radicalising influences
* Ensuring apprentices and employees are resilient to extreme narratives
* The identification of changes in behaviour of apprentices and employees
* Dealing with any issues raised by apprentices, employers, and employees

Prevent is the Government’s strategy to stop vulnerable people becoming terrorists or supporting terrorism, in all forms. Prevent forms part of the Governments Counter Terrorism and Security Act 2015, strategy called ‘CONTEST’ and it is divided into four priority objectives:

1. **Pursue – stop terrorists attacks**
2. **Prepare – where we cannot stop an attack, mitigates its impact**
3. **Protect – strengthen overall protection against terrorist attacks**
4. **Prevent – stop people becoming terrorists and supporting violent extremism**

Prevent works at the pre-criminal stage by using early intervention to encourage individuals and communities to challenge extremist and terrorist ideology and behaviour.

Early intervention can prevent individuals being drawn into terror related activity in a similar way to criminal activity such as drugs, knife or gang crime. Local authorities and individuals working in all sectors have been identified as an important partner in preventing vulnerable people of becoming radicalised. It is key that all organisations and individuals are given the knowledge to identify and voice a safeguarding concern, which will be handled seriously. The specific objectives are;

1. Support individuals who are vulnerable to recruitment, or who have already been recruited by violent extremists.
2. Disrupt those who promote violent terrorism and support the places where they operate.
3. Address the grievances which radicalisers are exploiting.

Prevent is aligned with Community Safety and Safeguarding; all communities are affected by violet extremism and those most vulnerable to the ideologies, particularly through the use of the internet.

If you suspect an individual is being radicalised or becoming involved in terrorism, the first step is to inform your tutor or safeguarding lead within JC Training & Consultancy Ltd.

**The Prevent Strategy**

1. Was reviewed after 9/11
2. Refocused after 7/7 attacks

 **‘Prevent provides a template for challenging extremist ideas and terrorist actions’**

**It has three key themes**

* **Ideologies –** To respond to the ideological challenge we face from those supporting terrorism.
* **Individuals –** To provide a support and advice network to vulnerable individuals, preventing them from being drawn into terrorism.
* **Institutions –** To work with employers, education establishments, training providers to address the risk of radicalisation and violent extremism **of whatever form**.
* **Prevent covers all forms of extremism including;**

Extreme left wing, Extreme right wing, Islamic extremism, Animal Rights activist groups, Environmental Extremism, IRA and splinter groups.

**Who gets drawn into extremism?**

* People who are vulnerable
* The isolated. The angry, the disenfranchised
* People who have been alienated or attacked, whether in reality or perceived
* People who are unable to balance out differing views
* People who are taught not to question
* People who seek their identities by connection to the internet
* People who are liable to follow strong or charismatic characters
* People who have frustrated empathy or connections to causes
* People who feel belittled or disrespected by groups / communities /ideologies, as opposed to individuals

**What does our teaching and learning and wider work need to do to influence this within JC Training & Consultancy?**

* We need to be INCLUSIVE and help learners develop their own VOICE, and educate them as to what this means in the world.
* We need a broad and balanced work life balance.
* To have a range of initiatives and activities (spiritual, moral, social, cultural and emotional) to support development.
* We develop strong links with your local community (community cohesion).
* Represent and explain ‘British Values’.
* We develop, learners, tutors and employer’s critical thinking, so that they apply learning of internet safety and can understand the power of ‘Influence’.
* Parents and families need to engage in prevent values.

**The role of Prevent and Education**

There is no specific Ofsted guidance in relation to Prevent, but they will inspect the leadership and management of preventing violent extremism and radicalisation within learning provision.

The New Counter Terrorism Bill places a statutory duty on all educational establishments and training providers to help prevent young people being radicalised.

**‘Frontline staff, individuals should understand Prevent, be able to recognise vulnerabilities to radicalisation and know where to go to seek further help’ Home Office December 2014**

**Signs and Risk Factors**

**Disclosures** – writings, drawings, possessing or accessing extremist materials

**Expressions of support for terrorism** – using extremist narratives and ‘us and them’ language; justifying the use of violence to solve real or perceived grievances.

**Personal Crisis** – family tensions, sense of isolation, low self-esteem, changes in friendship groups, searching for answers to questions about identity, faith and belongings.

**Personal Circumstances** – migration, local community tensions, events affecting the individuals country or region of origin, a sense of grievance triggered by personal experience of racism or discrimination or aspects of government policy

**Radicalisation**: is about changing people’s views and attitudes, there are seven generally accepted methods used to persuade individuals to do things. These methods are used in everyday life, they can work for good, for evil or for profit.

1. **Bandwagon**: Everybody is doing this, so you should do it too.
2. **Scapegoating**: Blaming someone or a group of people for something that goes wrong or something that you don’t like.
3. **Lesser of two evils**: Giving two options and ignoring the fact that there may be a whole range of options.
4. **Fitting In / conforming**  Encouraging people to change their views / actions to fit in with a group.
5. **Assertion**: Stating something is true without any evidence.
6. **Transfer**:Linking an idea to someone or something that appeals to you.
7. **Omission:** Leaving out key parts of a situation or argument.
8. **And of course** Straightforward, or less straightforward lies.

 **British Values**

The Prevent Duty requires employers, training providers etc. to exemplify British Values in their practice and to use opportunities to explore British values and challenge extremism.

British values are defined as including:

‘Democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs’

This includes complying with the Equality Act 2010 and preventing discrimination against those with protected characteristics:

* Age
* Disability
* Gender reassignment
* Marriage and civil partnership
* Pregnancy and maternity
* Race
* Religion or belief
* Sex
* Sexual orientation

**Behaviour in the Workplace**

Effective learning takes place in the workplace is where there is tolerance and mutual respect as set out in the Equality Act, and where those with protected characteristics receive fair and equal treatment

**Commercial Success**

All learners, employers will work more effectively if they show tolerance and respect at all levels, if there is customer interaction this is very important. Everybody should be aware of the nine protected characteristics covered in the Equality Act 2010.

**The Law and Democracy**

In vocational training Health and Safety training will always be taught. This applies to all tasks within the work environment regardless of industry. Employment Rights and Responsibilities will also be covered allowing discussion on how laws are introduced through a democratic system

**Lead Safeguarding & Prevent Officer – Jennifer Crook**

**Jenny.crook@jctrainingandconsultancy.co.uk**

**Contact: 07540 285652**

**Record your concerns on this Alert Form and pass it to Jennifer Crook (Designated Safeguarding Lead) as soon as possible.**

**SAFEGUARDING & PREVENT ALERT FORM 1**

|  |  |
| --- | --- |
| Name of the person reporting the safeguarding issue |  |
| Date and time of disclosure/incident |  |
| Please state where the disclosure/incident took place: |
| Please give a brief factual account of the disclosure/incident – *please give facts of what you witnessed or what was disclosed to you – DO NOT give opinion or hearsay (continue on a separate sheet if necessary)* |
| Please describe what action you took in response to the incident/disclosure: |
| Please state who you believe to be involved in the alleged abuse: |
| Please give details of anyone else who witnessed the incident/disclosure: |

Does the person reporting the safeguarding issue know you will be passing your concern on to your manager?

Yes No 

NAME:……………………….SIGNATURE……………………...……………………

Date: ………………………………………………………….

**Please give this Alert Form to Jennifer Crook. We may need to discuss this information further with you. Please remember that you may have to disclose information you have been given, but confidentiality will be respected as far as possible.**

APPENDIX 2 **SAFEGUARDING & PREVENT ALERT FORM 2**

(To be completed by the Designated Safeguarding Officer)

**Alerted Details:**

Name:

Position:

Contact number:

**Person reporting the Safeguarding Issue Details:**

Name:

Address:

Employer:

Gender:

Ethnic Origin:

Date of Birth:

**Does the person reporting the safeguarding issue know about this referral?**

Yes No 

**Incident Details:** Please attach a copy of Safeguarding Alert Form 1 completed by the Alerted and add any supplementary detail here

**Information about the alleged abuser(s):**

**Gender:** Female Male: **Relationship to the person reporting the safeguarding issue** (e.g. partner, relative, friend, volunteer, colleague, stranger etc.):

**Initial action taken:**

Has the employer been informed? Yes No 

If there is immediate danger/harm have the police

been called? Yes No 

**Please give details of action taken:**

**Date of Review for further action ………………………………….**

**Details of further action to be taken**

**and by whom:**

**NAME:** ………………………………… **Position: ……..**………………………

**SIGNATURE…………………………… Date: …**………………………………

**USEFUL CONTACT NUMBERS:**

**Adult Contact Centre:** 023 80833003

**Police** 0845 045 45 45

**CQC** : 03000 616161

**ISA Help Line:** 0300 123 1111

**CRB Helpline:** 0870 9090811

APPENDIX 4 **JC TRAINING & CONSULTANCY LTD** Safeguarding **Learners and Vulnerable Adults**

**Professional Code of Conduct**

All staff and associates are expected to behave in a manner, which reflects the child, young person and vulnerable adult-centred principles of our organisation

In accordance with the Guidance for Safer Working Practice for Adults Who Work with Learners and Young People, JC TRAINING & CONSULTANCY LTD require Staff and associates to:

* Be mindful of the need to maintain professional boundaries.
* Take responsibility for your own actions and behaviour.
* Always act, and be seen to act, in the best interest of the child, young person or vulnerable adult.
* Avoid any conduct which would lead any reasonable person to question your motivation and intentions.
* Be clear about when you can share information concerning learners and other staff members and in what circumstances it is appropriate to do so.
* Treat information you receive about children, young people and vulnerable adults in a discreet and confidential manner.
* Seek advice from a senior member of staff if you are in any doubt about sharing information you hold or which has been requested of you.
* Know to whom any concerns or allegations should be reported.
* Always discuss any misunderstanding, accidents or threats with a senior manager.
* Always record discussions and reasons why actions were taken.
* Be vigilant in maintaining learner’s personal privacy and mindful of the need to avoid placing yourself in vulnerable situations. For example:
1. Ensure you are not in a room alone with a learner or vulnerable adult in a one to one situation with the door closed; only close the door if it has a window in it.
2. Do not offer a lift to a learner.
3. Ensure that you have signed in and made yourself know to someone in the management team, let them know where you will be and how long you intend to be on site.
4. Always try to sit opposite a learner or at another desk.
5. Only visit a learner in a public place.